

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 11, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 11th day of October, 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 Susan Harmon. After the moment of silence, Supervisor Farrington 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-9.

Approved Minutes of the Board of Supervisors meeting held on October 4, 2011.

Adopted Proclamations commending Gary Frace, Andy Davidson and Mike Curran.

Adopted Proclamation designating October 2-8, 2011, as National 4-H Week.

Adopted Proclamation commending Pam Cochrane for her years of service to the County of Lake

Adopted Resolution No. 2011-156, amending the Lake County Travel Policy.

Adopted Resolution No. 2011-157, amending Resolution No. 2011-125 to temporarily allocate an additional Legal Secretary II position in Budget Unit 2110 - District Attorney (due to employee on long-term leave).

Approved the Lake County In Home Support Services Program Integrity and Fraud Prevention and Investigation Plan (secures grant funding for one Fraud Investigator), and authorized the Chair to sign.

(a) Approved Budget Transfer B-26, from Budget Unit 2704 Inventory Items, to Budget Unit 2704-OES Capital Assets, in the amount of \$73,355; to purchase digital repeaters, analog base stations and digital base stations; (b) Awarded bid for 6 digital repeaters to Advanced Communications in the amount of \$42,696.24 (with possible adjustment of sales tax, depending on final installation sites); (c) Awarded bid for 7 base stations to Advanced Communications in the amount of \$21,771.75; (d) Awarded bid for 3 digital base stations to Advanced Communications in the amount of \$8,687.25.

Approved discharge of 417 delinquent Public Defender fees, totaling \$51,051.04, deemed uncollectible by the Treasurer-Tax Collector in accordance with the Revenue & Tax Code Section 2611.1.

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

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

Extra #1 - Consideration of proposed letter in support of the new Lakeport Courthouse project - On motion of Supervisor Farrington and by vote of the Board (5 ayes) approved taking up this item as an extra.

This item was taken up for the following reason: Supervisor Farrington was informed of the opportunity to express Board support regarding the Lakeport Courthouse project before the Administrative Office of the Court's working group meeting regarding prioritization of the 41 pending projects around the state. This letter would be due before the next Board meeting.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter in support of the new Lakeport Courthouse project, authorized the Chair to sign, and directed copies be forwarded to our State Representatives.

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

Change Order No. 2 - Morgan Valley Road PM 5.34 Storm Damage Repair - Bid No. 10-10, Federal Project No. ER 4402 (0118) - 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 Smith and by vote of the Board (5 ayes), approved **Change Order No. 2 - Morgan Valley Road PM 5.34 Storm Damage Repair - Bid No. 10-10, Federal Project No. ER 4402 (0118)**, for a decrease of \$45,180.79, Granite Construction Company, and authorized the Chair to sign.

5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating October 2-8, 2011, as National 4-H Week** - Supervisor Brown read the Proclamation into the record and presented it to Victoria Hayes, who spoke.

Many members of the Lake County 4-H clubs were present.

6. **ITEM A-14 - Consideration of proposed Resolution approving the application for grant funds for the California River Parkways Grant Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84)** - Administrative Analyst Alan Flora presented the staff report.

Supervisor Rushing offered Resolution No. 2011-158, and it was passed by roll call vote (5 ayes).

7. **ITEM A-15 - Consideration of proposed Resolution accepting conveyance of real property located in Clearlake Oaks, California (property located at 12522 Pine Street, Clearlake Oaks - APN 035-143-32 - Barbara Collins)** - Administrative Analyst Alan Flora presented the staff report.

Supervisor Rushing offered Resolution No. 2011-159, and it was passed by roll call vote (5 ayes).

8. **AD-1 - Continued from September 27 and October 4, 2011 - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2011-02, Government Code Section 54957** - Chair Comstock announced the Board would now go into Closed Session for reasons stated on the agenda.

The Board returned to Regular Session at 9:35 a.m. with no action taken.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD OCTOBER 11, 2011

9. **ITEM A-8 - 9:55 A.M. - Presentation of Proclamation commending Pam Cochrane for her years of service to the County of Lake** - Chair Comstock read the Proclamation into the record and presented it to County Clerk-Auditor/Controller, who spoke.

Many County staff members were present.

10. **ITEM A-9 - 10:00 A.M. - Consideration of recommendation to pursue acquisition of property in Middletown for Sheriff's Office; property location is 21277 Calistoga Street, Middletown - APN 024-405-08** - Sheriff Rivero presented a brief summary.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved, in concept to pursue acquisition of property in Middletown for Sheriff's Office; property location is 21277 Calistoga Street, Middletown - APN 024-405-08, and directed staff to conduct negotiations.

After a brief recess, the Board reconvened into Regular Session at 10:25 a.m.

11. **ITEM A-10 - 10:20 A.M. - Presentation of Proclamations commending Gary Frace, Andy Davidson and Mike Curran** - Sheriff Frank Rivero was present.

Supervisor Brown read each Proclamation into the record and presented them to Deputy Sheriff Gary Frace and Deputy Sheriff Michael Curran (Sheriff Rivero accepted the Proclamation on behalf of Sergeant Andrew Davidson, who was absent).

District Attorney Don Anderson also presented the officers with letters of commendation, which he read into the record.

12. **ITEM A-11 - Advanced from October 4, 2011 - 10:25 A.M. - Consideration of proposed Ordinance amending Chapter 21 of the Ordinance Code of the County of Lake adding Article 72A: Regulations for the Cultivation of Medical Marijuana (AM 11-03) (SECOND READING)** - Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Joan Moss, Donna Webb, Lenny Mathews and Dr. Rob Rosenthal. No one else was present wishing to speak and the public input portion of this item was closed.

County Counsel Anita Grant presented the staff summary.

Supervisor Brown offered Ordinance No. 2960, and it was passed by roll call vote (5 ayes).

After a lunch recess, the Board reconvened into Regular Session at 12:40 p.m.

13. **ITEM A-17 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA 2. Conference with real property negotiator (a) Property located at: 21277 Calistoga Street, Middletown - (APN 024-405-08) (b) Negotiating Parties: For County: Sheriff Francisco Rivero and County Administrative Officer Kelly F. Cox For seller: WestAmerica Bank and Stacey Mattina, Konocti Realty (c) Under Negotiation: Price and terms** - 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 1:05 p.m. with no action taken.

- BACK TO #8 - AD-1 - Continued from September 27 and October 4, 2011 - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2011-02, Government Code Section 54957** - Chair Comstock announced the Board would return to Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 1:08 and continued this item one week, to October 18, 2011.

14. **A-12 - Continued from September 13, 2011 - 10:30 A.M. - Grievance Hearings for the following: (a) Lake County Correctional Officers Association (LCCOA) Level 4 Grievance re Unilateral Change to Sick Leave Policy; (b) Lake County Sheriff Deputy Association (LCSDA) Level 5 Grievance re Unilateral Change to Sick Leave Policy; (c) LCCOA Level 4 Grievance re shift swaps; and (d) LCCOA Level 4 Grievance re 8-hour Shifts** - Sheriff Francisco Rivero, Human Resources Director Kathy Ferguson, Human Resources Analyst Sarah Jansen, Jeffrey Edwards, Steve Esberg and Mike Silva were sworn in by the Clerk.

(b) Mr. Edwards announced the Lake County Deputy Sheriff's Association (LCDSA) wished to withdraw its Level 5 Grievance re Unilateral Change to Sick Leave Policy.

No Board action was taken on this item.

(a) Mr. Edwards and Ms. Ferguson presented closing arguments.

Supervisor Rushing made the motion to deny the grievance. The vote was 2 ayes, Supervisors Comstock, Smith and Brown NO.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), made the intended decision to uphold the grievance, and directed County Counsel to prepare Findings of Fact.

(c) Mr. Edwards presented opening arguments.

Mr. Silva and Mr. Esberg gave testimony.

Ms. Ferguson presented the County position.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), made the intended decision to deny the grievance, and directed County Counsel to prepare Findings of Fact.

(d) Mr. Edwards presented opening arguments.

Mr. Silva gave testimony.

Ms. Ferguson presented the County position.

Ms. Jansen gave testimony.

This item was continued two weeks, to October 25, 2011, at 10:30 a.m.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD OCTOBER 11, 2011

There being no further business, the Board of Supervisors adjourned at 4:54 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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