

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 25, 2011

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25th 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 Corky Bracisco. Following the moment of silence, Assistant Clerk of the Board Mireya Turner 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-6.

Approved Minutes of the Board of Supervisors meeting held on October 18, 2011; and corrected Minutes of the Board of Supervisors meeting held on October 4, 2011.

Adopted Resolution No. 2011-164, rescinding Resolution No. 90-315 relating to enforcement of traffic violations on private roads in the Hidden Valley Lake Subdivision.

(a) Approved Budget Transfer B-031, in the amount of \$1000, from Contingencies to BU 1781 - Special Projects, for Island Drive Utility Undergrounding project, and authorized the Chair to sign; (b) Approved Right of Way Agreement between the County of Lake and Ruth Vogtmann and Erma Cummings, in the amount of \$500, for Island Drive Utility Undergrounding Project, APN 035-111-32, and authorized the Chair to sign; and (c) Approved Right of Way Agreement between the County of Lake and Sheri Flying Hawk in the amount of \$500, for Island Drive Utility Undergrounding Project, APN 035-111-11, and authorized the Chair to sign.

Adopted Resolution No. 2011-165, 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 1, of the California Revenue and Taxation Code and approving sales below minimum price on specified cases.

Sitting as the Board of Directors of the Lake County Air Quality Management District, authorized the Air Pollution Control Officer to sign and submit to the California Air Resources Board the FY 2010-11 Year-End Financial Report and FY 2011-12 Subvention Applications.

Sitting as the Board of Directors of the Lake County Air Quality Management District, adopted Resolution No. 2011-166, transferring funds to Budget #8799 Building Reserve and Vehicle Reserve (\$30,000 from FY 2011/12 Unreserved Fund to the FY 2011/12 Building Reserve, and \$26,972 from FY 2011/12 Unreserved Fund to the FY 2011/12 Vehicle Reserve).

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

Extra #1 - Water Resources - Consideration of proposed modifications (retroactive) to the Agreement between the County of Lake and Pestmasters, for algaecide treatment services - On motion of Supervisor Rushing 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: This item was submitted by the department in time to be included in today's agenda, but was inadvertently omitted. The payment is due and the vendor was given assurances the payment would be available today.

Water Resources Director Scott De Leon presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the retroactive modifications to the Agreement between the County of Lake and Pestmasters, for algaecide treatment services, for an increase of \$56,820.

Extra #2 - Health Services - Consideration of request to approve out of state travel for Public Health Nursing Director Jane MacLean to attend trainings by the Health Resources and Services Administration (HRSA), Bureau of Clinician Recruitment and Services in Seattle, Washington on November 4, 2011 (flight, hotel, registration, transportation and meals funded by HRSA) - On motion of Supervisor Smith 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: Staff was notified of this opportunity after the posting of the agenda and arrangements must be made before the posting of the next agenda.

County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved out of state travel for Public Health Nursing Director Jane MacLean to attend trainings by the Health Resources and Services Administration (HRSA), Bureau of Clinician Recruitment and Services in Seattle, Washington on November 4, 2011 (flight, hotel, registration, transportation and meals funded by HRSA).

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - (a) Discussion/consideration of proposed Ordinance amending Chapter 21 of the Ordinance Code of the County of Lake pertaining to cargo containers, and reestablishment of legal non-conforming commercial uses; and (b) Discussion/consideration of proposed Ordinance extending Discretionary Planning Entitlements approved pursuant to Chapter 21 of the Lake County Code (granting a temporary two-year time extension to certain entitlements)** - Community Development Director Rick Coel and Associate Planner Brian Horn were present.

Mr. Horn presented the staff report.

Chair Comstock opened the public hearing and the following people spoke: Victoria Brandon, Edwina Young and Cheri Holden. No one else was present wishing to speak and the public hearing was closed.

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

Supervisor Farrington offered Ordinance No. 2961, and it was passed by roll call vote (5 ayes).

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

Supervisor Smith offered Ordinance No. 2962, and it was passed by roll call vote (5 ayes).

5. **ITEM A-6 - 9:30 A.M. - Discussion/consideration of proposed Resolution supporting the mandatory labeling of genetically engineered food** - Agricultural Commission Steve Hajik was present.

Thurston Williams presented the item.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Brad Roon, Haji W harf, Loretta McCarthy, Craig Shannon, Sarah Ryan, John Zebelean, Edwina Young, Cheri Holden, Victoria Brandon, Frances Ford and Ray Ruminski. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued one week, to October 25, 2011, at 10:20 a.m.

After a brief recess, the Board reconvened into Regular Session at 10:40 a.m.

6. **ITEM A-7 - 10:00 A.M. - Discussion/consideration of the formation of a local Lake team with the purpose of designing and building an algae harvester to collect and de-water algae matting on Clear Lake** - Water Resources Director Scott De Leon was present.

Supervisor Farrington introduced the item.

Chair Comstock asked if anyone was present wishing to speak and the following people spoke: Todd Falconer, Joan Moss and Sarah Ryan. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to welcome unsolicited proposals for the design and construction of an algae harvester to collect and de-water algae matting on Clear Lake.

7. **ITEM A-10 - Supervisors' weekly calendar, travel and reports** - Chair Comstock extended the Board's sympathy to the family of Pfc Steven Shapiro, of Hidden Valley Lake, killed on October 21, 2011, while serving in Iraq.

After a brief recess, the Board reconvened into Regular Session at 11:53 a.m.

8. **ITEM A-9 - Continued from September 13 and October 11, 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 (LCDSA) 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; and (e) Consideration of proposed Findings of Fact of items (a) and (c)** - Human Resources Director Kathy Ferguson, Sheriff Rivero, Jeff Edwards and Mike Silva were present.

(d) Supervisor Brown made a motion of intended decision to uphold the grievance, seconded by Supervisor Smith. This motion received 2 ayes (Supervisors Comstock, Rushing and Farrington NO). The motion failed passage.

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

(e) On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Rushing and Farrington NO), upheld the grievance of the Lake County Correctional Officers Association (LCCOA) Level 4 re Unilateral Change to Sick Leave Policy, approved the Findings of Fact, and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), denied the LCCOA Level 4 Grievance re shift swaps, approved the Findings of Fact and authorized the Chair to sign.

9. **ITEM A-15 - 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 Employee Performance Evaluation: Title: Mental Health Director 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Lake County Correctional Officers' Association v. Francisco Rivero, Sheriff, 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 12:59 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the settlement agreement between the Lake County Correctional Officers and the County of Lake, including the Lake County Sheriff's Department, in the matter of Lake County Correctional Officers Association v. Francisco Rivero, County of Lake, et al. No damages award shall be paid as a result of this agreement and each party shall bear its own costs and attorneys' fees.

After a lunch recess, the Board reconvened into Regular Session at 2:15 p.m.

10. **ITEM A-11 - Consideration of appointments of a Director and Alternate to the California State Association of Counties (CSAC) Board of Directors for 2012** - On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Supervisor Farrington as Director and Supervisor Comstock as Alternate to the California State Association of Counties (CSAC) Board of Directors for 2012.

11. **ITEM A-12 - Consideration of appointments to the following: Vector Control District Board of Trustees** - At staff request, this item was carried over to a future date.

12. **ITEM A-13 - Consideration of proposed Ordinance amending the charges and fees for County Service Area No. 16 - Paradise Valley (SECOND READING)** - Supervisor Smith offered Ordinance No. 2963, and it was passed by roll call vote (5 ayes).

13. **Consideration of proposed Ordinance increasing construction charges and fees (connection and capacity expansion fees) for County Service Area No. 16 - Paradise Valley (SECOND READING)** - Supervisor Smith offered Ordinance No. 2964, and it was passed by roll call vote (5 ayes).

BACK TO #7 - ITEM A-10 - Supervisors' weekly calendar, travel and reports - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved out of County travel and accommodations for Supervisor Farrington to attend the CSAC Annual Meeting, in San Francisco, November 29 - December 1, 2011.

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14. **ITEM A-8 - 10:15 A.M. - Presentation of the septic permit and inspection program** - Environmental Health Director Ray Ruminski gave the presentation.

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

15. **ITEM AD-1 - Consideration of request to award bid for construction of Socrates Mine Road PM 1.84 Storm Damage Repair Project in Lake County, Bid No. 11-10, Federal Project No. FEMA-CA-DR-1628 PW #3038** - Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), awarded Bid No. 11-10, for construction of Socrates Mine Road PM 1.84 Storm Damage Repair Project in Lake County, Federal Project No. FEMA-CA-DR-1628 PW #3038, in the amount of \$575,011.25, and authorized the Chair to sign.

16. **ITEM AD-2 - Consideration of request to issue a purchase order for asphalt for Nice Lucerne Cutoff Roadway repairs** - Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), determined the competitive bidding process would produce no economic benefit to the County, and authorized the Public Works Director/Assistant Purchasing Agent to issue a Purchase Order to Granite Construction for 1,700 tons of delivered asphalt concrete, in the amount of \$131,274.

17. **ITEM AD-3 - (a) 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 authorize the Public Works Director/Assistant Purchasing Agent to issue a Purchase Order to Holder Ford for two (2) 2012 Ford Fusion mid-size sedans and one (1) 2012 Ford Taurus SE full-size sedan, in the amount of \$61,083** - Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the formal bidding process, determining competitive bidding would produce no economic benefit to the County, and authorized the Public Works Director/Assistant Purchasing Agent to issue a Purchase Order to Holder Ford for two (2) 2012 Ford Fusion mid-size sedans and one (1) 2012 Ford Taurus SE full-size sedan, in the amount of \$61,083.

- BACK TO #9. - ITEM A-15 - 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 Employee Performance Evaluation: Title: Mental Health Director 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Section 54956.9, Subdivision (a): Lake County Correctional Officers' Association v. Francisco Rivero, Sheriff, 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 with no action taken at 3:25 p.m.

There being no further business, the Board of Supervisors adjourned at 3:25 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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