

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 13, 2011**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13<sup>th</sup> day of September, 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. Following a moment of silence, Supervisor Smith 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-3.

Approved Minutes of the Board of Supervisors meeting held on September 6, 2011.

Approved Agreement between the County of Lake and CASA of Mendocino and Lake Counties, for FY 2011/12 child advocacy services, in the amount of \$5000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Redbud Audobon Society for implementing "Conservation of Aechmophorus Grebe Colonies at Clear Lake" Project (reimbursement for County staff support of project), and authorized the Chair to sign.

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 Agreement between the County of Lake and Armour Petroleum for algae harvesting 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: The proposal from Armour Petroleum was received after the posting of the agenda. As the end of the algae season approaches, staff continues to search for techniques to use in the future.

Water Resources Director Scott De Leon presented the staff report.

This item was continued to later in the day.

**CITIZEN'S INPUT** - Joan Moss spoke regarding Rattlesnake Island.

4. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - (a) Protest hearing for proposed increase of water charges and fees for County Service Area No. 20 - Soda Bay; and (b) Consideration of proposed Ordinance amending the charges and fees for County Service Area No. 20 - Soda Bay** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

Mr. Dellinger presented the staff report.

(a) Chair Comstock opened the public hearing and the following people spoke: Debbie White, Madrone Collier, Joan Moss, Betsy Cawn, Gary Tosser and Jeff Mansch. No one else was present wishing to speak and the public hearing was closed.

Assistant Clerk of the Board Mireya Turner reported the receipt of four protest ballots.

(b) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Farrington NO), 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 (4 ayes, Supervisor Farrington NO), advanced the ordinance one week, to September 20, 2011.

After a brief recess, the Board reconvened into Regular Session at 11:03 a.m. Supervisor Brown was absent.

5. **ITEM A-6 - 9:30 A.M. - HEARING - Appeal of an Order for Destruction, located at 1050 Scotts Valley Road, Lakeport, CA (Veronica Anderson - Speedy)** - Animal Control Director Bill Davidson, Animal Control Officer Allison Mewborn, Animal Control Officer Nehemiah White and Veronica Anderson were sworn in by the Clerk.

Ms. Mewborn presented the staff report.

Ms. Anderson presented her appeal.

Supervisor Brown was present at 11:05 a.m.

On motion of Supervisor Smith and by vote of the Board (5 ayes), upheld the Order of Destruction, located at 1050 Scotts Valley Road, Lakeport, CA (Veronica Anderson - Speedy).

6. **ITEM A-7 - 10:15 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Article II of Chapter 2 of the Lake County Code establishing the boundaries of the Supervisorial Districts for the County of Lake pursuant to Sections 21500 et seq. of the Elections Code** - Registrar of Voters Diane Fridley and County Surveyor Gordon Haggitt were present.

Ms. Fridley 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 Smith 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 Smith and by vote of the Board (5 ayes), advanced the ordinance one week, to September 20, 2011.

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7. **ITEM A-8 - 10:25 A.M. - Discussion/consideration of proposed Resolution extending the registration fee/service fee for the Abandoned Vehicle Abatement Program in the County of Lake** - Community Development Director Rick Coel presented the staff report.

Supervisor Smith offered Resolution No. 2011-132, and it was passed by roll call vote (5 ayes).

8. **ITEM A-15 - (a) Consideration of request for approval of an Administrative Encroachment Permit for the Splash-In seaplane event; and (b) Consideration of request for a waiver of the permit fee (\$215)** - (a) West Coast Seaplane Pilot's Association President Mike Dunlap presented the request.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Administrative Encroachment Permit for the Splash-In seaplane event.

(b) On motion of Supervisor Brown and by vote of the Board (5 ayes), waived the permit fee (\$215).

9. **ITEM A-9 - 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** - Sheriff Francisco Rivero, Human Resources Director Kathy Ferguson, Jeff Edwards, Gary Frace and Mike Silva were sworn in by the Clerk.

There was Board consensus to consider Items A and B together.

(a) and (b) Mr. Edwards and Mr. Frace gave testimony.

After a lunch recess, the Board reconvened into Regular Session at 1:47 p.m.

Mr. Silva gave testimony.

This item was continued to later in the day.

After a brief recess, the Board reconvened into Regular Session at 2:31 p.m.

10. **ITEM A-11 - Consideration of proposed Policy and Procedures Regarding Fraud, Waste, or Abuse involving the American Recovery and Reinvestment Act of 2009 and other Federal and State Grants** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Policy and Procedures Regarding Fraud, Waste, or Abuse involving the American Recovery and Reinvestment Act of 2009 and other Federal and State Grants.

11. **ITEM A-12 - Consideration of proposed Grant Deed, Memorandum of Joint Occupancy Agreement, and Irrevocable License Agreement regarding Water and Sewer Utilities, related to the transfer of title of the South Civic Center to the State** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Grant Deed, and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Memorandum of Joint Occupancy Agreement, and authorized the Chair to sign.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Irrevocable License Agreement regarding water and Sewer Utilities, and authorized the Chair to sign.

- BACK TO #9 - ITEM A-9 - 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** - Mr. Sullivan gave testimony.

After a brief recess, the Board reconvened into Regular Session at 3:45 p.m.

This item was continued four weeks, to October 11, 2011, at 10:30 a.m.

12. **ITEM A-10 - Supervisors' weekly calendar, travel and reports** - By Board consensus, the November 22 and December 27, 2011 Board of Supervisors Meetings were tentatively cancelled for the holidays.

**BACK TO #3 -ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**Extra #1 - Consideration of proposed Agreement between the County of Lake and Armour Petroleum for algae harvesting services** - Water Resources Director Scott De Leon presented the update.

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), approved the Agreement between the County of Lake and Armour Petroleum for algae harvesting services, for an amount not to exceed \$15,000, and authorized the Water Resources Director to proceed.

12. **ITEM A-14 - Consideration of proposed Agreement between the County of Lake and Jim Steele, for professional services related to the Quagga Mussel Program, at a rate of \$50 per hour, for a total amount not to exceed \$50,000** - Water Resources Director Scott De Leon 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.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Jim Steele, for professional services related to the Quagga Mussel Program, at a rate of \$50 per hour, for a total amount not to exceed \$50,000, and authorized the Chair to sign.

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13. **ITEM A-16 - (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 proposed Resolution to appropriate unanticipated revenue to the ISF Heavy Equipment Budget (\$5000); and (c) Consideration of request to authorize the Public Works Director/Assistant Purchasing Agent to issue a Purchase Order for one (1) 2011 John Deere Flail/Rotary Mower, Tiger Corporation, in the amount of \$124,031.41** - Public Works Director Scott De Leon presented the staff report.

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), waived the formal bidding process, making a determination that competitive bidding would produce no economic benefit to the County.

(b) Supervisor Smith offered Resolution No. 2011-133, and it was passed by roll call vote (5 ayes).

(c) On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the Public Works Director to issue a Purchase Order for procurement through the Statewide Bid Contract.

14. **ITEM A-13 - (a) Consideration of request to award Bid No. 11-08, Installation of Landfill Gas Migration Control at Eastlake Landfill; and (b) Consideration of request to approve Agreement between the County of Lake and Bob Sonn Excavating, for Installation of Landfill Gas Migration Control at Eastlake Landfill, in the amount of \$164,800** - Deputy Public Works Director Caroline Chavez presented the staff report.

(a) On motion of Supervisor Smith and by vote of the Board (5 ayes), awarded Bid No. 11-08, Installation of Landfill Gas Migration Control at Eastlake Landfill, Bob Sonn Excavating, in the amount of \$164,800, and authorized the Chair to sign the Bid Award.

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Bob Sonn Excavating, for Installation of Landfill Gas Migration Control at Eastlake Landfill, in the amount of \$164,800, and authorized the Chair to sign.

15. **ITEM A-17 - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, M. Perry and J. Hammond; and (b) Employee Organization: LCEA, DSA, LCCOA and DDAA** - Chair Comstock announced there would be no labor negotiations today.

There being no further business, the Board of Supervisors adjourned at 4:30 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