

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD AUGUST 7, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7th day of August, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Anthony Farrington and Rob Brown, Interim County Administrative Officer Matt Perry, 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 Brown. A moment of silence was dedicated to the memory of George McQueen, Sr. and Chris Schultz. Following the moment of silent, Supervisor Comstock led the salute to the flag of the United States of America.

1. **ITEM A-2 - 9:05 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-12.

Approved Minutes of the Board of Supervisors meeting held on July 24, 2012.

Adopted Proclamations to Don Prather and Ken Petz commending them for their years of service to the County.

Appointed Sherylin Taylor as Interim Public Health Nursing Director, effective August 3, 2012.

Adopted Resolution No. 2012-89, approving Lake County Health Services Department to submit acceptance paperwork from the California Department of Public Health (CDPH) Tuberculosis Control Branch (TBCB) for real-time allotment funding for tuberculosis (TB) cases in Lake County in the amount of \$3,270 and authorizing the Director of Health Services to sign said paperwork.

Approved Lease Agreement between the County of Lake and Bruno and Associates, for commercial property located at 6312 13th Avenue, Lucerne, CA, at a rate of \$986.75 per month, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Jeri E. Owens, MD, for FY 2012/13 specialty mental health services, in the amount not to exceed \$125,000, and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Resource Development Associates for FY 2011/12 and 2012/13 project management services (changing the start date, removing the stipulation that a year end report is due for FY 2011/12 and including the Business Associate Agreement as Exhibit A), and authorized the Chair to sign.

Approved Amendment to Space License Agreement between the County of Lake and Digital Path, Inc., for the lease of additional tower space and installation of four additional antennas at the Buckingham Peak telecommunications site, for an increase of \$1000 (one-time construction oversight and installation certification fee) \$300 per month, and an increase in their road fee of \$7.50 per month, and authorized the Chair to sign.

(a) Approved Budget Transfer PB-001, to Budget Unit 7011 - Parks and Recreation, in the amount of \$13,000 for purchase of replacement mechanical pumping system for Alpine Park; and (b) Approved addition of this item to the list of Capital Assets authorized for purchase prior to adoption of FY 2012-2013 Budget, pursuant to AB 1253.

Adopted Resolution No. 2012-90, amending Resolution No. 2012-71 establishing position allocations for Fiscal Year 2012-2013, Budget Unit No. 5011 Department of Social Services (temporarily adding one (1) Eligibility Worker III).

Approved Agreement between the County of Lake and Ruzicka Associates for engineering services on the Spring Valley Water System Improvement Project (extending completion date to July 30, 2013), and authorized the Chair to sign.

Approved letter to Congressman Thompson requesting federal support for Detail Design and Construction phase of the Middle Creek Restoration Project, and authorized all Supervisors 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 Director Bill Davidson presented one canine currently available for adoption.

PUBLIC INPUT - Tom Slaight spoke regarding previous comments by the Board.

Eva Johnson spoke regarding water quality.

3. **ITEM A-5 - 9:10 A.M. - Consideration of proposed Resolution approving the Standard Agreement between the County of Lake and the California Department of Mental Health and California Department of Health Care Services, for the period of April 1, 2012 through December 31, 2012, for a maximum amount of \$6,288,495, and authorizing the Mental Health Director to sign the Agreement** - Mental Health Director Kristy Kelly presented the staff report.

Supervisor Rushing offered Resolution No. 2012-91, and it was passed by roll call vote (5 ayes).

4. **ITEM A-12 - Consideration of the following appointments: Building Board of Appeals, and First 5 Lake Commission** - On motion of Supervisor Smith and by vote of the Board, reappointed Gloria Flaherty, Susan Jen, Pam Klier and Ana Santana to the First 5 Lake Commission, for terms expiring June 30, 2014.

5. **ITEM A-6 - 9:30 A.M. - Presentation of Proclamations to Don Prather and Ken Petz commending them for their years of service to the County** - Chair Brown read the Proclamations into the record and presented them to Don Prather and Ken Petz. Public Works Director Scott De Leon spoke. Many Road Crew staff members were present.

6. **ITEM A-7 - 9:45 A.M. - Report to the Board of Supervisors regarding steps taken to alleviate conditions necessitating the prohibition of commercial medical marijuana cultivation, cultivation on vacant properties and the placement of limitations on outdoor cultivation amounts in the County of Lake** - Community Development Director Rick Coel presented the staff report to the Board.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Greg Scott, Thomas Green, Joan Moss and John Brosnan. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the issuance of the report.

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

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7. **ITEM A-8 - 10:00 A.M. - PUBLIC HEARING - Consideration of proposed Resolution calling an election to submit to the electors a measure to adopt an ordinance adding Article VI to Chapter 18 of the Lake County Code imposing a transaction and use tax pursuant to Revenue and Taxation Code Section 7285.5 of one-half of one percent for the Lake County Invasive Species, Nuisance Aquatic Weed and Algae, and Water Quality programs and establishing an expenditure plan for the revenues generated** - Water Resources Director Scott DeLeon, Registrar of Voters Diane Fridley and County Counsel Anita Grant presented the staff report.

Chair Brown opened the public hearing and the following people spoke: Mary Ann McQueen, Wayne Chatoff, Thomas Green, Betsy Cawn, John Brosnan, Joan Moss and Dr. Fred Belka. No one else was present wishing to speak and the public hearing was closed.

Supervisor Farrington offered Resolution No. 2012-92, and it was passed by roll call vote (5 ayes).

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 the ordinance to be placed on the ballot (Measure E), and it was passed by roll call vote (5 ayes).

8. **ITEM A-9 - 10:30 A.M. - Consideration of request to call a special election for the purpose of establishing a new appropriations limit for the next four fiscal years, pursuant to Section 4 of Article XIII B of the California Constitution** - County Counsel Anita Grant presented the staff report.

Supervisor Comstock offered Resolution No. 2012-93, and it was passed by roll call vote (5 ayes).

9. **ITEM A-10 - 10:45 A.M. - Consideration of proposed purchase of real property at 12539 Shady Lane, Clearlake Oaks (APN 035-111-35) for the establishment of a Sheriff's substation** - Sheriff Francisco Rivero presented the item.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Thomas Green, Bill Stone, Bob Fash, Mark Mead, John DeMartini and John Brosnan. 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 (4 ayes, Supervisor Brown NO), approved, in concept, the establishment of a Sheriff's substation in Clearlake Oaks, and directed staff to agendize an item considering appointments from the Sheriff's office, Administrative Office and County Counsel to identify alternatives to bring to the Board for its consideration in conjunction with the update on the Middletown Substation timeline and budget.

10. **ITEM A-15 - (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; and (b) Consideration of request to authorize Sheriff/Coroner/Asst. Purchasing Agent to issue a purchase order to Baker Distributing Inc., for the purchase of five (5) HVAC units** - Sheriff Francisco Rivero, Lt. Greg Hosman and Facilities Maintenance Superintendent Director Bob Allen were present.

Sheriff Rivero presented the item.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Joan Moss and John Brosnan. No one else was present wishing to speak and the public input portion of this item was closed.

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

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized the Sheriff/Coroner/Asst. Purchasing Agent to issue a purchase order to Baker Distributing Inc., for the purchase of five (5) HVAC units.

11. **ITEM A-13 - (a) Consideration of proposed Resolution designating 15% of the full County payment amount received for Federal Fiscal Year 2012 pursuant to the Reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2012/2013; and (b) Consideration of proposed Resolution designating the amount of funding to be allocated between Title II and Title III local projects pursuant to reauthorized Secure Rural Schools and Community Self-Determination Act of 2000 for County Fiscal Year 2012/13** - Interim County Administrative Officer Matt Perry presented the staff report.

(a & b) Supervisor Smith offered Resolution No. 2012-95, and it was passed by roll call vote (5 ayes).

12. **ITEM A-14 - Consideration of proposed Policy regarding Department use and safeguarding of laptop computers, related accessories & Agreement Signature Page** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved, in concept, the proposed Policy regarding Department use and safeguarding of laptop computers, related accessories & Agreement Signature Page, and directed the Human Resources Director to begin the Meet and Confer process with the appropriate employee representation.

13. **ITEM A-16 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, M. Perry, J. Hammond and A. Flora; and (b) Employee Organization: DDAA 2. Conference with Legal Counsel: Significant Exposure to Litigation pursuant to Government Code Section 54956.9 (b)(3) A: One potential claim** - Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 2:15 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 2:15 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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