

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 26, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 26th day of June, 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. Following a moment of silence, Steve Estrada 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-27, with the exception of Consent Agenda Item C-6, which was carried over two weeks, to July 10, 2012. (Later in the day, the Board returned to the Consent Agenda Item to amend Consent Agenda Item C-3)

Approved Minutes of the Board of Supervisors meeting held on June 19, 2012.

Adopted Resolution No. 2012-72, approving application for funding under the United States Department of Agriculture's Rural Development Community Facilities Program to update book and audiovisual collections and replace computer equipment at the Redbud Library.

Consent Agenda Item C-3 - Adopted Resolution No. 2012-73, appropriating unanticipated revenue to Budget Unit 2601, Ag Commissioner, to fund weed control programs. (This item was taken up again later in the day for amendment.)

Approved out of state travel for Officer Morgan Hermann and Kennel Coordinator Sara Schramm to attend the Equine Investigators Academy from August 20-25, 2012 in Durango, Colorado.

Appointed Alan Flora as Interim Deputy County Administrative Officer I, at Step 1, effective July 1, 2012.

Consent Agenda Item C-6 - Approve Amendment to County Policy regarding reimbursement of travel expenses and use of County vehicles for volunteers (adding wording to include the Victim-Witness Division) - This item was carried over two weeks to July 10, 2012.

Approved Agreement between the County of Lake and Sacramento Children's Home for FY 2012-13 specialty mental health services, in the amount of \$20,000 (with a 25% modification clause), and authorized the Chair to sign.

Approved Agreement between the County of Lake and Redwood Children's Services for FY 2012-13 Transitional Age Youth (TAY) Peer Support Program, for a maximum amount of \$24,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Redwood Children's Services for the FY 2012-13 MHSA Transitional Age (TAY) Drop-In Center, for a maximum amount of \$50,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Redwood Children's Services for the FY 2012-13 specialty mental health services for Lake County foster care children & youth, for a maximum amount of \$75,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Redwood Children's Services for the FY 2012-13 specialty mental health services for children & youth enrolled in the Lake County WRAP Program, for a maximum amount of \$300,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Clover Valley House for FY 2012-13 residential support services, for an amount not to exceed \$56,250, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Konocti Senior Support, Inc., for FY 2012-13 Senior Peer Counseling and Friendly Visitors Program, for a maximum amount of \$76,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Women's Recovery Services for FY 2012-13 provision of residential treatment services, for a maximum amount of \$15,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Hilltop Recovery Services for FY 2012-13 residential treatment services, for a maximum amount of \$15,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Ford Street Project Residential and Social Model Detoxification Services for FY 2012-13 residential and social model detoxification services, for a maximum amount of \$15,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and the Lake County Office of Education - Safe Schools Healthy Students Program for FY 2012-13 specialty mental health services, for a maximum amount of \$203,000 (with a modification clause), and authorized the Chair to sign.

Approved Agreement between the County of Lake and Resource Development Associates for FY 2011-2014 Mental Health Service Act Innovation Project Management, for a total amount of \$144,800, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Sten-Tel Transcription Service for FY 2012-13 transcription services, for a maximum amount of \$10,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Mary McMillan, MFT for FY 2012-13 mental health services for youth placed at Lake County Juvenile Hall, for a maximum amount of \$13,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and Milhous Children's Services for FY 2012-13 specialty mental health services, for a maximum amount of \$150,000, and authorized the Chair to sign.

Approved Agreement between the County of Lake and North Valley Behavioral Health for FY 2012-13 psychiatric health facility services, for a maximum amount of \$300,000, and authorized the Chair to sign.

Approved Agreements between the County of Lake and PJ Helicopters (rate of \$790 per hour, not to exceed \$60,000), A&P Helicopters (rate of \$850 per hour, not to exceed \$60,000), and Sierra Air Helicopters Inc. (rate of \$540 per hour, not to exceed \$15,000), for FY 2012-13 marijuana reconnaissance and eradication on public and private lands, and authorized the Chair to sign the agreements.

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Approved Advanced Salary Step Appointment (Career Level) for Long Term Care Ombudsman Debra Wagner.

Approved Late Travel Claim of Welfare Fraud Investigator Ryan Raabe, in the amount of \$1689, as recommended by Social Services Director's memorandum dated June 7, 2012.

Approved Budget Transfer B-340, from Housing Administration Fund (No. 90) Contingencies, in the amount of \$40,000 to restore appropriation for Salaries and Wages.

Sitting as the Lake County Public Authority Board of Directors, approved letter terminating California Association of Public Authorities (CAPA) membership, and authorized the Social Services Director 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.

PUBLIC INPUT - Thomas Allen Green spoke.

3. **ITEM A-13 - 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: DSA, DDAA 2. Conference with legal counsel: Existing Litigation pursuant to Government Code Section 54956.9: Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter Program (CPUC Applications 11-03-014; 11-03-015; 11-07-020) 3. Employee Disciplinary Appeal ED 2012-04** - Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

Supervisor Rushing recused herself and was absent at 9:10 a.m.

The Board reconvened into Regular Session with no action taken at 9:37 a.m. Supervisor Rushing was present.

- BACK TO #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), took up Item A-2 again for consideration.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-27, with the exception of Consent Agenda Item C-3, which will be taken up immediately following the Consent Agenda.

Consent Agenda Item C-3 - Adopt Resolution appropriating unanticipated revenue to Budget Unit 2601, Ag Commissioner, to fund weed control programs. - An amendment was made to the proposed Resolution, increasing the amount to be appropriated to \$10,000.

Supervisor Smith offered Resolution No. 2012-73, and it was passed by roll call vote (5 ayes).

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

4. **ITEM A-5 - 9:30 A.M. - Consideration of proposed Resolution amending Resolution 2012-07 declaring the public necessity for taking and condemning property for sanitary sewer force main pipeline project and authorizing the filing of Suit for Condemnation** - Special Districts Administrator Mark Dellinger presented the staff report.

Director Smith offered Resolution No. 2012-74, and it was passed by roll call vote (5 ayes).

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

5. **ITEM A-6 - 9:45 A.M. - (a) Presentation of update on Clarks Island volunteer efforts; (b) Presentation of University of San Francisco's engineering and architectural design for island shade structure and consideration of development of a detailed design; (c) Consideration of request for authorization for community to initiate fundraising for island shade structure; and (d) Consideration of request to eliminate the marina portion of the original Clarks Island conceptual design** - (a) Supervisor Rushing presented the update on Clarks Island volunteer efforts.

(b) Massey Burke presented the University of San Francisco's engineering and architectural design for island shade structure and consideration of development of a detailed design.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Holly Harris, Bill Stone and Chuck Lamb. 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), encouraged the volunteers, including the University of San Francisco, to continue the development of the pagoda design, and the design of the surrounding ecopark, and to bring this design to the Board for future consideration.

(c) On motion of Supervisor Rushing and by vote of the Board (5 ayes), reaffirmed the authorization for the community to raise funds for the island shade structure.

(d) On motion of Supervisor Rushing and by vote of the Board (5 ayes), eliminated the marina portion of the original Clarks Island conceptual design, with the integration of boat slips on the island.

After a brief recess, the Board reconvened into Regular Session at 10:36 a.m.

6. **ITEM A-12 - (a) Consideration of proposed Resolution to appropriate unanticipated revenue (\$70,000 from the Cal-EMA Public Safety Interoperable Communications Grant Program); (b) Consideration of proposed Budget Transfer B-334, from Special Department Supplies, in the amount of \$17,500; (c) 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 (d) Consideration of request to purchase five portable repeater systems, twenty-five Kenwood NX700H mobile radios and forty-five NX200K portable radios, per the Sheriff's memorandum dated June 13, 2012** - Capt. Chris Macedo presented the staff report.

(a) Supervisor Smith offered Resolution No. 2012-75, and it was passed by roll call vote (5 ayes).

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Budget Transfer B-334, from Special Department Supplies, in the amount of \$17,500, and authorized the Chair to sign.

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

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(d) On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the purchase five portable repeater systems, twenty-five Kenwood NX700H mobile radios and forty-five NX200K portable radios, per the Sheriff's memorandum dated June 13, 2012, and authorized the Sheriff/Assistant Purchasing Agent to issue a purchase order.

7. **ITEM A-7 - Continued from May 22, 2012 - 10:30 A.M. - Consideration of proposed Agreement between the County of Lake and the Lake Transit Authority to establish a pilot program for a seasonal bus route along the Mt. Konocti Trail** - Public Services Director Caroline Chavez presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Tom Nixon, Batsulwin Brown, Mike Fowler and Colleen Beardsley. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), directed staff to work with the Lake Transit Authority to establish a pilot program for a seasonal bus route along the Mt. Konocti Trail (6 days per year, 2 trips per day).

Supervisor Rushing was absent at 11:36 a.m. and present at 11:38 a.m.

8. **ITEM A-8 - 11:00 A.M. - (a) Discussion of Voter Opinion Survey for a Countywide Transportation Sales Tax Measure; and (b) Consideration of proposed Countywide transportation sales tax measure to provide funding for road maintenance projects in the Cities of Clearlake and Lakeport, and the unincorporated areas of the County; and (c) Continued from June 19, 2012 - Consideration of proposed sales tax measure to provide funding for lake related programs** - (a) Public Works Director Scott De Leon and Assistant Public Works Director Lars Ewing presented the staff report.

There was consensus for Supervisor Farrington to contact the Cities of Clearlake and Lakeport to request consideration of these measures on the next available agenda.

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to work with the TAC to develop the expenditure plan to accompany the measure, and to present the Board with plans based on different possible sales tax increases.

(c) On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed staff to prepare the appropriate resolutions and ordinances, with an additional allotment of a ½ cent tax to fund check point stations at various entry points of the County, and to present these to the Board for its consideration.

BACK TO PUBLIC INPUT - Sean Curran and Tom Andrews spoke regarding a Closed Session item.

- BACK TO #3 - ITEM A-13 - 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: DSA, DDAA 2. Conference with legal counsel: Existing Litigation pursuant to Government Code Section 54956.9: Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter Program (CPUC Applications 11-03-014; 11-03-015; 11-07-020) 3. Employee Disciplinary Appeal ED 2012-04** - Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened in Regular Session at 1:00 p.m. with no action taken.

After a lunch recess, the Board reconvened into Regular Session at 2:04 p.m.

9. **ITEM A-9 - 1:30 P.M. - PUBLIC HEARING - Consideration of proposed Urgency Measure prohibiting commercial medical marijuana cultivation and cultivation on vacant properties, and limiting outdoor cultivation amounts in the County of Lake, and declaring the urgency thereof** - Due to public attendance in excess of the room's capacity, this item was carried over two weeks, to June 9, 2012, at 9:00 a.m., at the Little Theater in the Lake County Fairgrounds.

- BACK TO #3 - ITEM A-13 - 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: DSA, DDAA 2. Conference with legal counsel: Existing Litigation pursuant to Government Code Section 54956.9: Application of Pacific Gas and Electric Company for Approval of Modifications to its SmartMeter Program (CPUC Applications 11-03-014; 11-03-015; 11-07-020) 3. Employee Disciplinary Appeal ED 2012-04** - 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 2:40 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), in the matter of Employee Disciplinary Appeal 2012-04, accepted in full the recommendations of the hearing officer and granted the appeal, reinstating the employee to his position and making the employee whole for all lost rights and benefits and for all lost income, plus interest, less unemployment insurance benefits and other earned income, if any, and authorized the Chair to sign the Final Decision.

10. **ITEM A-11 - Consideration of proposed Memorandum of Understanding between the County of Lake and the Deputy Sheriffs' Association (DSA)** - Deputy County Counsel Shanda Harry presented the staff report.

Chair Brown commended the Deputy Sheriffs' Association for the spirit and dedication of its members.

The gavel was passed to Vice Chair Smith.

Supervisor Brown made a motion to approve a vote of no confidence in Sheriff Rivero, seconded by Supervisor Comstock. No vote was taken on this item.

Supervisor Brown offered the Resolution and made the motion to approve a vote of no confidence in Sheriff Rivero, seconded by Supervisor Comstock. No vote was taken on this item.

Supervisor Brown offered Resolution No. 2012-76, and it was passed by roll call vote (5 ayes).

The proposed vote of no confidence in Sheriff Rivero was continued two weeks, to July 10, 2012, at 11:00 a.m.

The gavel was returned to Chair Brown.

There being no further business, the Board of Supervisors adjourned at 2:51 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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