

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 5, 2012**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5<sup>th</sup> day of June, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Anthony Farrington and Rob Brown, 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 Brown. A moment of silence was dedicated to Lora Tell. Following the moment of silence, Supervisor Farrington 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-11, with the exception of Consent Agenda Items C-6 and C-7, which will be taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on May 22, 2012.

Approved out of state travel for George Speake, Project Manager for the Middle Creek Marsh Restoration Project, as per the May 20, 2012 Memorandum from the County Administrative Officer.

Adopted Resolution No. 2012-56, approving Agreement No. 12-0088-SF with the State of California, Department of Food and Agriculture for compliance with the Pierce's Disease Contract Program and authorizing execution thereof.

Approved request for exemption of annual audit pursuant to Government Code 26909, subd (c) and (d), from Butler-Keys Community Services District, per District Resolution 2012-1.

Adopted Resolution No. 2012-57, authorizing Grant Project - Lake County Life Insurance and Annuity Consumer Protection Program.

**Consent Agenda Item C-6 - Adopt Resolution appropriating unanticipated revenue to help facilitate the Middletown Town Square Park construction (\$2500 donation from Reynolds Systems, Inc.)** - This item was pulled from the Consent Agenda and taken up immediately following.

**Consent Agenda Item C-7 - Approve First Amendment to Agreement between the County of Lake and PJ Helicopters, for an increase of \$20,000, and authorize the Chair to sign** - This item was removed from the Consent Agenda and taken up immediately following.

Approved Agreement between the County of Lake and the California Department of Transportation to participate in the FY 2011/12 Optional RSTP Federal Exchange and State Match Program, and authorized the Chair to sign.

Approved request to waive the 900 hour limit for extra help employees Justin Belvail and Jeremy Mullings.

Sitting as the Lake County Sanitation District Board of Directors, (a) approved Easement Deed and directed Clerk to certify for recordation (APN 039-462-48 - Barry Fletcher), and approved Right of Way Agreement between the County of Lake and Barry Fletcher for the construction of the wastewater force main sanitary sewer line; (b) approved Easement Deed and directed Clerk to certify for recordation (APN 039-332-21 - James Austin), and approved Right of Way Agreement between the County of Lake and James Austin for the construction of the wastewater force main sanitary sewer line; and (c) approved Easement Deed and directed Clerk to certify for recordation (APN 039-483-63 - Elizabeth Medina), and approved Right of Way Agreement between the County of Lake and Elizabeth Medina for the construction of the wastewater force main sanitary sewer line, and authorized the Chair to sign the agreements.

Approved waiver of 900-hour limit for extra-help Office Assistant, Deonne Collins, as per staff memorandum, dated June 5, 2012.

**CONSENT AGENDA ITEM C-7 - Approve First Amendment to Agreement between the County of Lake and PJ Helicopters, for an increase of \$20,000, and authorize the Chair to sign** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

Supervisor Smith offered Resolution No. 2012-58, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the First Amendment to Agreement between the County of Lake and PJ Helicopters, for an increase of \$20,000, and authorized the Chair to sign.

**CONSENT AGENDA ITEM C-6 - Adopt Resolution appropriating unanticipated revenue to help facilitate the Middletown Town Square Park construction (\$2500 donation from Reynolds Systems, Inc.)** - Supervisor Comstock expressed appreciation to Reynolds Systems, Inc., for their generous donation.

Supervisor Comstock offered Resolution No. 2012-59, and it was passed by roll call vote (5 ayes).

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 - Necessity for extra Closed Session item not on the posted agenda - Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9, subd. (a): Lake County Deputy Sheriff's Association v. County of Lake (Sheriff's Department)** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved taking up this item as an extra in Closed Session.

This item was taken up for the following reason: After the posting of the agenda, circumstances occurred relevant to a resolution of this matter. Direction from the Board is necessary before the next meeting.

This item will be taken up later in the day, during Closed Session.

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

**Change Order #1 - Soldier Pile Retaining Wall on Socrates Mine Road PM 1.84** - This change order addresses the need to revise the estimated quantities for a new wall alignment due to changes in the site conditions from the time the original plans were prepared to when the project was bid.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JUNE 5, 2012**

Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Change Order #1 - Soldier Pile Retaining Wall on Socrates Mine Road PM 1.84, for an increase of \$1,633.75, Bouthillier's Construction, and authorized the Chair to sign.

**PUBLIC INPUT** - CJ LeBrun spoke regarding In Home Supportive Services (IHSS).

Bonnie Goodwin spoke regarding the need for traffic calming measures in Lucerne.

5. **ITEM A-5 - 9:15 A.M. - HEARING - Nuisance Abatement of 1806 W. Martin Street, Lakeport, CA (APN 015-010-10 - Positive Force LLC)** - Community Development Director Rick Coel and Forrest Truman were sworn in by the Clerk.

Mr. Coel presented the staff summary.

Mr. Truman gave testimony.

The proposed Order to Abate was amended.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 1806 W. Martin Street, Lakeport, CA (APN015-010-10 - Positive Force LLC), as amended, by July 5, 2012, and authorized staff to abate the nuisance if it is not voluntarily abated, all cost associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

6. **ITEM A-6 - 9:30 A.M. - Consideration of proposed changes to the Lake County Jail food services** - Undersheriff Pat Turturici and Lt. Greg Hosman presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Greg Scott, Margaret Medeiros, CJ LeBrun and Bill Stone. 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), authorized a Request for Proposals (RFP) for the Lake County Jail food services, and encouraged staff to include a local food component within the RFP.

7. **ITEM A-7 - 10:00 A.M. - Report from the Clearlake Oaks-Glenhaven Business Association on the success of the 2012 Catfish Derby** - Gail Jonas, Margaret Medeiros and Bill Stone presented the update regarding the largest fishing competition held in Lake County's history.

Supervisor Rushing read the Commendation into the record and presented it to Ms. Jonas.

8. **ITEM A-15 - Consideration of proposed Maintenance Agreement and Web Services Addendum between the County of Lake and Megabyte Systems, Inc., for the FY 2012/13 Megabyte Property Tax System** - Treasurer-Tax Collector Sandra Shaul presented the item.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Maintenance Agreement and Web Services Addendum between the County of Lake and Megabyte Systems, Inc., for the FY 2012/13 Megabyte Property Tax System, for a total amount of \$173,334.19, and authorized the Chair to sign.

There was Board consensus reiterating its support for the Treasurer-Tax Collector to maintain her vigilance in seeking alternatives to the Megabyte Systems services, as they become available in the future.

9. **ITEM A-14 - Consideration of request to award Bid No. 12-12 for the Asphaltic Emulsion Seal Coat for summer pavement preservation projects on various County roads** - Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), awarded Bid No. 12-12 for the Asphaltic Emulsion Seal Coat for summer pavement preservation projects on various County roads, to Telfer Oil Co., in the amount of \$934,475, and authorized the Chair to sign the Bid Award and execute the agreement.

10. **ITEM A-13 - Consideration of proposed replacement of Courthouse telephone system, and Budget Transfer to utilize Salary savings in the Information Technology budget for the purchase of a new phone system** - Information Technology Director Shane French presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Budget Transfer B-270, from Wages and Salaries, in the amount of \$48,600, for the purchase and installation of a Cisco VOIP phone system in the Courthouse, and authorized the Chair to sign.

11. **ITEM A-11 - Consideration of proposed Memorandum of Understanding between the County of Lake and the Lake County Correctional Officers' Association (LCCOA)** - Chief Deputy Administrative Officer Matt Perry and Deputy County Counsel Shanda Harry were present.

Mr. Perry presented the staff report.

Supervisor Smith offered Resolution No. 2012-60, and it was passed by roll call vote (5 ayes).

12. **ITEM A-10 - Consideration of proposed Memorandum of Understanding between the County of Lake and Marymount College to establish an educational campus at the Lucerne Hotel/Castle** - Deputy Administrative Officer - Economic Development Debra Sommerfield, Deputy Administrative Officer - Special Projects Eric Seely and Administrative Analyst Alan Flora were present.

Chair Brown and Supervisor Rushing reported on their recent site visit to Marymount College and meetings with Marymount officials. County Administrative Officer Kelly Cox provided the staff report and recommendation, followed by a power point presentation by Mr. Flora. Deputy Administrative Officer - Economic Development Debra Sommerfield provided concluding remarks.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Lake County Office of Education Superintendent Wally Holbrook and Melissa Fulton, both of whom spoke in support of the proposed partnership with Marymount College. 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 Memorandum of Understanding between the County of Lake and Marymount College to establish an educational campus at the Lucerne Hotel/Castle, and authorized the Chair to sign.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD JUNE 5, 2012**

13. **ITEM A-16 - 1:30 P.M. - CLOSED SESSION - Public Employee Appointment: Interview of applicants for County Administrative Officer and appointment of County Administrative Officer/Clerk of the Board; AND EXTRA #1 - Conference with Legal Counsel - Existing Litigation pursuant to Government Code Section 54956.9, subd. (a): Lake County Deputy Sheriff's Association v. County of Lake (Sheriff's Department)** - 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 12:20 p.m., with no action taken, and adjourned for lunch.

After a lunch recess, the Board reconvened into Closed Session at 1:30 p.m.

The Board reconvened into Regular Session at 4:20 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 4:20 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