

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 13, 2012**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13<sup>th</sup> day of March, 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 the memory of Michael Hossack. Following the moment of silence, Supervisor Smith 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-10, with the exception of Consent Agenda Item C-1, which was carried over one week, to March 20, 2012.

**Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meeting held on March 6, 2012** - At staff request, this item was continued one week, to March 20, 2012.

(a) Adopted Proclamation designating March as Meals on Wheels Month; and (b) Adopted Proclamation in support of First Annual *Lake County CAN!* Food Drive.

Adopted Proclamation recognizing & thanking the California Department of Fish & Game, the U.S. Forest Service, the City of Lakeport Police Department & Community Volunteers for service to Lake County in connection with the National Forest Grow-Site Reclamation Project.

Approved request to waive 900 hour limit for the extra help Janitor Diana Hasty.

Approved Agreement between the County of Lake and Sacramento Children's Home for FY 2011-12 specialty mental health services, in an amount not to exceed \$20,000, and authorized the Chair to sign.

Approved Second Amendment between the County of Lake and Anasazi Software, Inc., to stipulate the maximum amount payable for FY 2011-2012, and authorized the Chair to sign.

Approved Agreement between the County of Lake and California Exterminators Alliance, for roadside vegetation abatement, in the amount of \$33,500, and authorized the Chair to sign.

Approved First Amendment to Memorandum of Understanding (MOU) between the County of Lake and Lake Transit Authority (LTA) for bus passes for CalWORKS participants (adjusting the total number of FY 2011-2014 passes from 250 to 171, per year), and authorized the Chair to sign.

Approved Third Amendment to the Joint Powers Agreement (JPA) between the Counties of Lake and Mendocino Area Agency on Aging (AAA) for Planning and Service Area 26 (shifting administration to Lake County, clarifying the process of rotation of "at large" Governing Board members and establishing the matching fund obligations for the program based on the number of senior citizens in each county), and authorized the Chair to sign.

Sitting as the Lake County Sanitation District Board of Directors, (a) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-371-05 - Ruth Ellen Knight), and approved Right of Way Agreement between the County of Lake and Ruth Ellen Knight for the construction of the wastewater force main sanitary sewer line; (b) Approved Easement Deed and directed Clerk to certify for recordation (APN 010-050-43 - Marian Wilson), and approved Right of Way Agreement between the County of Lake and Marian Wilson for the construction of the wastewater force main sanitary sewer line; (c) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-462-60 - John Arnold), and approved Right of Way Agreement between the County of Lake and John Arnold for the construction of the wastewater force main sanitary sewer line; (d) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-481-60 - Dorothy Mickey), and approved Right of Way Agreement between the County of Lake and Dorothy Mickey for the construction of the wastewater force main sanitary sewer line; (e) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-321-13 - Jena Marie Want), and approved Right of Way Agreement between the County of Lake and Jena Marie Want for the construction of the wastewater force main sanitary sewer line; and authorized the Chair to sign all Right of Way Agreements.

2. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

**Extra Item #1 - Conference with Legal Counsel - Exposure to Litigation pursuant to Government Code Section 54956.9(a)** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved taking up this item as an extra, during Closed Session.

This item was taken up for the following reason: A situation has arisen and been brought to the attention to staff since the posting of the Agenda which must be considered by the Board before the next meeting.

This item will be taken up during Closed Session.

**Extra Item #2 - Conference with Legal Counsel - Decision whether to Initiate Litigation pursuant to Government Code Section 54956.9(c)** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved taking up this item as an extra, during Closed Session.

This item was taken up for the following reason: A situation has arisen and been brought to the attention to staff since the posting of the Agenda which must be considered by the Board before the next meeting.

This item will be taken up during Closed Session.

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

**Discussion of alternative to a potential change order - Middletown Senior Center and Library** - Deputy Administrative Officer Special Projects Eric Seely presented the staff report.

Chair Brown asked if anyone was present wishing to speak and Voris Brumfield spoke. 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), authorized inclusion of the 20-foot wide sidewalk in the bids that will be solicited for the park project, in lieu of a change order to the current contract for construction of the Library/Senior Center, and that the cost of this wider sidewalk be charged to the Library/Senior Center project budget.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 13, 2012**

4. **ITEM A-5 - 9:10 A.M. - (a) Presentation of Proclamation designating March as Meals on Wheels Month; and (b) Presentation of Proclamation in support of First Annual Lake County CAN! Food Drive** - (a) Supervisor Farrington read the Proclamation into the record and presented it to Lakeport Senior Center Director Jonathan Crookes, who spoke.

(b) Supervisor Comstock read the Proclamation into the record and presented it to Reverend Shannon Kimbell-Auth, who spoke.

The Board of Supervisors adjourned and convened as the Lake County Housing Commission.

Commissioner Deborah Figueroa was present.

5. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of proposed revisions to the Public Housing Agency Section 9 Administrative Plan and the Section 8 Family Self Sufficiency Action Plan Draft** - Social Services Director Carol Huchingson presented the staff report.

Chair Brown opened the public hearing. No one was present wishing to speak and the public hearing was closed.

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

The Lake County Housing Commission was adjourned and reconvened as the Board of Supervisors.

Commissioner Deborah Figueroa was absent at 9:18 a.m.

6. **ITEM A-7 - 9:30 A.M. - Presentation of Proclamation recognizing & thanking the California Department of Fish & Game, the U.S. Forest Service, the City of Lakeport Police Department & Community Volunteers for service to Lake County in connection with the National Forest Grow-Site Reclamation Project** - At Supervisor Rushing's request, this item was carried over one week, to March 20, 2012, at 9:10 a.m.

7. **ITEM A-10 - Carried over from March 6, 2012 - Consideration of the following appointments: Emergency Medical Care Committee and In Home Supportive Services Advisory Committee** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed Claudia Ann Helmes to the Emergency Medical Care Committee, for a term to expire January 1, 2013.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Willowoak Istarwood (Disabled Consumer), Marilyn Johnson (Senior Community Representative), and Inez Wenckus (Provider Representative) to the In Home Supportive Services Advisory Committee, for terms to expire January 1, 2014.

8. **ITEM A-8 - 9:35 A.M. - Consideration of request for Board direction regarding options for funding a local match for a 319h grant to fund the update to the Clean Lakes Report** - Water Resources Director Scott De Leon and Water Resources Engineer Tom Smythe were present.

Mr. De Leon presented the staff report.

Chair Brown asked if anyone was present and the following people spoke: Joan Moss and John Zebelian. 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 application and the local matching funding.

9. **ITEM A-11 - Consideration of proposed Agreement between the County of Lake and Ruzicka Associates for a feasibility study regarding a public water system in the South Lakeport area, in the amount of \$27,000** - Special Districts Administrator Mark Dellinger presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: City of Lakeport Community Development Director Richard Knoll and City of Lakeport Utilities and CLMSD Director Mark Brannigan. No one else was present wishing to speak and the public input portion of this item was closed.

This item was continued two weeks, to March 27, 2012, at 9:15 a.m.

**PUBLIC INPUT** - Former Supervisor Gary Lambert presented Administrative Officer Kelly Cox with a retirement gift and card.

10. **ITEM A-13 AND ITEM A-12 and EXTRA ITEMS #1 AND #2 - 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, LCCOA and DDAA: 2. Public Employee Performance Evaluation: Title: Animal Control Director; 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9(a): Estate of Hatfield v. County of Lake, et al Continued from March 6, 2012 - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2012-03, Gov. Code Sec. 54957; Extra Item #1 - Conference with Legal Counsel - Exposure to Litigation pursuant to Government Code Section 54956.9(a); and Extra Item #2 - Conference with Legal Counsel - Decision whether to Initiate Litigation pursuant to Government Code Section 54956.9(c)** - 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 11:54 a.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved the Findings of Fact and authorized the Chair to sign, accepted the recommendations of the hearing officer and granted the appeal.

On motion of Supervisor Smith and by vote of the Board (5 ayes), waived any exemptions from disclosure available under the Public Records Act and will disclose copies of all emails between all members of the Board of Supervisors and Sheriff Francisco Rivero regarding his request for legal counsel to the extent not otherwise precluded by law.

There being no further business, the Board of Supervisors adjourned at 11:56 a.m.

KELLY F. COX  
Clerk of the Board

-----  
Chair - Lake County Board of Supervisors

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board