

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 20, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 20th 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 Kathleen Fulwider. Following the moment of silence, Air Pollution Officer Doug Gearhart 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.

Approved Minutes of the Board of Supervisors meetings held on March 6, 2012 (carried over from March 13, 2012), and March 13, 2012.

Adopted Proclamation designating March 20, 2012 as National Agriculture Day and March 18-24, 2012 as National Agriculture Week.

Adopted Proclamation designating the week of March 18-24, 2012 as National Surveyors Week.

Adopted Resolution No. 2012-26, authorizing Grant Project - Lake County Domestic Violence Response Team Project.

Approved Second Amendment to the Agreements between the County of Lake and Jones Mortuary, Jones and Lewis Mortuary and Chapel of the Lakes Mortuary (establishing transportation costs to UC Santa Cruz in the amount of \$350 round trip), and authorized the Chair to sign.

Approved Boating Safety and Enforcement Financial Aid Program Contract between the County of Lake and the California Department of Boating and Waterways, for boating safety and enforcement activities, in the amount of \$315,312, for Fiscal Year 2012-2013, and authorized the Sheriff to sign.

Approved Agreement between the County of Lake and the PSA 26 Area Agency on Aging (AAA) to provide matching funds to enable the AAA to continue to receive FY 2011/12 federal and state grant funds under the Older Americans Act in the amount of \$52,553, and authorized the Chair to sign.

Approved request to waive 900 hour limit for extra help Eligibility Workers Janice Devens and Marla Hartman.

Adopted Resolution No. 2012-27, amending Resolution No. 2011-125 establishing position allocations for Fiscal Year 2011-2012, Budget Unit No. 5011, Department of Social Services (deleting one (1) vacant Welfare Fraud Investigator/Trainee position, and adding one (1) temporary Secretary II position to meet needs for coverage during an approved leave of absence).

Sitting as the Board of Directors of the Lake County Sanitation District, (a) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-462-47 - Viola Jones), and approved Right of Way Agreement between the County of Lake and Viola Jones for the construction of the wastewater force main sanitary sewer line, 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 - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2012-03, Government Code Section 54957 - On motion of Supervisor Smith 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: After the posting of the Agenda, a matter arose in connection with the above listed item which requires the immediate discussion/consideration of the Board.

This item will be taken up later today, during Closed Session.

4. **ITEM A-13 - Consideration of the following appointments: Child Care Planning Council; and Lower Lake County Waterworks District #1** - At staff request, the consideration of the appointment to the Lower Lake County Waterworks District #1 was carried over to a future date, pending advertisement of the vacancy.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Bonnie Bonnett to the Child Care Planning Council, for a term to expire January 1, 2015.

PUBLIC INPUT - County Health Officer Karen Tait, MD, spoke regarding an invitation to participate in a panel discussion with the City of Clearlake regarding naturally occurring gas venting observed in the neighborhood south of Austin Park near Burns Valley Elementary School.

Tom Slight spoke regarding Resolution 2007-61.

Paul Racine spoke regarding the proposed annexation of South Lakeport to the City of Lakeport and presented the results of a survey of area property owners indicating overwhelming opposition to the proposed annexation. This item was scheduled to return to the Board on March 27, 2012, but at Supervisor Farrington's request, the item was carried over two weeks, to April 3, 2012, at 10:00 a.m.

5. **ITEM A-5 - Carried over from March 13, 2012 - 9:10 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** - Supervisor Rushing read the Proclamation into the record and presented it to Lakeport Police Chief Brad Rasmussen, who spoke.

6. **ITEM A-6 - 9:15 A.M. - HEARING - Nuisance Abatement of 4420 Lakeshore Boulevard, Lakeport, CA (APN 029-141-18 - Dan Garrison and Louise Garrison)** - Community Development Director Rick Coel and Building Inspector James Vagnone and Louise Garrison were sworn in by the Clerk.

Supervisor Brown declared a conflict in this item and was absent at 9:25 a.m.

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The gavel was passed to Vice Chair Smith.

Mr. Coel presented the staff report.

Ms. Garrison gave testimony.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), adopted the order to complete abatement of the nuisance on property located at 4420 Lakeshore Boulevard, Lakeport, CA (APN 029-141-18 - Dan Garrison and Louise Garrison), by April 6, 2012, with the stipulation of allowing the storage shed and personal watercraft to remain, provided the boat is shielded from public view by a fence, 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.

Supervisor Brown was present at 9:45 a.m.

The gavel was returned to Chair Brown.

7. **ITEM A-7 - 9:30 A.M. - Presentation of Proclamation designating March 20, 2012 as National Agriculture Day and March 18-24, 2012 as National Agriculture Week** - Supervisor Comstock read the Proclamation into the record and presented it to California Women for Agriculture President Annette Hopkins, who spoke.

Many representatives of agriculture, and 4-H were present.

8. **ITEM A-8 - 9:40 A.M. - Presentation of Proclamation designating the week of March 18-24, 2012 as National Surveyors Week** - Supervisor Rushing read the Proclamation into the record and presented it to County Surveyor Gordon Haggitt, who spoke.

Many public and private surveyors were present.

Public Works Director Scott De Leon also spoke.

9. **ITEM A-9 - 9:50 A.M. - Consideration of the appointment of George Speake on a volunteer basis, to function as Project Manager of the Middle Creek Restoration Project** - Water Resources Director Scott DeLeon and George Speake were present.

County Administrative Officer Kelly Cox presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed George Speake, on a volunteer basis, to function as Project Manager of the Middle Creek Restoration Project, authorized Mr. Speake to drive a County vehicle and receive travel reimbursements in accordance with the County Travel Policy when working on official County business in connection with the Project, subject to administrative oversight and approval by the Water Resources Director, including the standard requirement for pre-approval of any travel expenses to be charged to or incurred by the County; and authorized Mr. Speake to receive reimbursement of miscellaneous expenses incurred in connection with performing his Project Manager duties, subject to administrative oversight and approval by the Water Resources Director.

10. **ITEM A-14 - Consideration of staff request to appoint a task force to formulate policy recommendations to address compliance to the Patient Protection and Affordable Care Act** - Chief Deputy Administrative Officer Matt Perry presented the staff report.

Registrar of Voters Diane Fridley was added to the task force.

Chair Brown volunteered for the task force, with Supervisor Rushing volunteering as Alternate.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed the following people to a task force to formulate policy recommendations to address compliance to the Patient Protection and Affordable Care Act: Supervisor Brown, Supervisor Rushing (Alternate), Registrar of Voters Diane Fridley, County Administrative Officer or designee, County Counselor or designee, County Auditor-Controller, Health Services Director, Public Services Director and the Social Services Director.

11. **ITEM A-15 - Consideration of termination of Lease Agreement between the County of Lake Community Development Department and the County of Lake Probation Department for office space, located at 16195 Main Street, Lower Lake** - Supervisor Comstock introduced this item to the Board.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), terminated the Lease Agreement between the County of Lake Community Development Department and the County of Lake Probation Department for office space, located at 16195 Main Street, Lower Lake.

After a brief recess, the Board reconvened into Regular Session at 10:32 a.m.

The Board of Supervisors adjourned and convened as the Board of Directors of the Kelseyville County Water Works District No. 3.

12. **ITEM A-10 - 10:30 A.M. - Consideration of proposed Agreement in Principle between the Kelseyville County Water Works District #3 and Bottle Rock Power Company, for the Kelseyville Wastewater Effluent Pipeline & Injection Project** - Special Districts Administrator Mark Dellinger presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Robert Stark, Larry Ratcliffe, Margaret Silveira and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Director Farrington and by vote of the Board (5 ayes), approved the Agreement in Principle between the Kelseyville County Water Works District #3 and Bottle Rock Power Company, for the Kelseyville Wastewater Effluent Pipeline & Injection Project, and authorized the Chair to sign.

The Board of Directors of the Kelseyville County Water Works District No. 3 adjourned and reconvened as the Board of Supervisors.

13. **ITEM A-16 - 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. Conference with Legal Counsel - Decision Whether to Initiate Litigation pursuant to Government Code Section 54956.9, subdivision (c) AND EXTRA ITEM #1 - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2012-03, Government Code Section 54957** - 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 11:40 a.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized the County to initiate legal action against David Moses and directed staff to take those steps necessary to effectuate that action.

On motion of Supervisor Smith and by vote of the Board (5 ayes), amended the Findings of Fact in EDA 2012-03 to provide clarification as to the standard of proof in this matter, which in no way alters, modifies or affect the decision of the Board to grant the appeal.

The Board adjourned for lunch at 11:40 a.m.

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

14. **ITEM A-11 - 1:30 P.M. - CLOSED SESSION - Interviews of applicants for County Administrative Officer** - 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 6:01 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), rescinded the action to clarify the Findings in EDA 2012-03, pending the Board's review of the transcripts.

There being no further business, the Board of Supervisors adjourned at 6:02 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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