

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 6, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 6th 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 Dr. Randolph Sun, DDS. Following the moment of silence, 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-8.

Approved Minutes of the Board of Supervisors meeting held on February 28, 2012.

Adopted Proclamation celebrating the 100th Anniversary of the Girl Scouts.

Adopted Resolution No. 2012-24, accepting the transfer of real property formerly owned by the Lake County Redevelopment Agency to the County of Lake, pursuant to the recommendations by the County Redevelopment Oversight Committee.

Authorized destruction of Deposit Permits from 2005-2006, Receipts Duplicates Records from 2005-2006, Department Time Cards/Time Off Requests from 2005-2006, Payroll Registers from 1995-2006, Payroll Time Reports & Hours Proof from 2005-2006, Vacation & Sick Accruals (Monthly) from 2005-2006, Property Tax Rolls - Secured from 1998-1999, Tax Rolls - Unsecured from 2005-2006 and Tax Rolls - Delinquent Secured from 1998-1999 per Auditor-Controller/County Clerk memorandum dated February 24, 2012.

Approved Agreement between the County of Lake and Anthem Blue Cross Path2Health and CMSP for participation to deliver Mental Health and Alcohol and Other Drug services to eligible participants, and authorized the Chair to sign.

Approved payment of late claim for Marilyn Johnson, per the Social Services Director's memorandum dated February 21, 2012.

Approved Agreement between the County of Lake and Water Works Engineers (in association with Ruzicka Associates) for preliminary engineering services for the CSA 20 - Soda Bay Water System, in the amount of \$43,000, and authorized the Chair to sign.

Sitting as the Lake County Sanitation District Board of Directors, (a) approved Easements Deed and directed Clerk to certify for recordation (APN 039-332-13 - Joseph Ross and Shela Ross), and approved Right of Way Agreement between the County of Lake and Joseph Ross and Shela Ross for the construction of the wastewater force main sanitary sewer line; (b) approved Easements Deed and directed Clerk to certify for recordation (APN 039-484-62 - Clifford Rogers), and approved Right of Way Agreement between the County of Lake and Clifford Rogers for the construction of the wastewater force main sanitary sewer line; (c) approved Easements Deed and directed Clerk to certify for recordation (APN 039-462-49 - Roger Hill), and approved Right of Way Agreement between the County of Lake and Roger Hill for the construction of the wastewater force main sanitary sewer line; (d) approved Easements Deed and directed Clerk to certify for recordation (APN 039-374-05 - Melvin Dooley and Frances Dooley), and approved Right of Way Agreement between the County of Lake and Melvin Dooley and Frances Dooley for the construction of the wastewater force main sanitary sewer line; (e) approved Easements Deed and directed Clerk to certify for recordation (APN 039-462-11 - Eryck Lee and Charlotte Lee), and approved Right of Way Agreement between the County of Lake and Eryck Lee and Charlotte Lee for the construction of the wastewater force main sanitary sewer line; and (f) approved Easements Deed and directed Clerk to certify for recordation (APN 039-484-33 - William Miller), and approved Right of Way Agreement between the County of Lake and William Miller for the construction of the wastewater force main sanitary sewer line.

2. **ITEM A-2 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Control Officer Allison Mewborn presented one canine currently available for adoption.

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

Change Order #2 - Hot Mix Asphalt Overlay on Bottle Rock Road, Bid No. 10-22; Federal Project No. HSIPL-5914(056) - Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order #2 - Hot Mix Asphalt Overlay on Bottle Rock Road, Bid No. 10-22; Federal Project No. HSIPL-5914(056), for a decrease of \$31,250.68, Argonaut Constructors, and authorized the Chair to sign.

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

There was Board consensus to direct staff to perform additional research and return to the Board at a later date.

4. **ITEM A-5 - 9:15 A.M. - Presentation regarding the recent restoration of the Hells Bend Schoolhouse** - Kelseyville Unified School District Superintendent Dave McQueen presented the update to the Board.

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

5. **ITEM A-6 - 9:30 A.M. - Presentation of Proclamation celebrating the 100th Anniversary of the Girl Scouts** - Supervisor Rushing read the Proclamation into the record and presented it to Michelle Meese, who spoke.

Many Girl Scouts and Girl Scout Leaders were present.

6. **ITEM A-7 - Continued from February 14, 21 and 28, 2012 - 9:40 A.M. - Consideration of Sheriff's request for legal representation pursuant to Government Code Section 31000.6** - Sheriff Francisco Rivero was present.

County Counsel Anita Grant presented an update to the Board.

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

Supervisor Rushing made the motion to approve the Sheriff's request for legal representation, in an amount not to exceed \$10,000. There was no second made to this motion and no action was taken on this motion.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 6, 2012

Supervisor Rushing made the motion to approve the Sheriff's request for legal representation, in an amount not to exceed \$1,000. There was no second made to this motion and no action was taken on this motion.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), denied Sheriff Rivero's request for legal representation.

7. **ITEM A-15 - (a) Discussion/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 proposed Agreement between the County of Lake and Ruzicka & Associates for engineering services for the Clearlake Oaks Senior Center** - Deputy Administrative Officer Special Projects Eric Seely presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the formal bidding process and approved the Agreement between the County of Lake and Ruzicka & Associates for engineering services for the Clearlake Oaks Senior Center, in an amount not to exceed \$92,840, and authorized the Chair to sign.

After a brief recess, the Board reconvened into Regular Session at 10:44 a.m.

8. **ITEM A-8 - 10:30 A.M. - Discussion of new State fees for fire protection and potential appointment of working group to study modifications to the Cal Fire State Responsibility Area (SRA) map for Lake County** - Lakeport Fire Chief Ken Wells and Cal Fire/Napa County Fire Chief Tim Streblow were present.

Chair Brown introduced the item.

Chiefs Wells and Streblow presented the item to the Board.

Chair Brown asked if anyone was present wishing to speak and Greg Scott spoke. No one else was present wishing to speak and the public input portion of this item was closed.

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

9. **ITEM A-9 - 11:30 A.M. - Presentation of Employee Service Awards** - Chair Brown presented certificates, pen/pencil sets, clocks and keepsake boxes to the following employees:

The following employees received certificates for 5 years of service: Denise Rushing - Board of Supervisors and Shane French - Information Technology.

The following employees received pen/pencil sets and certificates for ten years of service: Barbara Dwyer - Social Services, Beth Balentine - Treasurer-Tax Collector, Betty Kuckowicz - Social Services, Cari McCormick - Assessor-Recorder, Carlene Willard - Child Support, Carol Avila - District Attorney - Charles Eagleton - Sheriff-Jail, David Hendrick - Public Services-Buildings & Grounds, Dean Thornquist - Juvenile Home, Elizabeth MacKillop - Treasurer-Tax Collector, Erin Norton - Child Support Services, Evelyn Patty - Social Services, George Vonthenen - Public Services-Integrated Waste Management, Jennifer Irwin - Juvenile Home, John DeChaine - District Attorney, Julie Steiner - Probation, Kathleen Ganoung - Assessor-Recorder, Kathy Ferguson - Human Resources, Kelly Gray - Public Services-Buildings & Grounds, Ken Mondfrans - Juvenile Home, Laurie Terra - Mental Health-AODS, Linda Sobieraj - Sheriff-Dispatch, Lisa Shearer - Social Services, Marilyn Higgins - Assessor-Recorder, Melissa Reece - Social Services, Michael Carmichael - Public Works-Roads, Michele Paulet - Health Services-Public Health, Michele Rice - Public Services - Parks, Nicole Costanza - Sheriff-Coroner, Phyllis Murphey - Social Services, Richard Sullivan - Mental Health-AODS, Sandra Shaul - Treasurer-Tax Collector, Tina Dawn-Rubin - Health Services-Environmental Health and Vincent McIntosh - Public Services-Parks.

The following employees received clocks and certificates for fifteen years of service: Dana McDonald - Community Development, John DeSignore - Health Services-Environmental Health, Richard Hinchcliff - District Attorney, Richard Stefanello - Sheriff-Jail, Ron Chips - Special Districts, Terence Rooney - Mental Health, Terri Pankovich - Sheriff-Jail, Terry Norton - Sheriff-Jail and William Tinkler - Sheriff-Jail.

The following employees received keepsake boxes and certificates for twenty years of service: Anita Grant - County Counsel, Gail Woodworth - Child Support Services, James Bauman - Sheriff-Coroner, James Samples - Sheriff-Coroner, Jennifer Hammond - Administration, Kelli Brown - Assessor-Recorder, Ken Petz - Public Works-Roads and Ronnie Warren - Sheriff-Jail.

The following employees received keepsake boxes and certificates for twenty-five years of service: Donna Howard - Administration-Visitor Information Center, Lyle Swartz - Public Works-Roads, Mark Dellinger - Special Districts, Michael Owens - Sheriff-Jail, Sandra Davis - Treasurer-Tax Collector and Doug Strong - Public Works-Roads.

The following employees received keepsake boxes and certificates for thirty years of service: Carol Sewall - Probation, Cathy Saderlund - Auditor-Controller, Kenneth Rehard - Social Services and Michael Thompson - Special Districts.

After a brief recess, the Board reconvened into Regular Session at 11:35 a.m.

10. **ITEM A-16 - Consideration of proposed Resolution to amend the Adopted Budget for FY 2011-12 by making various adjustments to Budget Unit 2116-DA Asset Forfeiture (in the amount of \$20,000, for the purchase of a Forensic Extraction Device, video conferencing equipment and surveillance equipment)** - District Attorney Don Anderson presented this item to the Board.

Chair Brown asked if anyone was present wishing to speak and Sheriff Francisco Rivero spoke. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor Smith offered Resolution No. 2012-25, and it was passed by roll call vote (4 ayes, Supervisor Farrington NO).

11. **ITEM A-11 - 11:30 A.M. - Presentation of status report regarding county roads and road funding** - Public Works Director Scott De Leon and Assistant Public Works Director Lars Ewing were present.

This item was carried over to later in the day.

12. **ITEM A-10 - 11:15 A.M. - PUBLIC HEARING - Consideration of future grant applications for the Community Development Block Grant (CDBG) Program** - Chief Deputy County Administrative Officer Matt Perry and Assistant Public Works Director Lars Ewing were present.

Mr. Perry presented the staff report.

OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 6, 2012

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

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the staff recommendations, directed staff to solicit additional public input, and to move forward with the grant application process.

After a lunch recess, the Board reconvened into Regular Session at 1:36 p.m.

13. **ITEM A-12 - 1:30 P.M. - HEARING - Nuisance Abatement of 16235 Roberts Road, Middletown, CA (APN 013-054-07 - Andrzej Skwira & Ahanna Solaris)** - Community Development Director Rick Coel, Environmental Health Specialist James Scott, Andrzej Skwira, Eric Brett, Robert Hall and Tom Simoni were sworn in by the Clerk.

Mr. Coel and Mr. Scott presented the staff report.

Mr. Skwira and Mr. Brett gave testimony.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Robert Hall, and Tom Simoni.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), adopted the order to complete abatement of the nuisance on property located at 16235 Roberts Road, Middletown, CA (APN 013-054-07 - Andrzej Skwira & Ahanna Solaris), by March 19, 2012, and authorized staff to abate the nuisance if it is not voluntarily abated, all costs associated with this case will become a charge against the property, and authorized the Chair to sign the abatement order.

- BACK TO #10 - ITEM A-11 - 11:30 A.M. - Presentation of status report regarding county roads and road funding** - Public Works Director Scott De Leon, Assistant Public Works Director Lars Ewing and Phil Dow were present.

Mr. De Leon and Mr. Ewing presented the report to the Board.

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

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

After a brief recess, the Board reconvened into Regular Session at 3:49 p.m.

14. **ITEM A-14 - CLOSED SESSION - Public Employee Disciplinary Appeal No. EDA 2012-03, Gov. Code Sec. 54957** - Chair Brown asked if there was anyone present wishing to speak and the following people spoke: Shawn Hallan and Melissa Wallahan. No one else was present wishing to speak and the public input portion of this item was closed.

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 4:35 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (5 ayes), made the intended decision to affirm the Hearing Officer's recommendation, and directed County Counsel to prepare Findings of Fact.

15. **ITEM A-17 - Discussion/consideration of option, pursuant to Elections Code Section 9160, to request the preparation of a tax rate statement regarding anticipated fiscal impact of County Measure "D" - Cultivation Act of 2012 on County revenues and expenditures** - Registrar of Voters Diane Fridley and Auditor-Controller/County Clerk Cathy Saderlund presented the staff report.

No Board action was taken on this item.

16. **ITEM A-18 - 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: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9(b)(1)(A): 4 potential claims; 3. Conference with Legal Counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(a): EEOC Claim of F. Rivero; 5. Public Employee Performance Evaluation: Title: Public Works Director; 5. Appointment of Interim 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 5:55 p.m. and took the following action:

On motion of Supervisor Smith and by unanimous vote of the Board (5 ayes), appointed Kelly Cox as the Interim County Administrative Officer (CAO), on a volunteer (non paid) basis, effective March 17, 2012, with the understanding that under this appointment Mr. Cox shall retain all powers and authority of the permanent CAO position he currently holds.

There being no further business, the Board of Supervisors adjourned at 5:56 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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