

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 8, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 8th day of May, 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 Janis Paris. Following the moment of silence, Melissa Fulton 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-12.

Approved Minutes of the Board of Supervisors meeting held on May 1, 2012.

Adopted Proclamation designating the week of May 5-13, 2012, as Travel and Tourism Week.

Adopted Proclamation designating May 2012 as Perinatal Depression Awareness Month.

Approved letter of fiscal support of the Regional Medical Director position at North Coast EMS, and authorized the Chair to sign.

Approved request to waive 900 hour limit for extra help Accounting Technician Eldra King.

Waived Travel Policy requirements and approve payment of late travel claims, per the Mental Health Director's memorandum, dated April 25, 2012.

Approved request to waive 900 hour limit for extra help Client Services Assistants Cynthia Ahern and Andre Howell.

Approved First Amendment to Agreement between the County of Lake and Oak Creek Ranch Riding Academy for FY 2011-2012 rental and use of equine services, for an increase of \$3,000, and authorized the Chair to sign.

Adopted Resolution No. 2012-47, amending Resolution No. 2011-125 establishing position allocations for FY 2011-2012, Budget Unit 4014, Mental Health (deleting Deputy Director - Fiscal Administration I/II and adding Deputy Director - Fiscal Administration)

Adopt Resolution No. 2012-48, temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs (for Middletown Days events, from June 15-17, 2012).

Adopt Resolution setting rate of pay for Election Officers for the June 5, 2012 Presidential Primary Election pursuant to Section 12310 of the Elections Code.

Sitting as the Board of Directors of the Lake County Sanitation District, (a) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-472-58 - William Pomerville and Lora Pomerville), and approved Right of Way Agreement between the County of Lake and William Pomerville and Lora Pomerville for the construction of the wastewater force main sanitary sewer line; and (b) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-472-57 - Virginia Bonham), and approved Right of Way Agreement between the County of Lake and Virginia Bonham for the construction of the wastewater force main sanitary sewer line; and (c) Approved Easement Deed and directed Clerk to certify for recordation (APN 039-486-21 - Richard Brooke, Sharon Bean and Sandra Mackey), and approved Right of Way Agreement between the County of Lake and Richard Brooke, Sharon Bean and Sandra Mackey for the construction of the wastewater force main sanitary sewer line; and authorized the Chair to sign agreements.

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

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

Extra #1 - (a) Update on Section 319(h) Nonpoint Source Implementation Grant; and (b) Consideration of staff request for Board directions regarding continuation of the current research efforts to analyze various environmental variables, trace metals and nutrients, nitrogen fixations and other tests in Clear Lake - Water Resources Director Scott De Leon was present.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved taking up this item as an extra.

This item was taken up for the following reason: After the posting of the agenda, staff was notified that the anticipated grant would not be awarded. Staff requests immediate Board direction regarding the future parameters of this study.

Water Resources Director Scott De Leon presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the revised scope and directed staff to move forward with the study, as modified.

PUBLIC INPUT - Teresa Androzzi and CJ LeBrun spoke about In Home Support Services providers.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the week of May 5-13, 2012, as Travel and Tourism Week** - Supervisor Rushing read the Proclamation into the record and presented it to Melissa Fulton, who spoke.

5. **ITEM A-20 - Consideration of proposed letters to the City of Lakeport, California Department of Fish and Game and the U.S. Fish and Wildlife Service regarding citizen complaints about the recent culling of aggressive feral geese in the City of Lakeport** - Supervisor Farrington presented the item.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Cheri Holden, Erma Schafer, Robert Fairweather, Barbara Bertsch, Greg Scott and Joan Moss. 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 Brown NO) approved the letters to the City of Lakeport, California Department of Fish and Game and the U.S. Fish and Wildlife Service regarding citizen complaints about the recent culling of aggressive feral geese in the City of Lakeport, and authorized the Chair to sign.

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6. **ITEM A-6 - 9:15 A.M. - HEARING - Nuisance Abatement of 90 A Soda Bay Road, Lakeport, CA (082-093-04 - Peggy Dimauro (Visions of Avatar) - Gordon Worra)** - Community Development Director Rick Coel, Deputy County Counsel Robert Weiss, Peggy Dimauro, Fred Langston and Mitch Hauptman were present.

Mr. Coel, Mr. Langston and Joan Moss were sworn in by the Board.

Mr. Coel presented the staff report.

This item was continued to later in the day.

7. **ITEM A-7 - 9:40 A.M. - Presentation of Proclamation designating May 2012 as Perinatal Depression Awareness Month** - Supervisor Farrington read the Proclamation into the record and presented it to Jaclyn Ley, who spoke.

Many children's advocates were present.

- BACK TO #6 - ITEM A-6 - 9:15 A.M. - HEARING - Nuisance Abatement of 90 A Soda Bay Road, Lakeport, CA (082-093-04 - Peggy Dimauro (Visions of Avatar) - Gordon Worra)** - Community Development Director Rick Coel, Deputy County Counsel Robert Weiss, Peggy Dimauro, Fred Langston and Mitch Hauptman were present.

Mr. Coel continued to present the staff report.

This item was continued to later in the day.

8. **ITEM A-8 - 9:45 A.M. - Presentation of update regarding Napa-Lake Workforce Investment Board's selection of a One Stop provider for the County of Lake** - Supervisor Farrington introduced the item.

Bruce Wilson and Teresa Zimney presented the update.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Joan Moss and Candy De los Santos. 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 10:50 a.m. Supervisor Rushing was absent.

Supervisor Rushing was present at 10:52 a.m.

9. **ITEM A-10 - 10:15 A.M. - Consideration of citizen request for a letter of support to CalFire regarding restoration of access to private property within Boggs Demonstration Forest** - Karen Emerson-Ogando, Boone Lodge, CalFire State Forest Manager Gerri Finn and CalFire Chief Counsel Ginevra Chandler were present.

Ms. Emerson-Ogando presented the item to the Board.

There was Board consensus for a letter to be written to the CalFire Director and Resources Agency Secretary Laird regarding this issue and advocating for its resolution.

10. **ITEM A-9 - 10:00 A.M. Consideration of request to formally oppose Measure D** - Chair Brown introduced this item.

Modifications were made to the proposed resolution.

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

Supervisor Comstock offered Resolution No. 2012-49, and it was passed by roll call vote (5 ayes).

- BACK TO #6 - ITEM A-6 - 9:15 A.M. - HEARING - Nuisance Abatement of 90 A Soda Bay Road, Lakeport, CA (082-093-04 - Peggy Dimauro (Visions of Avatar) - Gordon Worra)** - Community Development Director Rick Coel, Deputy County Counsel Robert Weiss, Peggy Dimauro, Fred Langston and Mitch Hauptman were present.

Ms. Dimauro was sworn in by the Clerk.

Mr. Weiss directed a series of questions to Ms. Dimauro, who, at the advice of counsel, refused to answer.

Ms. Moss and Mr. Langston gave testimony.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Rushing NO), adopted the order to complete abatement of the nuisance on property located at 90 A Soda Bay Road, Lakeport, CA (APN 082-093-04 - Peggy Dimauro (Visions of Avatar) - Gordon Worra), by May 21, 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.

After a lunch recess, the Board reconvened into Regular Session at 2:00 p.m. Supervisors Smith and Farrington were absent.

11. **ITEM A-12 - Consideration of the following appointments: Building Board of Appeals** - On motion of Supervisor Comstock and by vote of the Board (5 ayes), appointed Raymond Silva to the Building Board of Appeals (District 1), for a term to expire January 1, 2013.

Supervisors Smith and Farrington were present at 2:03 p.m.

12. **ITEM A-13 - Consideration of proposed Ordinance amending Article 1 Section 5-4f.2 of Chapter Five of the Lake County Code relating to the sale, use and display of fireworks in the unincorporated area of the County of Lake (correcting typographical errors on Ordinance 2971) (SECOND READING)** - Supervisor Rushing offered Ordinance No. 2973, and it was passed by roll call vote (5 ayes).

13. **ITEM A-14 - (a) 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 Budget Transfers B-218 and B-219, from Wages and Salaries, for the purchase of a new phone system; and (c) Consideration of Agreement between the County of Lake and Nor-Cal Communications, Inc., for purchase and installation of new phone systems for Health Services** - This item was continued to later in the day.

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14. **ITEM A-16 - Consideration of proposed Agreement between the County of Lake and Western Stabilization and Agreement between the County of Lake and International Enzymes, Consulting & Distributing, for the service and materials to conduct Full Depth Recycling road reconstruction on various County roads** - Public Works Director Scott De Leon presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized the Public Works Director/Asst. Purchasing Agent to issue a purchase order to Western Stabilization, in the amount of \$43,988, and to International Enzymes, Consulting & Distributing, in the amount of \$65,510.85, for the service and materials to conduct Full Depth Recycling road reconstruction on various County roads.

15. **ITEM A-17 - Consideration of proposed Agreement between the County of Lake and Lake Family Resource Center, for Supplemental Nutrition Assistance Program Education (SNAP-Ed) Program services for FY 2012** - Social Services Director Carol Huchingson presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Lake Family Resource Center, for Supplemental Nutrition Assistance Program Education (SNAP-Ed) Program services for FY 2012, and authorized the Chair to sign.

16. **ITEM A-15 - (a) Consideration of Classification and Compensation Committee Findings and Recommendations for FY 2012-2013; and (b) Consideration of Out of Cycle Classification and Compensation Requests** - Human Resources Analyst Sarah Jansen presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, the recommendations of the Classification and Compensation Committee, and directed the Human Resources Director to begin the Meet and Confer process with the appropriate employee associations.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, the recommendations of the Classification and Compensation Committee regarding Out of Cycle Classification and Compensation, and directed the Human Resources Director to begin the Meet and Confer process with the appropriate employee associations; and authorized the implementation of these recommendations, out of the normal reclassification cycle, once Meet and Confer is completed.

- BACK TO #13 - ITEM A-14 - (a) 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 Budget Transfers B-218 and B-219, from Wages and Salaries, for the purchase of a new phone system; and (c) Consideration of Agreement between the County of Lake and Nor-Cal Communications, Inc., for purchase and installation of new phone systems for Health Services** - Information Technology Director Shane French and Health Services Fiscal Officer Denise Pomeroy were present.

This item was continued two weeks, to May 22, 2012.

17. **ITEM A-18 - (a) Consideration of request to waive the County consultant selection procedure; and (b) Consideration of proposed Agreement between the County of Lake and CH2M Hill for ozone units control system programming services for the CSA 21 - North Lakeport Water System** - Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the County consultant selection procedure, finding it would not be in the best interest of the County.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and CH2M Hill for ozone units control system programming services for the CSA 21 - North Lakeport Water System, in the amount of \$18,000, and authorized the Chair to sign.

18. **ITEM A-19 - 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 Evaluation: Social Services Director; 3. Conference with Legal Counsel - Anticipated Litigation; Significant exposure to litigation, pursuant to Government Code Section 54956.9, Subdivision (b): Armstrong v. Brown** - 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 3:45 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 3:45 p.m.

KELLY F. COX
Clerk of the Board

Chair - Lake County Board of Supervisors

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