

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD NOVEMBER 13, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 13th day of November, 2012, there being present Supervisors Jim Comstock, Jeff Smith, Denise Rushing, Anthony Farrington and Rob Brown, Interim County Administrative Officer Matt Perry, 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 Reggie Duncan and Georgia Smith. Following the moment of silence, Pati Brunetti led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 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-6, with the exception of Consent Agenda C-1, which was carried over two weeks, to November 27, 2012.

Consent Agenda Item C-1 - Approve Minutes of the Board of Supervisors meetings held on November 6, 2012 - This item was carried over two weeks, to November 27, 2012.

Adopted Proclamation designating the month of November 2012 as National Hospice Month.

Approved Agreement between the County of Lake and Anthony Wong DVM, for FY 2012-2013 veterinary services, total amount not to exceed \$80,200, (superceding previous agreement and adding veterinary services for the Community Cat Spay/Neuter Project for the Kelseyville area), and authorized the Chair to sign.

Approved First Amendment to Agreement between the County of Lake and Modesto Residential Living Center for FY 2012-13 adult residential services (reduction of total maximum compensation to \$35,000, and removal of modification clause allowing for increase to the agreement of 25% by mutual written consent of Contractor and County), and authorized the Chair to sign.

Adopted Resolution No. 2012-143, supporting a CalRecycle Grant Application and authorization for the Director of Public Works to be designated as Applicant's Official Representative.

Adopt Resolution No. 2012-144, authorizing the Chairman of the Board to approve and direct the Tax Collector to sell, at public auction via internet, tax defaulted property which is subject to the power to sell in accordance with Chapter 7 of Part 6 of Division 1 of the California Revenue and Taxation Code and approving sales below minimum price on specified cases.

2. **ITEM A-16 - Presentation of the Completed Work Summary of road maintenance projects funded by the General Fund** - Public Works Director Scott DeLeon and Deputy Public Works Director Lars Ewing were present.

Mr. Ewing presented the update.

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

PUBLIC INPUT - CJ LeBrun spoke regarding In-Home Supportive Services.

3. **ITEM A-17 - Carried over from November 6, 2012 - (a) Consideration of request to approve purchase of fixed assets: 10 Glock 17 duty weapons, 12 Glock 34 SWAT weapons, 10 Glock 17 magazines, 1 Model 40-XS .308W tactical weapon, 1 Mark 4, Leupold scope and 12 TREK 5.56mm suppressors; and (b) Consideration of request to award bids to All State Police Equipment Co. in the amount of \$6565.10, LC Action Police Supply in the amount of \$8,461.61, ProForce Law Enforcement in the amount of \$2,643.11, and GemTech in the amount of \$5624.55** - Chair Brown announced this item would be carried over two weeks, to November 27, 2012.
4. **ITEM A-18 - Consideration of policy regarding media releases and release of public information** - Chair Brown announced this item would be carried over two weeks, to November 27, 2012.
5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the month of November 2012 as National Hospice Month** - Supervisor Farrington read the proclamation into the record and presented it to Hospice Executive Director Anja Koot, who spoke.

Many members of the Hospice Services of Lake County Board of Directors were present.

6. **ITEM A-6 - 9:15 A.M. - (a) Presentation of Clear Lake Advisory Committee Quarterly Report; (b) Consideration of Board direction regarding Clear Lake Advisory Committee; and (c) Consideration of appointment to the Clear Lake Advisory Committee** - (a) Clear Lake Advisory Committee Chair Sarah Ryan presented the report.

Supervisor Brown was absent at 9:50 a.m. The gavel was passed to Vice Chair Smith.

Supervisor Brown was present at 9:58 a.m. The gavel was returned to Chair Brown.

Supervisor Comstock was absent at 10:03 a.m. and present at 10:07 a.m.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Betsy Cawn, Joan Moss, Greg Scott, Melissa Fulton and Mike Dunlap. No one else was present wishing to speak and the public input portion of this item was closed.

The Board voiced its wish to appoint CLAC members with the technical expertise needed to make recommendations to either the RMC or the Board of Supervisors in the future.

There was Board consensus to direct staff to bring recommendations regarding the reactivation of the Resource Management Committee (RMC) and regarding options for the specific role of Clear Lake Advisory Committee as a sub-committee.

7. **ITEM A-15 - Consideration of proposed Agreement between the County of Lake and BHC Sierra Vista Hospital for FY 2011-2012 and 2012-2013 psychiatric inpatient hospital services** - Behavioral Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and BHC Sierra Vista Hospital for FY 2011-2012 and 2012-2013 psychiatric inpatient hospital services, and authorized the Chair to sign.

After a brief recess, the Board reconvened into Regular Session at 10:58 a.m. Supervisor Brown was absent.

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The gavel was passed to Vice Chair Smith.

8. **ITEM A-7 - 10:00 A.M. - Presentation of Domestic Violence Services FY 2011-2012 Final Report** - Lake Family Resources Center Executive Director Gloria Flaherty presented the report to the Board.

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

9. **ITEM A-8 - 10:15 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance amending Chapter Three of the Lake County Code concerning the Commercial Weighing and Measuring Device Program and the annual registration fees for inspection and testing of weighing and measuring devices** - Agricultural Commissioner Steve Hajik presented the staff report.

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

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSENT), waived the reading of the ordinance, to be read in title only (Clerk so did).

Supervisor Brown was present at 11:05 a.m.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Brown ABSTAIN), advanced the ordinance two weeks, to November 27, 2012.

The gavel was returned to Chair Brown.

10. **ITEM A-9 - 10:30 A.M. - Consideration of proposed Lake County Weed Management Plan (covering both aquatic and terrestrial invasive weeds)** - Agricultural Commissioner Steve Hajik was present.

At staff request, this item was carried over to a future date to allow staff to update the plan further.

11. **ITEM A-10 - 10:45 A.M. - (a) Consideration of request for waiver of Construction Traffic Road Fees for Robert Cramer; and (b) Consideration of request for waiver of Construction Traffic Road Fees for Melvin and Lynn Goos** - At staff request, this item was carried over two weeks, to November 27, 2012, at 11:00 a.m.

12. **ITEM A-12 - 11:15 A.M. - Consideration of request for conceptual approval to enter into negotiations with Aramark for the provision of food services at the Lake County Jail and Juvenile Hall facilities** - Chair Brown announced this item would be carried over two weeks, to November 27, 2012, at 10:45 a.m.

ITEM A-14 - Consideration of request to send letter to state legislators requesting the repeal or amendment of AB 109 Public Safety Realignment - Chair Brown introduced this item.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved a letter, in concept, to state legislators requesting the repeal or amendment of AB 109 Public Safety Realignment, with copies sent to California State Association of Counties (CSAC) and Regional Council of Rural Counties (RCRC), and authorized all Supervisors to sign.

13. **ITEM A-11 - 11:00 A.M. - Consideration of proposed property acquisition for alternate road on Mt. Konocti** - Public Services Director Caroline Chavez presented the staff report.

Chair Brown asked if anyone was present wishing to speak and Tom Nixon 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) appointed Supervisor Brown, Interim County Administrative Officer Matt Perry, County Counsel Anita Grant, Public Services Director Caroline Chavez and Right of Way Agent Kurt Ackerman to proceed with the negotiations of the property acquisition for an alternate road on Mt. Konocti.

Chair Brown was absent at 11:30 a.m. The gavel was passed to Vice Chair Smith.

14. **ITEM A-19 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, M. Perry, J. Hammond and A. Flora; and (b) Employee Organization: DDAA, LCCOA and LCEA 2. Conference with Legal Counsel: Consideration of Whether to Initiate Litigation Pursuant to Government Code Sec. 54956.9 (c), by intervening *In the Matter of the Application of California Water Service Company (U-60-w)* before CPUC, Application 12-07-007 3. Conference with Legal Counsel: Consideration of Whether to Initiate Litigation Pursuant to Government Code Sec. 54956.9(c), by joining in the Qui Tam Lawsuit Filed Under Seal - *Plaintiff Under Seal v. Defendant Under Seal* 4. Conference with Legal Counsel: Consideration of Whether to Initiate Litigation Pursuant to Government Code Sec. 54956.9(c) against Roy Fields 5. Conference with Legal Counsel: Existing Litigation Pursuant to Government Code Sec. 54956.9(a) - *Beland v. County of Lake* 6. Conference with Legal Counsel: Decision Whether to Initiate Litigation Pursuant to Government Code Sec. 54956.9c - *Howard Jarvis Taxpayers Association et al. v. California Department of Forestry and Fire Protection, et al.* - Vice Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.**

Supervisor Brown was present at 11:45 a.m.

The Board reconvened into Regular Session at 12:17 p.m. and took the following action:

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Rushing ABSTAIN), seeks to join in the matter of *Howard Jarvis Taxpayer Assn., et al. v. California Department of Forestry and Fire Protection, et al.*, challenging the legality of the recently imposed fire protection fees.

On motion of Supervisor Smith and by vote of the Board (5 ayes), in the matter of *California Water Service Company*, authorizing it to increase rates for water service, Application 12-07-007, the County moves for party status in order to participate in this proceeding.

On motion of Supervisor Smith and by vote of the Board (5 ayes), authorized County Counsel to initiate legal action against Roy Fields to terminate his tenancy at Holiday Harbor.

There being no further business, the Board of Supervisors adjourned at 12:19 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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