

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD OCTOBER 9, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 9th day of October, 2012, there being present Supervisors Jim Comstock, 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. Supervisor Jeff Smith was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Brown. Following a moment of silence, Assistant Clerk of the Board Mireya Turner 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 (4 ayes, Supervisor Smith ABSENT), approved Consent Agenda items C-1 through C-5.

Approved Minutes of the Board of Supervisors meeting held on October 2, 2012.

(a) Adopted Proclamation designating the week of October 7 - 13, 2012, as National 4-H Week.

Adopted Resolution No. 2012-128, amending Resolution No. 2012-107 establishing new classifications and position allocations for Fiscal Year 2012-2013 (correcting typographical errors).

(a) Approved purchase of six (6) bridge funding applications for bridge projects (project locations: Wardlaw Street, Middletown, three on Bartlett Springs Road, Lucerne, Witter Springs Road, Upper Lake and Big Canyon Road, Middletown); and (b) Authorize the Public Works Director/Asst. Purchasing Agent to issue Purchase Order to Quincy Engineering, Inc., in the amount of \$18,000, for the preparation of six Federal Highway Bridge Program (HBP) application and project study reports.

Adopted Resolution No. 2012-129, authorizing transfer of loan reserve funds in the amount of \$35,553 to cover loan payment due by CSA #21 - North Lakeport.

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

Extra #1 - Consideration of request to approve submittal of construction funding application through the California Department of Public Health, for CSA #20 Soda Bay water system improvement - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved taking up this item as an extra.

This item was taken up for the following reason: Staff was informed of a change of the due date for a funding application after the posting of the agenda. The application will be due before the next meeting.

Supervisor Rushing offered Resolution No. 2012-130, and it was passed by roll call vote (4 ayes, Supervisor Smith ABSENT).

3. **ITEM A-13 - Consideration of proposed Findings of Fact and decision regarding the Appeal of Old Muddy II - AB 12-02** - Chair Brown announced he would abstain from action on this item.

County Counsel Anita Grant presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisor Brown ABSTAIN, Supervisor Smith ABSENT), approved the Findings of Fact and authorized the Chair to sign.

On motion of Supervisor Comstock and by vote of the Board (3 ayes, Supervisor Brown ABSTAIN, Supervisor Smith ABSENT), denied the appeal.

4. **ITEM A-12 - Consideration of proposed resolution amending Resolution No. 2012-107, amending position allocation for Fiscal Year 2012-2013 in BU 2703 (addition of one Animal Control officer position)** - Interim County Administrative Officer Matt Perry presented the staff report.

Supervisor Farrington offered Resolution No. 2012-131, and it was passed by roll call vote (4 ayes, Supervisor Smith ABSENT).

5. **ITEM A-5 - 9:10 A.M. - Presentation of Pacific Gas and Electric (PG&E) Smart Energy Rebate for energy savings** - Pacific Gas and Electric Governmental Liaison Justin Real and Energy Solutions and Services Representative Robert Cherry presented the rebate to Public Services Director Caroline Chavez.

6. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Protest Hearing for the Proposed Establishment of County Service Area (CSA) #23 - "Zone R" (Road Benefit Zone - Chippewa South), and imposing of assessments** - Public Works Director Scott DeLeon presented the staff report.

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

Chair Brown announced the unofficial ballot totals were 96 in support, and 93 against the measure.

This item was continued two weeks, to October 23, 2012, for final presentation of the ballot tally and approval of the formation of Zone R and assessment for road maintenance.

7. **ITEM A-14 - Consideration of proposed Agreement between the County of Lake and GHD Inc., for engineering services for two (2) bridge replacement and rehabilitation projects in Lake County (Clover Creek Bridge and Middle Creek Bridge, Upper Lake)** - Public Works Director Scott DeLeon presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved the Agreement between the County of Lake and GHD Inc., for engineering services for two (2) bridge replacement and rehabilitation projects in Lake County (Clover Creek Bridge and Middle Creek Bridge, Upper Lake), for an amount not to exceed \$767,000, and authorize the Chair to sign.

8. **ITEM A-11 - Consideration of amended Light Duty Policy** - Interim County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Smith ABSENT), adopted the amended Temporary Light Duty Policy.

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9. **ITEM A-7 - 9:30 A.M. - HEARING - Nuisance Abatement Assessment confirmation and proposed recordation of Notice of Lien in the amount of 8,402.36 - 1956 Big Valley Road, Finley, CA (APN 024-211-20 - Cassandra Murphy)** - Community Development Director Rick Coel was sworn in by the Clerk, and presented the staff report.

Neither the property owner, nor a representative was present.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Smith ABSENT), confirmed the assessment of \$8,402.36, for summary nuisance abatement on property located at 1956 Big Valley Road, Finley, CA (APN 024-211-02 - Cassandra Murphy), pursuant to Lake County Ordinance Code, Chapter 13, Section 13-43.

10. **ITEM A-8 - 9:40 A.M. - PUBLIC HEARING - Consideration of recommendations for allocation of Supplemental Law Enforcement Services Funds (SLESF)** - Captain Chris Macedo and Administrative Manager MaryBeth Strong were present.

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

On motion of Supervisor Comstock and by vote of the Board (4 ayes, Supervisor Smith ABSENT), approved the allocation of Supplemental Law Enforcement Services Funds (SLESF), as recommended in Sheriff Rivero's memo dated September 19, 2012.

After a brief recess, the Board reconvened into Regular Session at 9:45 a.m.

11. **ITEM A-9 - 9:45 A.M. - Presentation of Proclamation designating the week of October 7 - 13, 2012, as National 4-H Week** - Chair Brown read the Proclamation into the record and presented it to UC Extension 4-H Coordinator Julie Frazell. Many 4-H members and their parents were present.

12. **ITEM A-15 - 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: Existing Litigation pursuant to Government Code Sec. 54956.9(a): Estate of Hatfield v. County of Lake, et al 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9 (a): Dinius v. County of Lake** - 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 10:14 a.m. and took the following action:

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Smith ABSENT), in the matter of the Hatfield v. County of Lake, et al., approved the settlement as to the named employees of the Sheriff's Department, the former Sheriff, and the County as to the Plaintiff's claims against the Sheriff's Department in the amount of \$630,000.

There being no further business, the Board of Supervisors adjourned at 10:15 a.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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