

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 18, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 18th day of September, 2012, there being present Supervisors 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. Supervisor Comstock was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Brown. A moment of silence was dedicated to the memory of Kim Medina Olson. Following the moment of silence, Supervisor Farrington 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 Comstock ABSENT), approved Consent Agenda items C-1 through C-4.

Approved Minutes of the Board of Supervisors meeting held on September 11, 2012.

Adopted Resolution No. 2012-112, authorizing Grant Project - Lake County Victim-Witness Assistance Program.

Adopted Resolution No. 2012-113, declaring County property surplus to the needs of the County and authorizing Purchasing Agent to sell said property (one 2006 Dodge Sprinter 2500 SHC Super High Roof Cargo Van).

Approved the submittal of the Anti-Drug Abuse (ADA) Grant to the California Emergency Management Agency, for the amount of \$110,511 (allocation of funds to be determined).

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 - Consideration of proposed credit application for the Central Dispatch Server and Network Infrastructure upgrade - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved taking up this item as an extra.

This item was taken up for the following reason: The request for a credit application from the vendor was received by staff after the posting of the agenda and must be considered by the Board before the next meeting.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the Lilien LLC credit application for the Central Dispatch Server and Network Infrastructure upgrade, and authorized the Chair to sign.

4. **ITEM A-9 - Consideration of the following appointments: Clear Lake Advisory Committee** - At Chair Brown's request, this item was carried over two weeks, to October 9, 2012.

5. **ITEM A-5 - 9:15 A.M. - Consideration of proposed Public Safety Realignment Implementation Plan Revision** - Chief Probation Officer Rob Howe presented the staff report.

On motion of Supervisor Smith and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the Public Safety Realignment Implementation Plan Revision, as presented.

6. **ITEM A-10 - 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 2. Public Employee Performance Evaluation: Title: Child Support Services Director 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9 (a): Dinius v. County of Lake 4. Conference with Legal Counsel: Pending Litigation Decision Whether to Initiate Litigation Pursuant to Government Code Section 54956.9(c): One Potential Case 5. Conference with Legal Counsel: Substantial Threat of Litigation pursuant to Government Code Section 54956.9 subd. (b)(3)(c): Fowler v. County of Lake, et al.** - 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 9:42 a.m. with no action taken.

7. **ITEM A-6 - 9:30 A.M. - (a) Consideration of the Feasibility Study for the proposed South Lakeport Water System; and (b) Consideration of proposed letter to the City of Lakeport regarding the City's proposed annexation and related water services issues; and (c) Consideration of proposed Letter to City of Lakeport regarding agreement between the County and the City to allow sewer service from Lampson Airfield to City of Lakeport Wastewater Treatment Facility** - Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger were present.

(a) Mr. Dellinger presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Sarah Ryan and Richard Knoll.

(b) Interim County Administrative Officer Matt Perry presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Mark Brannigan and Scott Harter.

After a brief recess, the Board reconvened into Regular Session at 11:15 a.m. and Chris Macedo spoke.

Amendments were made to the proposed letter.

(c) Supervisor Farrington introduced this portion of the item.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Damon Trimble and Scott Harter. No one else was present wishing to speak and the public input portions of this item were closed.

Amendments were made to the proposed letter.

(a) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), directed staff to further consider environmental concerns regarding the Feasibility Study, contingent upon the position of the City of Lakeport regarding the extension of the South Lakeport water main line.

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(b) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the letter to the City of Lakeport regarding the City's proposed annexation and related water services issues, as amended, and authorized all Supervisors to sign.

(c) On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the Letter to City of Lakeport regarding agreement between the County and the City to allow sewer service from Lamson Airfield to City of Lakeport Wastewater Treatment Facility, as amended, and authorized all Supervisors to sign.

8. **ITEM A-7 - 10:30 A.M. - (a) Consideration of appointment of the Jones and Mayer law firm as outside legal counsel for Sheriff Francisco Rivero; and (b) Consideration and determination of the fee structure and source of funding - Sheriff Rivero was present.**

County Counsel Anita Grant presented the staff report.

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

There was Board consensus to direct staff to compose a letter to District Attorney Anderson, urging him to expeditiously resolve the ongoing Brady issue involving Sheriff Rivero.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisor Brown NO, Supervisor Comstock ABSENT), approved the retention of the law firm of Jones & Mayer to represent Sheriff Rivero in regard to the Brady determination to be made by District Attorney Anderson, with an initial maximum contract amount of \$6500, and directed staff to present the proposed agreement to the Board for final approval.

On motion of Supervisor Farrington and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), identified the Local Assistance for Rural and Small County Law Enforcement funds as the appropriate funding source, and directed staff to take any necessary action to allow for the appropriation of these funds.

The proposed letter and agreement have been scheduled on the September 25, 2012 agenda.

BACK TO #6 - ITEM A-10 - 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 2. Public Employee Performance Evaluation: Title: Child Support Services Director 3. Conference with Legal Counsel: Existing Litigation pursuant to Government Code Sec. 54956.9 (a): Dinius v. County of Lake 4. Conference with Legal Counsel: Pending Litigation Decision Whether to Initiate Litigation Pursuant to Government Code Section 54956.9(c): One Potential Case 5. Conference with Legal Counsel: Substantial Threat of Litigation pursuant to Government Code Section 54956.9 subd. (b)(3)(c): Fowler v. County of Lake, et al. - Chair Brown announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session with no action taken at 12:44 p.m.

There being no further business, the Board of Supervisors adjourned at 12:44 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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