

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD SEPTEMBER 25, 2012

The Honorable Board of Supervisors of Lake County, California, met in regular session this 25th day of September, 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. Following a moment of silence, Lakeport Fire Chief Ken Wells 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-14, with the exception of Consent Agenda Items C-1 and C-12, which will be taken up immediately following the Consent Agenda, and Consent Agenda Items C-9, C-10 and C-11, which were carried over one week, to October 2, 2012.

Consent Agenda C-1 - Approve Minutes of the Board of Supervisors meetings held on August 29 and September 18, 2012 - This item was taken up immediately following the Consent Agenda.

Adopted Resolution No. 2012-114, approving the application of the Lake County Arts Council for the California Arts Council Grant and authorizing the execution of the grant contract.

Adopted Resolution No. 2012-115, authorizing funding of Grant Project - Lake County DUI Intensive Response Team.

Adopted Resolution No. 2012-116, amending Resolution No. 2012-107 establishing position allocations to conform to the Adopted Budget for Fiscal Year 2012-2013 (establishing one Information Systems Analyst I and one Nurse Practitioner/Physician Assistant position).

Approved the 2011-2012 Annual Report from the Lake County Library Advisory Board.

Adopted Resolution No. 2012-117, approving the application for grant funds from the Habitat Conservation Fund Program.

Adopted Resolution No. 2012-118, approving the application for grant funds from the Land and Water Conservation Fund.

Consent Agenda Item C-8 - Approve First Amendment to Agreement between the County of Lake and Chapel of the Lakes (adding fees for cremated remains scattered at sea), and authorize the Chair to sign - This item was carried over one week, to October 2, 2012.

Consent Agenda Item C-9 - Approve Third Amendment to Agreements between the County of Lake and Jones Mortuary, Jones and Lewis Mortuary and Chapel of the Lakes Mortuary (adding transportation fees for indigent deceased residents at the San Francisco Medical Examiner's Office), and authorize the Chair to sign - This item was carried over one week, to October 2, 2012.

Consent Agenda Item C-10 - Approve First Amendment to Agreement between the County of Lake and County of Sacramento for FY 2012/13 forensic pathology services (an increase of \$30,000), and authorize the Chair to sign - This item was carried over one week, to October 2, 2012.

Approved Second Amendment to Agreement between the County of Lake and Wilbur H. Dixon dba MGI-Madeira Group International, for pre-employment background investigations (an increase of \$25,000 and addition of termination date), and authorized the Chair to sign.

Consent Agenda Item C-12 - Adopt Resolution amending Resolution No. 2012-106 to amend the Adopted Budget for FY 2012-13 by cancelling Obligated Fund balance to make available for specific appropriations in Budget Unit 2206, decreasing appropriations in BU 2202, and increasing appropriations in BU 2704 (in the amount of \$42,180, for the purchase of computer equipment and software and to transfer \$59,796 from BU 2022 to BU 2704 for the purchase of dispatch equipment) - This item was taken up immediately following the Consent Agenda.

Adopted Resolution No. 2012-119, amending Resolution No. 2012-106 to amend the Adopted Budget for FY 2012-13 by cancelling Obligated Fund balance to make available for specific appropriation in Budget Unit 2214 (in the amount of \$34,000, for remodeling the Narcotic Task Force's facility and ongoing K-9 certification fees).

Adopted Resolution No. 2012-120, amending Resolution No. 2012-107 establishing position allocations for FY 2012/2013, Budget Unit No. 5115, OJT Training (eliminating one Parks Maintenance Worker Trainee and addition one Public Works Worker Trainee position).

Consent Agenda C-1 - Approve Minutes of the Board of Supervisors meetings held on August 29 and September 18, 2012 - At departmental request, the August 29, 2012 Minutes were removed from the agenda.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Minutes of the Board of Supervisors meeting held on September 18, 2012.

Consent Agenda Item C-12 - Adopt Resolution amending Resolution No. 2012-106 to amend the Adopted Budget for FY 2012-13 by cancelling Obligated Fund balance to make available for specific appropriations in Budget Unit 2206, decreasing appropriations in BU 2202, and increasing appropriations in BU 2704 (in the amount of \$84,360, for the purchase of computer equipment and software and to transfer \$59,796 from BU 2022 to BU 2704 for the purchase of dispatch equipment) - Interim County Administrative Officer Matt Perry noted amendments made to the proposed resolution.

Supervisor Smith offered Resolution No. 2012-121, and it was passed by roll call vote (5 ayes).

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 request for temporary funding the purchase of several properties in the Middle Creek Restoration Project - On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved taking up this item as an extra.

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This item was taken up for the following reason: Last week, staff was informed that the State of California was required updated environmental review as a condition for closing pending escrows, now in Week 8. It is imperative the Board give staff direction regarding this item before the next meeting.

This item will be taken up later in the day.

PUBLIC INPUT - Rhonda Straub spoke regarding Suicide Prevention Month.

Lorrie Gray spoke regarding the Make A Difference Day - Stuff-a-Bus event.

4. **ITEM A-5 - 9:15 A.M. - (a) Update on emergency action taken August 21, 2012 regarding the Wye and Walker fires (Continued from September 4, 2012); and (b) Discussion/consideration of coordinated County response to the recent wildfire incidents and recommendations to improve County preparation for future emergencies** - Captain Chris Macedo and Lake County Fire Chief/OES Coordinator Willie Sapeta were present.

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

Supervisor Rushing offered Resolution No. 2012-122, and it was passed by roll call vote (5 ayes).

(b) Deputy County Administrative Officer Debra Sommerfield and Interim County Administrative Officer Matt Perry presented the staff report.

Captain Macedo presented a summary of the coordinated County response to the recent wildfire incidents.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Monte Winters and Greg Scott. 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 negotiate and execute an agreement with an outside contractor to assess the Office of Emergency Services organizational structure and other areas, for options for improvement.

After a brief recess, the Board reconvened into Regular Session at 10:06 a.m.

The Board convened concurrently as the Watershed Protection District Board of Directors.

- BACK TO #3 - Consideration of request for temporary funding the purchase of several properties in the Middle Creek Restoration Project** - Water Resources Director Scott DeLeon presented the staff report.

Chair Brown asked if anyone was present wishing to speak and the following people spoke: Corrina Jolly, Robert Sterling and Kevin Morrell. No one else was present wishing to speak and the public input portion of this item was closed.

Supervisor and Director Rushing offered Resolution No. 2012-123, and it was passed by roll call vote (5 ayes).

On motion of Supervisor and Director Rushing and by vote of the Board (5 ayes), directed staff to prepare a loan agreement, with repayment due on December 15, 2012, in the amount of \$913,350, and authorized the Chair to sign.

On motion of Supervisor and Director Rushing and by vote of the Board (5 ayes), authorized the Public Works Director to take all actions necessary to finalize the purchases.

The Watershed Protection District Board of Directors adjourned and continued as the Board of Supervisors.

5. **ITEM A-7 - Consideration of proposed response to the FY 2011-12 Grand Jury Final Report** - Interim Deputy County Administrative Officer Alan Flora presented the staff report.

Amendments were made to the proposed response.

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.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the FY 2011-12 Grand Jury Final Report.

6. **ITEM A-8 - Consideration of appointments of a Director and Alternate to the California State Association of Counties (CSAC) Board of Directors for 2012-2013** - On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Supervisor Farrington as Director and Supervisor Comstock as Alternate to the California State Association of Counties (CSAC) Board of Directors for 2012-2013.

7. **ITEM A-9 - (a) Consideration of proposed Agreement for professional services between the County of Lake and Jones & Mayer for the legal representation of Sheriff Rivero (initial maximum contract amount of \$6500); and (b) Consideration of proposed letter to District Attorney Anderson urging him to expeditiously resolve the ongoing Brady issue involving Sheriff Rivero** - 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.

On motion of Supervisor Farrington and by vote of the Board (3 ayes, Supervisors Comstock and Brown NO), approved the Agreement for professional services between the County of Lake and Jones & Mayer for the legal representation of Sheriff Rivero (initial maximum contract amount of \$6500), and authorized the Vice Chair to sign.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter to District Attorney Anderson urging him to expeditiously resolve the ongoing Brady issue involving Sheriff Rivero, and authorized all Supervisors to sign.

Supervisor Rushing offered Resolution No. 2012-124, and it was passed by roll call vote (5 ayes).

8. **ITEM A-10 - Consideration of request to approve out of state travel for Detective Dennis Keithly to attend the 2012 Clan Lab Certification Laboratory Training in Quantico, Virginia, from October 1-5, 2012** - Captain Chris Macedo presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved out of state travel for Detective Dennis Keithly to attend the 2012 Clan Lab Certification Laboratory Training in Quantico, Virginia, from October 1-5, 2012.

9. **ITEM A-11 - 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 LCAA 2. Conference with Legal Counsel: Pending Litigation Decision Whether to Initiate Litigation Pursuant to Government Code Section 54956.9(c): One Potential Case** - 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 12:15 p.m .

There being no further business, the Board of Supervisors adjourned at 12:15 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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