

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD APRIL 2, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 2nd day of April, 2013, there being present Supervisors Jim Comstock, Denise Rushing, Anthony Farrington, Rob Brown and Jeff Smith, County Administrative Officer Matt Perry, County Counsel Anita Grant and Assistant Clerk of the Board Mireya Turner.

The meeting was called to order at 9:02 a.m. by Chair Smith. Following a moment of silence, Supervisor Comstock 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 Comstock and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-6.

Approved Minutes of the Board of Supervisors meeting held on March 26, 2013.

(a) Adopted Certificates of Commendation to Lt. Chris Chwialkowski, Deputy Nick La Velle, EMT Laura Carr, Doug Arnold and Frank Haas for their lifesaving efforts during a water rescue; (b) Adopted Proclamation designating April 2013 as Alcohol Awareness Month; and (c) Adopted Proclamation designating April 2013 as Sexual Assault Awareness Month

(a) Adopted Footwear Policy for Community Development Department Inspection staff and amend Exhibit A of Uniform and Clothing Purchase Policy; and (b) Approved reimbursement of \$329.14 for purchase of footwear in March 2013 in anticipation of policy adoption.

Adopted Resolution No. 2013-26, approving the Medi-Cal Administrative Activities (MAA) Provider Participation Agreement between the County of Lake and the California Department of Health Services for Fiscal Years 2013/2014 through 2015/2016 and authorizing the Director of Health Services to sign.

Adopted Resolution No. 2013-27, approving the application of the Lake County Arts Council for the California Arts Council Grant and authorizing the execution of the grant contract.

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

3. **ITEM A-4 - Current Construction Projects - Contract Change Orders:**

Change Order No. 1 - Spring Valley Water Treatment System Improvements Project - This change order addresses the following items:

- Revised design of bolted steel tank foundation
- Extend conduit and conductors for weir structure relocation
- Filter float switch wiring revisions
- Replace existing power distribution block
- Additional slide gate conduit and wire
- Value engineering proposal-raw water pump station
- Value engineering proposal-clearwell tank and overflow changes

Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved Change Order No. 1 - Spring Valley Water Treatment System Improvements Project, for a deduction of \$579, and authorized the Chair to sign.

4. **ITEM A-13 - Consideration of proposed letter of support for SB 740 (Padilla), proposing modifications to the California Advanced Service Fund to support broadband infrastructure in the most remote areas of the state** - Supervisor Rushing introduced this item.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the letter of support for SB 740 (Padilla), proposing modifications to the California Advanced Service Fund to support broadband infrastructure in the most remote areas of the state, and authorized all Supervisors to sign.

5. **ITEM A-9 - Supervisors' weekly calendar, travel and reports** - On motion of Supervisor Brown and by vote of the Board (5 ayes), authorized out of County travel for Supervisor Rushing to Sacramento on February 3, 2013, to meet with state officials regarding asset distribution of former Redevelopment Agency assets.

6. **ITEM A-5 - 9:10 A.M. - (a) Presentation of Certificates of Commendation to Lt. Chris Chwialkowski, Deputy Nick La Velle, EMT Laura Carr, Doug Arnold and Frank Haas for their lifesaving efforts during a water rescue; (b) Presentation of Proclamation designating April 2013 as Alcohol Awareness Month; and (c) Presentation of Proclamation designating April 2013 as Sexual Assault Awareness Month** - Portion (a) of this item was carried over one week, to April 9, 2013, at 9:10 a.m.

(b) Supervisor Comstock read the Proclamation into the record and presented it to Mental Health Director Kristy Kelly and Prevention Coordinator Jim Gessner, who spoke.

(c) Supervisor Rushing read the Proclamation into the record and presented it to Gloria Flaherty. Many advocates were present.

7. **ITEM A-6 - 9:15 A.M. - PUBLIC HEARING - Consideration of Appeal to the Board of Supervisors (AB 13-01) of the Planning Commission's decision to approve the Use Permit Time Extension (UPX 12-02) of Use Permit (UP 85-27) for a thirty year time extension allowing continued operations of an existing steamfield** - Community Development Director Rick Coel, Assistant Resource Planner Will Evans, Hamilton Hess, David Coleman, Robert Stark, Joan Moss, Randall Fung, Melissa Fulton and Linda Fung were sworn in by the Clerk.

Mr. Evans presented the staff report.

Mr. Hess and Mr. Coleman gave testimony. Appellant's Counsel Marsha Burch spoke.

Chair Smith opened the public hearing and the following people spoke: Robert Stark, Joan Moss, Randall Fung, Melissa Fulton and Linda Fung. No one else was present wishing to speak and the public hearing was closed.

Bottle Rock Power Counsel Kristin Castas spoke.

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On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Rushing NO), made the intended decision to deny the appeal and directed County Counsel to prepare Findings of Fact.

After a brief recess, the Board reconvened into Regular Session at 11:22 a.m.

8. **ITEM A-7 - 10:45 A.M. - Consideration of request for Board direction regarding the retention of a consultant to assist with emergency medical services planning** - Health Services Director Jim Brown and County Health Officer Karen Tait, MD presented the staff report.

There was Board consensus to direct staff to issue a Request for Proposals (RFP) to assist with emergency medical services planning.

9. **ITEM A-8 - 11:15 A.M. - Consideration of request for Board direction regarding the establishment of a Marijuana/Environmental Law Prosecution and Recovery of Eradication Costs Unit** - District Attorney Don Anderson and Deputy Probation Officer Dennis Reynolds were present.

District Attorney Anderson presented the staff report.

Mr. Reynolds gave a power point presentation.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Lakeport Police Chief Brad Rasmussen and Phil Murphy. 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), directed staff from the Administrative Office, Community Development, County Counsel and District Attorney's office to work together to develop a plan for civil prosecution of environmental crimes which would (a) identify the environmental prosecutor and investigator positions; (b) identify the best sources of initial seed funding, the budget and the timing of the cash flow; (c) identify the organizational structure; (d) identify ways to evaluate the effectiveness of program; and (e) identify options for environmental damage repair.

10. **ITEM A-10 - Consideration of proposed Agreement with Ruzicka Associates for final design of 8-inch water main for South Main Street/Soda Bay Road Widening Project** - Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Agreement with Ruzicka Associates for final design of 8-inch water main for South Main Street/Soda Bay Road Widening Project, and authorized the Chair to sign.

11. **ITEM A-11 - Consideration of proposed Letter of Opposition to State Assembly Member Perea regarding AB 145 (Perea): Proposal to move the State's Drinking Water Program from the California Department of Public Health to the State Water Resources Control Board** - Special Districts Administrator Mark Dellinger presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Letter of Opposition to State Assembly Member Perea regarding AB 145 (Perea): Proposal to move the State's Drinking Water Program from the California Department of Public Health to the State Water Resources Control Board, and authorized the Special Districts Administrator to sign.

12. **ITEM A-12 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, M. Perry, and A. Flora; and (b) Employee Organization: DDAA, DSA, LCCOA, LCEA and LCSEA 2. Conference with legal counsel: Decision to initiate litigation pursuant to Gov. Code Sec 54956.9(d)(4): Michael Fowler and Emily Ford v. County of Lake, et al., Case No. CV412464** - Chair Smith announced the Board would now go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 1:02 p.m. and took the following action:

In the matter of Michael Fowler and Emily Ford v. County of Lake, et al., Case No. CV412464, on motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized the County to file a cross-complaint to seek a judicial determination of the County's rights under easements granted by and to the Fowlers.

There being no further business, the Board of Supervisors adjourned at 1:03 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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