

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD FEBRUARY 5, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5th day of February, 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 9:00 a.m. by Chair Smith. A moment of silence was dedicated to the memory of Lower Lake resident Jesse Meldrum. Following the moment of silence, Roger Sciutto 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-8, with the exception of Consent Agenda Item C-5, which was taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meetings held on January 22, 2013.

Adopted Proclamation designating the month of February 2013 as Black History Month and celebrating Martin Luther King's Birthday.

Approved letter of support of Caltrans District 1's "Climate Change Adaptation Pilot Strategy for Northwest California" pilot project application, and authorized the Chair to sign.

Approved issuance of notification to the Konocti School District that the County of Lake will not authorize the issuance of Tax and Revenue Anticipation Notes on the District's behalf.

Consent Agenda Item C-5 - Approve Agreement between the County of Lake and Pacific Education Services for low level misdemeanor diversion program services (at no cost to the County), and authorize the Chair to sign - This item was removed from and taken up directly following the Consent Agenda.

Adopted Resolution No. 2013-08, to appropriate unanticipated revenue for the County of Lake Health Services Department (\$18,000 from sale of 2006 Dodge Sprinter Cargo Van to purchase Microsoft Office license upgrades).

Adopted Resolution No. 2013-09, approving a request from Lake County Health Services Department to submit a grant application for the California Tobacco Program for Fiscal Year 2013-2014 and authorizing the Director of Health Services to sign said application and grant.

Approved First Amendment to Facility Space Licence Agreement between the County of Lake and Lake County Community Radio, Inc. (updating the location of the equipment and terms of the lease), and authorized the Chair to sign.

Consent Agenda Item C-5 - Approve Agreement between the County of Lake and Pacific Education Services for low level misdemeanor diversion program services (at no cost to the County), and authorize the Chair to sign - On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement between the County of Lake and Pacific Education Services for low level misdemeanor diversion program services (at no cost to the County), and authorized the Chair and District Attorney to sign.

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'Brian presented one canine currently available for adoption.
3. **ITEM A-15 - Consideration of appointments to the following: Animal Care and Control Advisory Board** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Eliza Wingate to the Animal Care and Control Advisory Board for a term to expire January 1, 2015.

PUBLIC INPUT - Ceva Giumelli spoke regarding In Home Supportive Services workers.

Joe Wildman spoke regarding public expression.

Phyllis Hoffman spoke regarding concerns of seniors and the disabled population of Lake County.

4. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the month of February 2013 as Black History Month and celebrating Martin Luther King's Birthday** - Supervisor Rushing read the Proclamation into the record and presented it to Roger Sciutto and Dr. John Zebelean, who spoke.

The Board of Supervisors adjourned and convened as the Lake County Local Board of Equalization. The gavel was passed to Local Board of Equalization Chair Farrington.

5. **ITEM A-6 - 9:15 A.M. - Assessment Appeal Hearing:**

Barry Shaffer - Application No. 316-2010 - 65 Konocti Avenue, Lakeport, CA (APN 025-573-040-000) - Assessor-Recorder Doug Wacker, Chief Deputy Assessor-Recorder Debbie Olson and Barry Shaffer were sworn in by the Clerk.

Mr. Shaffer presented his appeal.

Ms. Olson presented the staff report.

This item was continued one week, to February 12, 2013, at 11:30 a.m.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors. The gavel was returned to Chair Smith.

6. **ITEM A-7 - 9:45 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance establishing a fee schedule for Driving-Under-The-Influence Programs** - Behavioral Health Director Kristy Kelly presented the staff report.

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 (5 ayes), waived the reading of the ordinance, to be read in title only (Clerk so did).

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On motion of Supervisor Farrington and by vote of the Board (5 ayes), advanced the ordinance one week, to February 12, 2013.

7. **ITEM A-19 - Consideration of request to approve out-of-state travel for Business Software Analyst Kelly Larsen to attend the Anasazi Software National Alliance Forum in Tempe, Arizona, from February 24 through March 1, 2013** - Behavioral Health Director Kristy Kelly presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved out-of-state travel for Business Software Analyst Kelly Larsen to attend the Anasazi Software National Alliance Forum in Tempe, Arizona, from February 24 through March 1, 2013.

After a brief recess, the Board of Supervisors reconvened into Regular Session at 10:31 a.m.

8. **ITEM A-8 - Continued from January 8, 2013 - 10:00 A.M. - (a) Consideration of request to waive the Policy regarding automated voicemail systems; and (b) Consideration of request to approve the development of an automated voicemail system for the Animal Care and Control Department** - Animal Care and Control Director Bill Davidson and Account Clerk Trish Wingler were present.

Mr. Davidson presented the staff report.

Chair Smith asked if anyone was present and Edwina Young spoke. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to add the option of the caller remaining on hold, if desired, and to monitor this system closely for its effect on the number of calls routed to the Sheriff's Office.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), waived the Policy regarding automated voicemail systems and approved the development of an automated voicemail system for the Animal Care and Control Department, with the additions listed above.

9. **ITEM A-9 - Continued from January 15, 2013 -10:15 A.M. - (a) Presentation of Clear Lake Advisory Committee Annual Report; (b) Consideration of proposed 2013 Work Plan; (c) Presentation of regarding reformation of Resource Management Committee (RMC) and (d) Consideration of appointments to the Clear Lake Advisory Committee** - Clear Lake Advisory Committee Chair Sarah Ryan presented the annual report and work plan.

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

(a) and (b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Clear Lake Advisory Committee Annual Report and the 2013 Work Plan.

(c) County Counsel Anita Grant presented the staff report.

No action was taken on this portion of this item, pending the outcomes of the Total Maximum Daily Load (TMDL) Stakeholders meeting and LAFCO Municipal Service Review.

(d) On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Mark Burkdoll (Water Quality), for a term to expire January 1, 2015.

10. **ITEM A-11 - 11:00 A.M. - Consideration of proposed Agreement between the County of Lake and Aramark Correctional Services, LLC., for food services at the Lake County Jail and Juvenile Hall facilities** - Undersheriff Pat Turturici, Captain Chris Macedo and Administrative Manager MaryBeth Strong were present.

Undersheriff Turturici presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Gerry Morehouse, Jim Hendrickson, Heddie Hendrickson and Joan Moss. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Brown and by vote of the Board (3 ayes, Supervisors Comstock and Rushing NO), approved, in concept, the Agreement between the County of Lake and Aramark Correctional Services, LLC., for food services at the Lake County Jail and Juvenile Hall facilities.

After a lunch recess, the Board reconvened into Regular Session at 1:33 p.m. Supervisor Brown was absent.

11. **ITEM A-16 - Consideration of recommendations from the Classification and Compensation Committee regarding: (a) adjustment of salaries of licensed professional staff in the Health Services Department; and (b) reclassification of Public Works Service Technician to Senior Accounting Technician** - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the recommendations from the Classification and Compensation Committee regarding the adjustment of salaries of licensed professional staff in the Health Services Department, and reclassification of Public Works Service Technician to Senior Accounting Technician.

12. **ITEM A-13 - 1:30 P.M. - (a) Presentation of update regarding the Spring Valley Lake Recovery Project and (b) Consideration of request to approve the Spring Valley Lake Recovery Project and adopt a Mitigative Negative Declaration (as recommended by the Planning Commission)** - Special Districts Administrator Mark Dellinger and CSA # 2 Spring Valley Advisory Board members Monte Winters and Mark Currier were present.

(a) After an introduction from Mr. Dellinger, Mr. Winters presented the update.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Jim McDole and Lynn Kerry. No one else was present wishing to speak and the public input portion of this item was closed.

This portion of the item was informational only. No action was taken on this portion of this item.

(b) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Brown ABSENT), approved the Spring Valley Lake Recovery Project.

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Supervisor Rushing offered Resolution No. 2013-10, and it was passed by roll call vote (4 ayes, Supervisor Brown ABSENT).

Supervisor Brown was present at 2:13 p.m.

13. **ITEM A-10 - 10:45 A.M. - Presentation of 2012 Marine Patrol Activity Report and 2013 Work Plan** - Captain Chris Macedo presented the report.

Chair Smith asked if anyone was present wishing to speak and Betsy Cawn spoke. No one else was present wishing to speak and the public input portion of this item was closed.

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

14. **ITEM A-17 - Consideration of proposed resolution establishing reward trust fund relative to death of Forrest Seagrave and future rewards** - Captain Chris Macedo was present.

County Administrative Officer Matt Perry presented the staff report.

Supervisor Brown offered Resolution No. 2013-11, and it was passed by roll call vote (5 ayes).

On motion of Supervisor Brown and by vote of the Board (5 ayes), ratified the solicitation of donations for the reward offered for information leading to the arrest and conviction in the killing of Forrest Seagrave.

15. **ITEM A-12 - 11:30 A.M. - Consideration of recommendation regarding departmental structure of the Office of Emergency Services** - Chair Smith announced this item would be carried over to a future date.

16. **ITEM A-18 - Consideration of proposed First Amendment to Agreement between the County of Lake and Jones & Mayer for special legal services for Sheriff Rivero** - Captain Chris Macedo was present.

County Counsel Anita Grant presented the staff report.

This item was continued two weeks, to February 19, 2013.

17. **ITEM A-21 - (a) Consideration of request to waive Travel Policy section regarding time limit for submitting travel reimbursement claims; and (b) Consideration of request to approve late travel claims** - (a) and (b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the Travel Policy section regarding time limit for submitting travel reimbursement claims and approved the late travel claims as presented.

18. **ITEM A-20 - (a) Consideration of request to waive the Consultant Selection Policy; and (b) Consideration of proposed Agreement between the County of Lake and Hilltop Recovery Services for residential alcohol and drug treatment services** - County Administrative Officer Matt Perry presented the staff report.

(a) and (b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the Consultant Selection Policy and approved the Agreement between the County of Lake and Hilltop Recovery Services for residential alcohol and drug treatment services, total amount not to exceed \$50,000, and authorized the Chair to sign.

19. **ITEM A-22 - 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, DSA, LCCOA, LCEA and LCSEA 2. Employee Disciplinary Appeal EDA 2013-01 3. Conference with legal counsel: Existing litigation pursuant to Gov. Code Sec. 54956.9(a): Jenson and Larson v. Lake County Sheriff's Office, et al.** - Chair Smith announced the Board would go into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 3:19 p.m. and took the following action:

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Findings of Fact in the matter of Disciplinary Appeal EDA 2013-01, accepting the hearing officer's recommendations to reinstate the appellant to his former position with back pay and benefits, and authorized the Chair to sign.

There being no further business, the Board of Supervisors adjourned at 3:20 p.m..

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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