

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JUNE 18, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 18th day of June, 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 9:03 a.m. by Chair Smith. A moment of silence was dedicated to Betty Irwin. Following the moment of silence, Supervisor Rushing 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 Rushing and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-15, with the exception of Consent Agenda Item C-4, which was taken up immediately following the Consent Agenda.

Approved Minutes of the Board of Supervisors meeting held on June 11, 2013.

(a) Awarded Bid No. 13-10 to Westgate Petroleum and authorized Chair to sign bid award; and (b) Approved 5-year Agreement between the County of Lake and Westgate Petroleum for supply of propane fuel (at \$0.22 price differential over the weekly San Francisco (BPN)), and authorized the Chair to sign.

Adopted Resolution No. 2013-57, increasing the change fund for the Department of Animal Care & Control (an increase to \$50 total).

Consent Agenda Item C-4 - (a) Waive the formal bidding procedure, due to the unique nature of the goods and services to be provided; (b) Authorize the Public Works Director/Asst. Purchasing Agent to issue a purchase order (payment to be made in FY 2013-14) to EZ-Liner Industries, in the amount of \$225,000, for the purchase and reconditioning of one 2010 Mitsubishi Fuso FM330 truck - This item was removed from the Consent Agenda and taken up immediately following.

Approved Plans and Specifications for exercise yard enclosures at the Lake County Main Jail, and authorized the Public Works Director/Asst. Purchasing Agent to advertise for bids.

Approved Plans and Specifications for Chippewa South Pavement Rehabilitation in Lake County, and authorized the Public Works Director/Asst. Purchasing Agent to advertise for bids.

(a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 013-028-54 - James Bolander, Jr. and Carolyn Bolander), and (b) Approved Purchase Agreement between the County of Lake and James Bolander, Jr. and Carolyn Bolander for the St. Helena Creek Bridge Project, and authorized the Chair to sign agreement.

(a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 014-210-24 - Paul Yoch and Jennifer Yoch), and (b) Approved Purchase Agreement between the County of Lake and Paul Yoch and Jennifer Yoch for the St. Helena Creek Bridge Project, and authorized the Chair to sign agreement.

(a) Approved Grant Deed and directed Clerk to certify for recordation (a portion of APN 014-210-06 - Charles Morse), and (b) Approved Purchase Agreement between the County of Lake and Charles Morse for the St. Helena Creek Bridge Project, and authorized the Chair to sign agreement.

(a) Waived formal bidding process, determining it would produce no economic benefit; (b) Approved purchase of five HVAC units for the Lake County Jail/Hill Road facility; and (c) Authorized the Sheriff/Asst. Purchasing Agent to issue a purchase order to Baker Distributing Inc., in the amount of \$20,248.70, for five HVAC units.

(a) Waived the normal bidding process, determining it would produce no economic benefit; (b) Approved purchase of CMAS upgrade to Moducom system for Central Dispatch; and (c) Authorized the Sheriff/Asst. Purchasing Agent to issue a purchase order to Modular Communications Systems, in the amount of \$99,638.30 for CMAS upgrade to Moducom system.

Approved Agreement #EW-2013-14 between the County of Lake and the Regents of the University of California, in the amount of \$71,100, for FY 2013/14 training services, and authorized the Chair to sign.

(a) Approved Agreement between the County of Lake and Megabyte Systems Inc., for FY 2013-14 MPTS property tax system maintenance, in the amount of \$172,197.84, and authorized the Chair to sign; and (b) Approved Web Services Addendum to the Agreement between the County of Lake and Megabyte Systems Inc., for FY 2013-14 online tax bills and e-payment processing services, in the amount of \$4,109.74, and authorized the Chair to sign.

Sitting as the Lake County Watershed Protection District Board of Directors, approved Agreement between the Lake County Watershed Protection District and Pestmaster Services of Lake & Mendocino, in the amount of \$11,415.50, for vegetation control for various flood control works, and authorized the Chair to sign.

Sitting as the Lake County Watershed Protection District Board of Directors, approved Purchase Agreement for property located at 8340 & 8300 Reclamation Road, Upper Lake (APNs 004-016-31 & 32 - John Irwin) for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, and authorized the Chair to sign.

Consent Agenda Item C-4 - (a) Waive the formal bidding procedure, due to the unique nature of the goods and services to be provided; (b) Authorize the Public Works Director/Asst. Purchasing Agent to issue a purchase order (payment to be made in FY 2013-14) to EZ-Liner Industries, in the amount of \$225,000, for the purchase and reconditioning of one 2010 Mitsubishi Fuso FM330 truck - Public Works Director Scott DeLe on presented the staff report.

Since the posting of the agenda, the original chassis had been sold to another buyer. There is currently another chassis available for sale, at the same price.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), waived the normal bidding procedure, determining it would serve no economic benefit to the County.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized the Public Works Director/Asst. Purchasing Agent to issue a purchase order to EZ-Liner Industries, in the amount of \$225,000, for the purchase and reconditioning of one 2010 Nissan 330 Cab and Chassis.

PUBLIC INPUT - Tom Slaight spoke regarding air quality and the Clear Lake hitch.

The Board of Supervisors adjourned and convened as the Lake County Air Quality Management Board of Directors.

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2. **ITEM A-5 - 9:15 A.M. - PUBLIC HEARING - (a) Consideration of the proposed FY 2013-14 Lake County Air Quality Management District Budget; and consideration of request for Board direction on various policy issues; and (b) Consideration of proposed Resolution transferring funds into Fund #299 Budget #8799 Building Reserve, Vehicle Reserve, and Air Monitoring Equip/Station Reserve** - Air Pollution Control Officer Doug Gearhart and Senior Air Quality Specialist Elizabeth Knight were present.

Mr. Gearhart presented the staff report.

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

There was Board consensus to approve the FY 2013-14 Lake County Air Quality Management District Draft Budget.

Director Rushing offered Resolution No. 2013-58, and it was passed by roll call vote (5 ayes).

The Lake County Air Quality Management Board of Directors adjourned and convened as the Lake County Housing Commission Board of Directors.

Commissioner Deborah Figueroa was present at 9:25 a.m.

3. **ITEM A-6 - 9:20 A.M. - (a) Consideration of proposed HUD-50077-CR Civil Rights Certification Form (PHA Certification of Conformity with Civil Rights Act); and (b) Consideration of proposed Resolution granting authority to the Executive Director of the Lake County Housing Commission over all aspects of the Successor Redevelopment Agency (c) Consideration of proposed revisions to Lake County Housing Commission FY 2012/13 Budget; and (d) Consideration of proposed Lake County Housing Commission FY 2013/14 Budget** - Social Services Director Carol Huchingson, Deputy Social Services Director Jennifer Fitts and Program Manager Edgar Perez were present.

(a) Ms. Huchingson presented the staff report.

On motion of Commissioner Rushing and by vote of the Commission (6 ayes), approved Form HUD 50077, and authorized the Chair to sign.

(b) Ms. Huchingson presented the staff report.

Commissioner Figueroa offered Resolution No. 2013-59, and it was passed by roll call vote (6 ayes). The Board later reopened this item to amend the Resolution.

(c & d) Ms. Huchingson presented the staff report.

On motion of Commissioner Rushing and by vote of the Commission (6 ayes), approved the revisions to the Lake County Housing Commission FY 2012-13 Budget and approved the Lake County Housing Commission FY 2013-14 Budget.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), reopened section (b). The clarification was made to the face of the Resolution to specify authority limited to housing purposes only.

Supervisor Rushing offered Resolution No. 2013-59, and it was passed by roll call vote.

Commissioner Deborah Figueroa was absent at 9:43 a.m.

The Lake County Housing Commission Board of Directors adjourned and reconvened as the Board of Supervisors.

4. **ITEM A-7 - 9:40 A.M. - PUBLIC HEARING - Presentation of Final CDBG Grantee Performance Report for Grant #09-EDEF-6539 for Business Loans, Microenterprise Technical Assistance and Facade Improvement Loans** - County Administrative Officer Matt Perry presented the staff report.

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

There was Board consensus to accept the report.

5. **ITEM A-8 - Continued from November 8, December 13, 2011, August 21, 28, September 11, 2012, April 9 and 23 and May 14, 2013 - 9:45 A.M. - PUBLIC HEARING - Consideration of proposed Ordinance adding Article Seven to Chapter Seven of the Lake County Code to provide support for Public, Educational and Governmental (PEG) Cable Television Access Facilities (THIS ITEM WILL NOT BE TAKEN UP TODAY. IT WILL BE CARRIED OVER TO AUGUST 6, 2013, AT 9:15 A.M.)** - Chair Smith announced this item would be carried over to August 6, 2013.

6. **ITEM A-9 - 9:46 A.M. - (a) Consideration of Fiscal Year 2013-14 Recommended Budget; (b) Consideration of proposed Resolution establishing FY 2013-14 position allocations to conform to the Recommended Budget; and (c) Consideration of requests for authorization to purchase Capital Assets and fill positions prior to final adoption of the Budget** - County Administrative Officer Matt Perry presented the staff report.

Amendments were made to the list of capital assets to include demolition of structures in Middle Creek Marsh in BU 8109 for \$400,000.

This item was continued to later in the day.

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.

7. **ITEM A-10 - 10:00 A.M. - Assessment Appeal Hearing:**

Peggy Chaves - Application No. 331-2010 - 13365 Ebbtide Village, Clearlake Oaks, CA (APN 035-811-300-000) - On motion of Member Rushing and by vote of the Board (5 ayes), approved the postponement of this appeal to a future date, as requested by the appellant.

Vicki Newberry - Application No. 325-2010 - 4340 Lakeshore Boulevard, Lakeport, CA (APN 029-331-020-000) - On motion of Member Comstock and by vote of the Board (5 ayes), approved the withdrawal of this appeal, as requested by the appellant.

The Lake County Local Board of Equalization adjourned and reconvened as the Board of Supervisors.

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The gavel was returned the Chair Smith.

8. **ITEM A-16 - Consideration of application to United States Army Donations Program for a helicopter to be placed at the Kelseyville County Park** - Supervisor Brown introduced this item.

This item was continued to later in the day.

9. **ITEM A-11 - Supervisors' weekly calendar, travel and reports** - Chair Smith introduced the newly appointed County Librarian Christopher Veach.

BACK TO #8 - ITEM A-16 - Consideration of application to United States Army Donations Program for a helicopter to be placed at the Kelseyville County Park - Public Services Director Caroline Chavez and Deputy Public Services Director Jeff Rein were present.

Supervisor Brown introduced the item.

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

Supervisor Brown offered Resolution No. 2013-60, and it was passed by roll call vote (5 ayes).

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

10. **ITEM A-13 - Consideration of proposed letters to Senators Steinberg and Leno regarding SB 439 relating to medical marijuana cooperatives, collectives and business entities** - At staff request, this item was carried over one week, to June 25, 2013.

11. **ITEM A-12 - Continued from June 4 and 11, 2013 - Consideration of appointment of Treasurer-Tax Collector** - At Supervisor Brown's request, this item was carried over three weeks, to July 9, 2013.

12. **ITEM A-19 - Consideration of request to amend policy restricting purchase of bottled water for County offices** - Undersheriff Pat Turturici and Captain Chris Macedo were present.

Captain Macedo presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Joan Moss, Marv Butler and John Brosnan. 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 (4 ayes, Supervisor Farrington NO), approved the purchase of coffee by the Sheriff's Department for all staff, in an amount not to exceed \$6250 per year.

13. **ITEM A-20 - Consideration of proposed cancellation of reserves for the renovation of the Narcotic's Task Force facility** - Undersheriff Pat Turturici and Captain Chris Macedo were present.

Captain Macedo presented the staff report.

Supervisor Brown offered Resolution No. 2013-61, and it was passed by roll call vote (5 ayes).

The section of the item regarding purchase of the security system was continued one week, to June 25, 2013.

14. **ITEM A-14 - (a) Consideration of proposed Resolution establishing Salaries and Fringe Benefits for Management Employees for Fiscal Year 2013-14; (b) Consideration of proposed Resolution establishing Salaries and Fringe Benefits for Confidential Unit, Section A, for Fiscal Year 2013-14; (c) Consideration of proposed Resolution establishing Salaries and Fringe Benefits for Confidential Unit, Section B, for Fiscal Year 2013-14; and (d) Consideration of proposed Resolution adopting a Memorandum of Understanding by and between the Lake County Deputy District Attorney's Association, Unit 8 and the County of Lake for Fiscal Years 2013-14 and 2014-15** - County Administrative Officer Matt Perry presented the staff report.

(a) Supervisor Brown offered Resolution No. 2013-62, and it was passed by roll call vote (5 ayes).

(b) Supervisor Comstock offered Resolution No. 2013-63, and it was passed by roll call vote (5 ayes).

(c) Supervisor Comstock offered Resolution No. 2013-64, and it was passed by roll call vote (5 ayes).

(d) Supervisor Comstock offered Resolution No. 2013-65, and it was passed by roll call vote (5 ayes).

15. **ITEM A-15 - (a) Consideration of proposed letter of thanks to the Napa County Sheriff's Department for its mutual aid response; and (b) Consideration of proposed letters of thanks to the many agencies involved in the search for Mikaela Lynch** - Captain Chris Macedo was present.

Chair Smith introduced the item.

(a & b) On motion of Supervisor Comstock and by vote of the Board (5 ayes) approved the letters and authorized the Chair to sign.

16. **ITEM A-17 - Consideration of proposed Memorandum of Understanding between the Judicial Council of California, Administrative Office of the Courts, and the County of Lake for a temporary addition to the Court exclusive-use area at the South Civic Center Courthouse (AOC #17-B1)** - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Memorandum of Understanding between the Judicial Council of California, Administrative Office of the Courts, and the County of Lake for a temporary addition to the Court exclusive-use area at the South Civic Center Courthouse (AOC #17-B1), and authorized the Chair to sign.

17. **ITEM A-18 - Consideration of proposed street racing event on a portion of Bartlett Springs Road, Lucerne, CA on July 20, 2013, requiring road closure and sign posting** - At departmental request, this item was removed from the agenda.

No Board action was taken on this item.

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18. **ITEM A-21 - Consideration of Fourth Amendment to the Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake** - Water Resources Director Scott DeLeon presented the staff report.

Chair Smith 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 Fourth Amendment to the Agreement between the County of Lake and the Regents of the University of California for sediment sampling in Clear Lake, and authorized the Chair to sign.

- BACK TO #6 - ITEM A-9 - 9:46 A.M. - (a) Consideration of Fiscal Year 2013-14 Recommended Budget; (b) Consideration of proposed Resolution establishing FY 2013-14 position allocations to conform to the Recommended Budget; and (c) Consideration of requests for authorization to purchase Capital Assets and fill positions prior to final adoption of the Budget** - County Administrative Officer Matt Perry presented the requested information to the Board.

(a) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Fiscal Year 2013-14 Recommended Budget.

(b) Supervisor Brown offered Resolution No. 2013-66, and it was passed by roll call vote (5 ayes).

(c) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the requests for authorization to purchase Capital Assets and fill positions prior to final adoption of the Budget, as presented in the staff memorandum dated June 18, 2013.

19. **ITEM A-22 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, L. Guintivano, S. Harry, M. Perry, A. Flora and C. Shaver; and (b) Employee Organization: DDAA, DSA, LCCOA, LCEA and LCSEA 2. Public Employee Performance Evaluation: Title: County Administrative Officer 3. Conference with real property negotiator (a) Property located at: 3980 Gard Street, Kelseyville (APN 024-081-01) (b) Negotiating Parties: For County: Supervisor Rob Brown, Child Support Services Director Gail Woodworth, County Administrative Officer Matt Perry and Deputy County Administrative Officer Alan Flora For seller: Kelseyville Unified School District representatives (c) Under Negotiation: Lease terms 4. Conference with legal counsel: Existing Litigation pursuant to Gov. Code Sec. 54956.9(d)(1): California Public Utilities Commission (CPUC) (CalWater)** - Chair Smith announced Section 4 of this item would be carried over one week, to June 25, 2013.

Chair Smith 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 12:50 p.m.

There being no further business, the Board of Supervisors adjourned at 12:51 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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