

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 12, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 12th day of March, 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. Following a 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 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 5, 2013.

Approved the destruction of documents pursuant to Government Code Sections 26202 and 26205 (2006-07 Deposit Permits, 2006-07 Receipts Duplicates Records, 2006-07 Department Time Cards/Time Off Requests, 1996-97 Registers, 2006-07 Time Reports & Hours Proof, 2006-07 Vacation & Sick Accruals (Monthly), 1999-00 Tax Rolls - Secured, 2006-07 Tax Rolls - Unsecured and 1999-00 Tax Rolls - Delinquent Secured).

Adopted Resolution No. 2013-18, approving the AIDS Drug Assistance Program (ADAP) Contract with the State of California, Department of Public Health for Fiscal Years 2012/2013 through 2014/2015, and authorizing the Director of Health Services to sign said contract.

Approved Seventh Amendment to Agreement between the County of Lake and Sun Ridge Systems, Inc., for the purchase and installation of RIMS CLETS Installation Software, and authorized the Chair to sign.

(a) Waived the formal bidding process and made a determination that competitive bidding would produce no economic benefit to the County; and (b) Authorized the Sheriff-Coroner/Asst. Purchasing Agent to issue a purchase order to Baker Distributing Inc., for five HVAC units, for a total amount of \$20,342.88.

Approved Second Amendment to the Agreement between the County of Lake and Redwood Toxicology Laboratory, Inc., for drug and alcohol testing services (extending the contract for three years), for an amount not to exceed \$25,000, and authorized the Chair 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 Ben Cheek presented one canine currently available for adoption.

3. **ITEM A-3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:**

Extra #2 - Consideration of request to authorize out-of-state travel for Deputy Jake Steely to attend the Active Shooter Threat Instructor Course in Artesia, New Mexico, from March 18-22, 2013 - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up the item due to the fact that the need to take action arose after the posting of today's agenda, and there is a need to consider taking action immediately.

Captain Chris Macedo presented the staff report.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), authorized out-of-state travel for Deputy Jake Steely to attend the Active Shooter Threat Instructor Course in Artesia, New Mexico, from March 18-22, 2013.

Extra #1 - Consideration of proposed Agreement and Addendum between the County of Lake and SBC Global Services, Inc., dba AT&T Global Services, for telecom services for the County libraries - On motion of Supervisor Brown and by vote of the Board (5 ayes), approved taking up the item due to the fact that the need to take action arose after the posting of today's agenda, and there is a need to consider taking action immediately.

Information Technology Director Shane French presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved the Agreement and Addendum between the County of Lake and SBC Global Services, Inc., dba AT&T Global Services, for telecom services for the County libraries, and authorized the Chair to sign.

PUBLIC INPUT - CJ LeBrun and Vicki Osborne spoke regarding In Home Supportive Services.

4. **ITEM A-5 - 9:15 A.M. - Consideration of re-establishment of the Geothermal Advisory Committee, including its purpose and membership categories** - Community Development Director Rick Coel, Special Districts Administrator Mark Dellinger and Resource Planner Will Evans were present.

Mr. Coel presented the staff report.

This item was continued two weeks, to March 26, 2013, to allow staff time to research the option of combining the responsibilities of the Geothermal Advisory Committee with the existing Geothermal Impact Mitigation Fund Committee.

5. **ITEM A-6 - 9:30 A.M. - Consideration of request for Board direction regarding the status of Edmands Reclamation District (RD 2070)** - Water Resources Director Scott De Leon and Water Resources Engineer Tom Smythe were present.

Mr. De Leon presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: John Irwin and Cheri Holden. 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 the Board (5 ayes), directed staff to request a meeting with the appropriate state agencies to discuss options regarding governance of the Edmands Reclamation District (RD 2070).

On motion of Supervisor Rushing and by vote of the Board (5 ayes), directed staff to send a letter to our legislative representatives regarding the imminent threats posed by the substandard water discharge pipes.

6. **ITEM A-12 - Discussion/consideration of continued independent legal representation for Sheriff Rivero pursuant to Government Code Section 31000.6 to challenge determination of District Attorney** - County Counsel Anita Grant presented the staff report.

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Chair Smith asked if anyone was present wishing to speak and the following people spoke: Phil Murphy and Tom Andrews. No one else was present wishing to speak and the public input portion of this item was closed.

On motion of Supervisor Comstock and by vote of the Board (5 ayes), directed staff to initiate legal proceedings to ascertain the scope and intent of the court ruling and whether that ruling extends beyond the deliberations with the District Attorney to encompass this present legal action, and deferred continued payment pending clarification by the Court.

7. **ITEM A-7 - Continued from February 19, 2013 - 10:00 A.M. - (a) Consideration of FY 2012-13 appropriation of an additional \$165,000 (for a total amount of \$350,000) toward the abatement of nuisance aquatic weeds on Clear Lake; and (b) Consideration of options and funding sources regarding algae abatement, Quagga/Zebra mussels and invasive species on Clear Lake** - Water Resources Director Scott De Leon presented the staff report.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Sandra Wade, Phil Murphy and Betsy Cawn. No one else was present wishing to speak and the public input portion of this item was closed.

(a & b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved an appropriation of \$350,000 for the FY 2012-13 abatement of nuisance aquatic weeds on Clear Lake, with flexibility given to the Water Resources Department to direct any surplus funds toward algae abatement, Quagga/Zebra mussel and other invasive species programs, and directed staff to bring the necessary budget transfers to the Board for its consideration, and to send letters to the Cities of Clearlake and Lakeport requesting payment for their share of the programs.

After a brief recess, the Board reconvened into Regular Session at 11:35 a.m. Supervisor Brown was absent.

8. **ITEM A-8 - 10:30 A.M. - Consideration of request for Board direction regarding the Agreement between the County of Lake and Lucerne Alpine Seniors, Inc., for health-related senior support services** - After an introduction by Supervisor Rushing, Social Services Director Carol Huchingson presented the staff report.

Lucerne Alpine Senior Center Executive Director Rae Eby-Carl presented an update to the Board.

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.

No Board action was taken on this item.

Supervisor Brown was present at 11:42 a.m.

9. **ITEM A-10 - Consideration of proposed resolution in support of the reduction of senseless gun violence in the United States** - Supervisor Farrington introduced this item.

An amendment was made to the face of the resolution.

Supervisor Farrington offered Resolution No. 2013-19, as amended, and it was passed by roll call vote (5 ayes).

10. **ITEM A-11 - Advanced from February 19, 2013 - (a) Consideration of proposed ordinance adding Article X to Chapter 15 of the Lake County Code establishing standards for the issuance of Marina Berthing Licenses in the County of Lake (SECOND READING); and (b) Consideration of proposed resolution allowing licenses and license fees for property located in Nice, California** - (a) Supervisor Comstock offered Ordinance No. 2985, and it was passed by roll call vote (5 ayes).

(b) Supervisor Rushing offered Resolution No. 2013-20, and it was passed by roll call vote (5 ayes).

11. **ITEM A-13 - (a) Consideration of request to waive the formal bidding process and make a determination that competitive bidding would produce no economic benefit to the County; and (b) Consideration of request to authorize the Special Districts Administrator to negotiate an agreement with Clearlake Lava Inc., for the Lake Recovery Project** - Special Districts Administrator Mark Dellinger presented the staff report.

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the formal bidding process and made a determination that competitive bidding would produce no economic benefit to the County.

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), authorized the Special Districts Administrator to negotiate an agreement with Clearlake Lava Inc., for the Lake Recovery Project.

12. **ITEM A-14 - Consideration of proposed Resolution expanding the membership of the Geothermal Impact Mitigation Fund Cobb Valley Committee (adding one Member at Large position)** - Special Districts Administrator Mark Dellinger presented the staff report.

Supervisor Brown offered Resolution No. 2013-21, and it was passed by roll call vote (5 ayes).

13. **ITEM A-15 - 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. Public Employee Performance Evaluation: Title: Animal Care and Control Director 3. Conference with legal counsel: Existing litigation pursuant to Gov. Code Sec. 54956.9(a): Jensen and Larson v. Lake County Sheriff's Office, et al.** - 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 12:48 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 12:48 p.m.

Chair - Lake County Board of Supervisors

MATT PERRY
Clerk of the Board

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