

**BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA**

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MARCH 5, 2013**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 5<sup>th</sup> 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. A moment of silence was dedicated to the memory of Sgt. Dennis Harmon. Following the moment of silence, Supervisor Brown 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-10.

Approved Minutes of the Board of Supervisors meeting held on February 19, 2013.

Adopted Proclamation designating the month of March 2013, as Meals on Wheels Month.

Appointed Kay Lytton as Assistant Treasurer-Tax Collector effective March 5, 2013, and interim Treasurer-Tax Collector effective March 11, 2013.

Adopted Resolution No. 2013-15, amending Exhibit "A" of the County Conflict of Interest Code.

Approved Agreement between the County of Lake and Sonoma Psychotherapy Training Institute for FY 2012-13 Eye Movement Desensitization and Reprocessing International Association (EMDRIA) approved basic training in eye movement desensitization and reprocessing (EMDR), in an amount not to exceed \$12,500, and authorized the Chair to sign.

Adopted Resolution No. 2013-16, amending Resolution No. 2012-107 establishing positions and allocations to conform to the Adopted Budget for Fiscal Year 2012-2013 (adjusting salaries of licensed professional medical staff in the Health Services Department, Public Health Division, Budget Unit 4011).

Adopted Resolution No. 2013-17, amending Resolution No. 2012-107 establishing position allocations for Fiscal Year 2012-2013, Budget Unit No. 1903, Department of Public Works (delete one (1) Public Works Service Technician I/II, and add one (1) Senior Accounting Technician).

Awarded bid for Riviera Heights CSA Pavement Improvements to Central Valley Engineering & Asphalt, Inc., in the amount of \$126,193.12, and authorized the Chair to sign the Agreement and Notice of Award.

Approved Agreement between the County of Lake and Advanced Communications to develop a Comprehensive Interoperable Communication Needs Assessment and Strategic Plan, amount not to exceed \$40,000, and authorized the Chair to sign.

Sitting as the Watershed Protection District Board of Directors, approved First Amendment to Agreement between the Lake County Watershed Protection District and Paragon Partners Ltd., for appraisal and relocation assistance services for the Middle Creek Flood Damage Reduction and Ecosystem Restoration Project, an increase of \$9,950, 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 Kyle O'Brien presented one canine currently available for adoption.

**PUBLIC INPUT** - Phyllis Hoffman spoke regarding In Home Supportive Services.

3. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the month of March 2013, as Meals on Wheels Month** - Supervisor Rushing read the Proclamation into the record and presented it to Lakeport Senior Center Director Jonathan Crooks and Highlands Senior Center Director Linda Burton, who spoke. Clearlake Oaks Senior Center Director Pat Grabham was also present.

4. **ITEM A-11 - Consideration of appointments to the following: Area 1 Developmental Disabilities Board, Countywide Parks and Recreation Advisory Board, Emergency Medical Care Committee (EMCC), In Home Supportive Services (IHSS) Advisory Committee, Lake County Child Care Planning Council, Maternal, Child and Adolescent Health (MCAH) Advisory Board** - On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Tracy Kucer to the Area 1 Developmental Disabilities Board, for a term to expire January 1, 2016.

The Board returned to this item later in the day.

5. **ITEM A-6 - 9:15 A.M. - (a) PUBLIC HEARING - 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; and (b) Consideration of staff request for conceptual approval of placement of a Leviathan Floating Island in the Holiday Harbor Marina and Board direction to enter into a License Agreement** - Deputy County Administrative Officer Alan Flora presented the staff report.

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

(a) On motion of Supervisor Rushing and by vote of the Board (5 ayes), waived the reading of the ordinance, to be read in title only (Clerk so did).

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

(b) On motion of Supervisor Rushing and by vote of the Board (5 ayes), approved, in concept, of the placement of a Leviathan Floating Island in the Holiday Harbor Marina and directed staff to enter into a License Agreement.

6. **ITEM A-7 - 9:30 A.M. - Carried over from February 12 and 19, 2013 - 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 and Captain Chris Macedo were present.

County Administrative Officer Matt Perry presented an overview of the proposed agreement.

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

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 5, 2013**

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

7. **ITEM A-8 - 9:45 A.M. - (a) Consideration of County representation at the Fish and Game Commission meeting in Mt. Shasta, on March 6, 2013, regarding the petition to designate the Clear Lake Hitch an endangered species; and (b) Consideration of Board position regarding the petition to designate the Clear Lake Hitch an endangered species -** Water Resources Engineer Tom Smythe was present.

Supervisor Brown introduced the item.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Melissa Fulton, Cheri Holden, Claudia Street and Phil Murphy. No one else was present wishing to speak and the public input portion of this item was closed.

There was Board consensus to approve Water Resources Engineer Tom Smythe as the County representative at the Fish and Game Commission meeting in Mt. Shasta on March 6, 2013.

(a & b) On motion of Supervisor Brown and by vote of the Board (5 ayes), directed staff to write a letter communicating the Board's desire to defer the Fish and Game's decision to designate the Clear Lake Hitch an endangered species, to allow for the opportunity to work with local partners on scientific research of the Clear Lake Hitch and to provide solutions to protect the Hitch and the local community, and authorized all Supervisors to sign.

8. **ITEM A-9 - 10:00 A.M. - Discussion/consideration of proposed principles of gun violence prevention -** Supervisor Farrington introduced this item.

Chair Smith asked if anyone was present wishing to speak and the following people spoke: Martin Scheel and Phil Murphy. 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 make amendments to the resolution recently adopted by the County of Napa and to present this resolution for Board consideration in one week, on March 12, 2013.

After a brief recess, the Board reconvened into Regular Session at 11:26 a.m.

- BACK TO #4 - ITEM A-11 - Consideration of appointments to the following: Area 1 Developmental Disabilities Board, Countywide Parks and Recreation Advisory Board, Emergency Medical Care Committee (EMCC), In Home Supportive Services (IHSS) Advisory Committee, Lake County Child Care Planning Council, Maternal, Child and Adolescent Health (MCAH) Advisory Board -** On motion of Supervisor Farrington and by vote of the Board (5 ayes), appointed Martin McClure to the Countywide Parks and Recreation Advisory Board, for a term to expire January 1, 2015.

The proposed appointments of the Emergency Medical Care Committee (EMCC), were carried over to a future date.

On motion of Supervisor Rushing and by vote of the Board (3 ayes, Supervisors Farrington and Brown ABSTAIN), appointed Marilyn Johnson to the In Home Supportive Services (IHSS) Advisory Committee, for a term to expire January 1, 2015.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Daphne Colacion, Kati Galvani-McCormack, Debra Newberry-Putnerbaugh and Teresa Stewart to the Maternal, Child and Adolescent Health (MCAH) Advisory Board, for terms to expire January 1, 2015.

On motion of Supervisor Rushing and by vote of the Board (5 ayes), appointed Laurie Daly, Ed.D., to the Lake County Child Care Planning Council, for a term to expire January 1, 2016.

9. **ITEM A-12 - Consideration of proposed response to LAFCO letter requesting meeting between City of Lakeport and County of Lake -** Deputy County Administrative Officer Alan Flora presented the staff 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.

On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the letter to LAFCO as presented, and authorized all Supervisors to sign.

10. **ITEM A-13 - Consideration of proposed actions relating to South Lakeport water system: (a) waive Consultant Selection Process; (b) direct Special Districts to negotiate with Ruzicka Associates; (c) direct the Department of Public Works to include coordination of this water line design in the scope of work for Quincy Engineers when that agreement is amended -** Special Districts Administrator Mark Dellinger and Assistant Public Works Director Lars Ewing were present.

Mr. Dellinger presented the staff report.

(a) On motion of Supervisor Farrington and by vote of the Board (5 ayes), waived the Consultant Selection Process, finding that it was not in the best interest of the County.

(b) On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed Special Districts to negotiate with Ruzicka Associates for final design of the water main.

(c) On motion of Supervisor Farrington and by vote of the Board (5 ayes), directed the Department of Public Works to include coordination of this water line design in the scope of work for Quincy Engineers when that agreement is amended.

11. **ITEM A-14 - (a) Consideration of request to approve Amendment for Governmental 457(b) Plan Document to permit employee plan to plan transfers between eligible deferred compensation plans; and (b) Consideration of request to discontinue future payroll deferrals to Tax Deferred Solutions (TDS) pending consideration of long term future of the TDS plan -** Treasurer-Tax Collector Sandra Shaul presented the staff report.

(a) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved Amendment for Governmental 457(b) Plan Document to permit employee plan to plan transfers between eligible deferred compensation plans, effective May 1, 2013.

(b) On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the discontinuation of future payroll deferrals to Tax Deferred Solutions (TDS) pending consideration of the long term future of the TDS plan.

**OFFICIAL MINUTES OF THE LAKE COUNTY BOARD OF SUPERVISORS MEETING HELD MARCH 5, 2013**

12. **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. 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. 3. Conference with Legal Counsel: Significant exposure to litigation pursuant to Government Code Section 54956.9, subd (b)(1)(E): F. Rivero v. Lake County Board of Supervisors** - 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 12:58 p.m. with no action taken.

There being no further business, the Board of Supervisors adjourned at 12:58 p.m.

\_\_\_\_\_  
Chair - Lake County Board of Supervisors

MATT PERRY  
Clerk of the Board

By: \_\_\_\_\_  
Mireya G. Turner  
Assistant Clerk of the Board