

BOARD OF SUPERVISORS, COUNTY OF LAKE, STATE OF CALIFORNIA

OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD MAY 21, 2013

The Honorable Board of Supervisors of Lake County, California, met in regular session this 21st day of May, 2013, there being present Supervisors 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. Supervisor Jim Comstock was absent all day.

The meeting was called to order at 9:00 a.m. by Chair Smith. A moment of silence was dedicated to Ryland Joseph and Dinoti Mosley. 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 (4 ayes, Supervisor Comstock ABSENT), approved Consent Agenda items C-1 through C-7, with the exception of Consent Agenda Item C-3, which was carried over two weeks, to June 4, 2013.

Approved Minutes of the Board of Supervisors meeting held on May 14, 2013.

(a) Adopted Proclamation designating the week of May 20-26, 2013, as Public Works Week.

Consent Agenda Item C-3 - Carried over from May 14, 2013 - Approve plans and specifications for construction Clearlake Oaks Senior Center, and authorize the County Administrative Officer/ Purchasing Agent to advertise for bids - This item was pulled from the Consent Agenda and carried over two weeks, to June 4, 2013.

(a) Adopted Resolution No. 2013-47, establishing 2013-2014 appropriations limits for special districts governed by Board of Supervisors; and (b) Adopted Resolution No. 2013-48, establishing 2013-2014 appropriations limit for the County of Lake.

Adopted Resolution No. 2013-49, amending Resolution No. 2012-107 establishing position allocations for Fiscal Year 2012-2013, Budget Unit No. 4014, Department of Behavioral Health (delete one (1) Mental Health Case Manager I/II - Native American Outreach and Engagement Specialist, delete one (1) Staff Psychiatrist (#4-0670), add one (1) Mental Health Cultural Specialist - Native American allocations and increasing salary of Staff Psychiatrist (#1-0670)).

Adopted Resolution No. 2013-50, temporarily authorizing a road closure, prohibiting parking and authorizing removal of vehicles and ordering the Department of Public Works to post signs.

Approved Agreement between the County of Lake and WRECO for hydraulic studies for Bridge Arbor Bikeway Project, in an amount not to exceed \$19,480, 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.

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

Extra #1 - Necessity for extra Closed Session items not on the posted agenda - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), 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.

The following items will be taken up during Closed Session:

1. Conference with Legal Counsel - Significant Exposure to Litigation pursuant to Government Code Section 54956.9, subdivision (d)(2),(e)(2): Public Records Act request of Lake County News; and

2. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Sec. 54956.9, subd. (D)(1): *Rivero v. Lake County Board of Supervisors*

4. **ITEM A-9 - Continued from May 14, 2013 - Consideration of proposed letter regarding allocation of Proposition 39 funds** - County Counsel Anita Grant presented the staff report.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the letter regarding allocation of Proposition 39 funds and authorized the Chair to sign.

5. **ITEM A-5 - 9:10 A.M. - Presentation of Proclamation designating the week of May 20-26, 2013, as Public Works Week** - Supervisor Brown read the Proclamation into the record and presented it to Public Works Director Scott DeLeon, who spoke.

6. **ITEM A-6 - 9:15 A.M. - Consideration of letter of support for H.R. 1823 (Heck), amending the prohibition of importation or exportation of mussels to include quagga mussels** - Supervisor Rushing introduced the item.

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

Amendments were made to the proposed letter.

On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the letter of support for H.R. 1823 (Heck), as amended, and authorized the Chair to sign.

7. **ITEM A-7 - 9:20 A.M. - (a) Update on Lakeside Heights Subdivision; and (b) Consideration of recommendations for continued response** - Supervisor Brown declared a conflict and was absent at 9:20 a.m.

(a) Public Works Director Scott DeLeon, Special Districts Administrator Mark Dellinger and Fiscal Officer Jan Coppinger presented the update to the Board.

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

Mr. Dellinger addressed the written questions Mr. Randall presented to the Board.

(b) No Board action was taken on this item.

Chair Smith announced the May 28, 2013 Board of Supervisors meeting had been cancelled, due to a lack of items.

Supervisor Brown was present at 9:57 a.m.

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8. **ITEM A-12 - (a) Consideration of request to waive Consultant Selection Policy, determining it not to be in the County's best interest; (b) Consideration of proposed Agreement between the County of Lake and Jennifer Bennett DVM, for full time veterinary services** - Animal Care and Control Director Bill Davids on presented the staff report.

(a) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), waived the Consultant Selection Policy, determining it not to be in the County's best interest.

(b) On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the Agreement between the County of Lake and Jennifer Bennett DVM, for full time veterinary services, in an amount not to exceed \$140,000, and authorized the Chair to sign.

9. **ITEM A-8 - 9:30 A.M. - Interview applicants for Treasurer-Tax Collector** - Chief Deputy Treasurer-Tax Collector Barbara Ringen was interviewed by the Board.

The Board took up this item again later in the day.

BACK TO #3 - CONSIDERATION OF ITEMS NOT APPEARING ON THE POSTED AGENDA:

Extra #2 - Calendar event for Supervisor Rushing - On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved taking up the item due to the fact that the weekly calendar was inadvertently omitted from today's agenda, and there is a need to make a calendar announcement before the next meeting.

Supervisor Rushing announced she would attend a California Public Utility Commission (CPUC) hearing in San Francisco, on May 28, 2013, on behalf of the CalWater customers of Lucerne.

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

10. **ITEM A-10 - Consideration of request for Family Medical Leave for Information Technology Director Shane French** - County Administrative Officer Matt Perry presented the staff report.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved Family Medical Leave for Information Technology Director Shane French, as presented in the staff memorandum dated May 15, 2013.

11. **ITEM A-11 - (a) Consideration of proposed modifications to job descriptions of County Librarian, Assistant County Librarian, Librarian II and Branch Librarian; (b) Consideration of request for conceptual approval of changes to the Librarian II and Branch Librarian positions; and (c) Consideration of request to direct Human Resources to conduct a promotional only recruitment for the County Librarian position** - County Administrative Officer Matt Perry presented the staff report.

(a & b) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the modifications to job descriptions of County Librarian, Assistant County Librarian, Librarian II and Branch Librarian, and approved, in concept, the changes to the Librarian II and Branch Librarian positions and directed Human Resources to begin the Meet and Confer process.

(c) On motion of Supervisor Rushing and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), directed Human Resources to conduct a promotional only recruitment for the County Librarian position.

12. **ITEM A-14 - Consideration of request for letter of opposition to Assembly Bill AB 711 (Rendon) requiring the use of nonlead ammunition for the taking of wildlife in California to be sent to Senate representatives** - Supervisor Brown introduced the item.

On motion of Supervisor Brown and by vote of the Board (4 ayes, Supervisor Comstock ABSENT), approved the letter of opposition to Assembly Bill AB 711 (Rendon) requiring the use of nonlead ammunition for the taking of wildlife in California, to be sent to appropriate legislative representatives, and authorized the Chair to sign.

After a brief recess, the Board of Supervisors reconvened into Regular Session at 10:45 a.m.

- BACK TO #9 - ITEM A-8 - 9:30 A.M. - Interview applicants for Treasurer-Tax Collector** - Sorhna Jordan was interviewed by the Board.

After a brief recess, the Board reconvened into Regular Session at 11:17 a.m.

Lenord Swope and Allison Hill were interviewed by the Board.

No Board action was taken on this item.

13. **ITEM A-13 - 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: Social Services Director 3. Conference with legal counsel: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9(d)(2),(e)(5): City of Lakeport 4. Conference with legal counsel: Significant Exposure to Litigation pursuant to Gov. Code Sec. 54956.9(d)(2),(e)(1): 7 potential claims and 1. Conference with Legal Counsel - Significant Exposure to Litigation pursuant to Government Code Section 54956.9, subdivision (d)(2),(e)(2): Public Records Act request of Lake County News; and 2. Conference with Legal Counsel - Existing Litigation pursuant to Government Code Sec. 54956.9, subd. (D)(1): *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 with no action taken at 1:56 p.m.

There being no further business, the Board of Supervisors adjourned at 1:56 p.m.

MATT PERRY
Clerk of the Board

Chair - Lake County Board of Supervisors

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