

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

**OFFICIAL MINUTES OF THE BOARD OF SUPERVISORS MEETING HELD JANUARY 7, 2014**

The Honorable Board of Supervisors of Lake County, California, met in regular session this 7<sup>th</sup> day of January, 2014, 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, Ed Robey led the salute to the flag of the United States of America.

1. **ITEM A-1 - 9:00 A.M. - (a) Election of Chair of the Board of Supervisors and Vice-Chair of the Board of Supervisors for 2014; (b) Election of Representative and Alternate to the Regional Council of Rural Counties (RCRC); and to the RCRC affiliate joint powers authority CRHMFA Homebuyers Fund (CHF) Boards of Directors; (c) Election of Chair and Vice-Chair of the Lake County Local Board of Equalization for 2014; and (d) Election of Chair and Vice-Chair of the Lake County In-Home Supportive Services Public Authority Board of Directors for 2014 - (a)** On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Supervisor Rushing Chair of the Board of Supervisors for 2014.

The gavel was passed to Chair Rushing.

On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Supervisor Farrington Vice Chair of the Board of Supervisors for 2014.

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

The gavel was passed to Lake County Local Board of Equalization Chair Farrington.

(c) On motion of Member Brown and by vote of the Board (5 ayes), appointed Member Farrington Chair and Member Comstock Vice Chair of the Lake County Local Board of Equalization for 2014.

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

The gavel was returned to Chair Rushing.

(b) On motion of Supervisor Smith and by vote of the Board (5 ayes), appointed Supervisor Farrington Representative and Supervisor Comstock Alternate to the Regional Council of Rural County (RCRC), and to the RCRC affiliate joint powers authority CRHMFA Homebuyers Fund (CHF) Boards of Directors.

The Board of Supervisors adjourned and convened as the In Home Support Services (IHSS) Public Authority Board of Directors.

(d) On motion of Director Comstock and by vote of the Board (5 ayes), appointed Director Rushing Chair and Director Farrington Vice Chair of the In Home Support Services (IHSS) Public Authority Board of Directors for 2014.

The In Home Support Services (IHSS) Public Authority Board of Directors adjourned and reconvened as the Board of Supervisors.

2. **ITEM A-2 - 9:05 A.M. - APPROVAL OF CONSENT AGENDA** - On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Consent Agenda items C-1 through C-14, with the exception of Consent Agenda Item C-12, which was removed from the Consent Agenda and taken up immediately after.

Approved Minutes of the Board of Supervisors meeting held on December 17, 2013.

Adopted Proclamation recognizing the 50<sup>th</sup> Anniversary of the Federal Wilderness Act.

(a) Approved Agreement between the County of Lake and the Lake County Chamber of Commerce for FY 2013-2014 marketing, economic development and visitor information services, in the amount of \$50,000, and authorized the Chair to sign; and (b) Approved the 2014 California State Fair Counties Exhibit Entry Form, and authorized the Chair to sign.

Approved reissuance of check in the amount of \$2,692.56, to Jeanette Ditter Trustee.

Adopted Resolution No. 2014-01, approving the Standard Agreement between the County of Lake and Partnership Health Plan of California to facilitate coordination of care for Lake County Medi-Cal beneficiaries for Fiscal Year 2013/14, and authorizing the Director of Behavioral Health to sign agreement.

Approved Agreement between the County of Lake and Rebekah Children's Services for FY 2013-14 specialty mental health services, total amount \$55,000, and authorized the Chair to sign.

Adopted Resolution No. 2014-02, approving the application for Land and Water Conservation Fund Hammond Avenue Park Project.

Waived 900-hour limit for extra help Buildings and Grounds Maintenance Worker Lupeli Faleagufulu.

Adopted Resolution No. 2014-03, authorizing the Lake County Public Services Department to submit an application to California Department of Resources Recycling and Recovery (CalRecycle) for a Local Government Waste Tire Cleanup Grant for FY 2014/15.

Approved Budget Transfer B-099, BU 7011 Parks, from Utilities to Capital Improvements-Equipment, total amount \$15,000, to upgrade the Alpine Park pump system.

Adopted Resolution No. 2014-04, authorizing the Director, Public Works Department, to sign a Notice of Completion for work performed under Agreement dated July 23, 2013 (Chippewa South CSA Pavement Rehabilitation, Bid No. 13-07).

Consent Agenda Item C-12 - Carried over from December 17, 2013 - Adopt Resolution approving Right of Way Certification for Soda Bay/Cole Creek Bridge Replacement Project (State Agreement No. BROS-5914(025)) - This item was removed from the Consent Agenda at Supervisor Farrington's request, and taken up immediately after.

Authorized distribution of excess proceeds from Tax Defaulted Land Sale #152 in the amount of \$27,413.92, in accordance with staff memorandum dated December 30, 2013.

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Sitting as the Lake County Local Board of Equalization, approved Stipulation Change in Assessment for Appeal No. 469-2011, DaVita Inc., APN 039-570-230-000, in Land from \$379,341 to \$370,000 and Improvements from \$1,978,723 to \$1,230,000 for a change in total from \$2,358,064 to \$1,600,000 for the 2011 tax year.

**Consent Agenda Item C-12 - Carried over from December 17, 2013 - Adopt Resolution approving Right of Way Certification for Soda Bay/Cole Creek Bridge Replacement Project (State Agreement No. BROS-5914(025))** - Supervisor Farrington cited a conflict and was absent at 9:08 a.m.

Supervisor Brown offered Resolution No. 2014-05, and it was passed by roll call vote (4 ayes, Supervisor Farrington ABSENT).

Supervisor Farrington was present at 9:09 a.m.

3. **ITEM A-3 - Presentation of animals that are available for adoption at the Lake County Animal Care and Control Shelter** - Animal Care and Control Officer Bailey Nolan presented one canine currently available for adoption.

**PUBLIC INPUT** - Milos Leubner spoke regarding various issues in Lake County.

4. **ITEM A-5 - Current Construction Projects - Contract Change Orders:**

**Change Order #4 - Clearlake Oaks Senior Center** - This change order addresses the addition of locks to cabinets in rooms 101 and 102.

Deputy County Administrative Officer Special Projects Eric Seely presented the staff report.

On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Change Order #4 - Clearlake Oaks Senior Center, for an increase of \$1,007.98, Randy Hill Construction, Inc., and authorized the Chair to sign.

**Change Order #1 - Exercise Yard Enclosure for the Lake County Main Jail** - This change order addresses the addition of concertina wire around the top of the completed fencing addition to Area 1.

Public Works Director Scott DeLeon presented the staff report.

Captain Chris Macedo and County Administrative Officer Matt Perry added input to the staff report.

On motion of Supervisor Smith and by vote of the Board (5 ayes), approved Change Order #1 - Exercise Yard Enclosure for the Lake County Main Jail, for an increase of \$10,837, and authorized the Chair to sign.

5. **ITEM A-6 - 9:08 A.M. - Presentation of Proclamation recognizing the 50<sup>th</sup> Anniversary of the Federal Wilderness Act** - Chair Rushing read the proclamation into the record and presented it to Cheri Glenn-Holden and Ed Robey, who spoke.

6. **ITEM A-7 - 9:10 A.M. - PUBLIC HEARING - Consideration of the conveyance of personal property from the County of Lake to Deputy Joe Dutra (Protection Canine Zap)** - Captain Chris Macedo presented the staff report.

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

Supervisor Brown offered Resolution No. 2014-06, and it was passed by roll call vote (5 ayes).

7. **ITEM A-8 - 9:15 A.M. - PUBLIC HEARING - Consideration of Ordinance amending Article IV of the Lake County Code (the Right to Farm Ordinance) to eliminate the Disclosure Statement recordation requirement** - County Counsel Anita Grant introduced the item.

Assessor-Recorder Doug Wacker provided input.

Chair Rushing opened the public hearing and the following people spoke: Rick White, Herb Gura, Claudia Street and Monica Rosenthal. No one else was present wishing to speak and the public hearing was closed.

There was Board consensus to request the Assessor-Recorder meet with the Community Development Director and members of the Lake County Farm Bureau and Lake County Association of Realtors to develop a recommendation for the Board to consider at a future date.

8. **ITEM A-9 - 9:30 A.M. - PUBLIC HEARING - Consideration of ordinance establishing fees for the Auditor-Controller/County Clerk's Office** - At request of the Auditor-Controller/County Clerk, this item was removed from the agenda and not taken up.

The Board of Supervisors adjourned and convened as the Lake County Sanitation District Board of Directors.

Director Brown cited a conflict and was absent at 9:58 a.m.

9. **ITEM A-10 - 9:45 A.M. - Consideration of Funding Agreement with State Water Resources Control Board for permanent relocation of sewer line at Lakeside Heights Subdivision** - Special Districts Administrator Mark Dellinger and Utilities Compliance Coordinator Jan Coppinger were present.

Mr. Dellinger presented the staff report.

Director Farrington offered Resolution No. 2014-07, and it was passed by roll call vote (4 ayes, Director Brown ABSENT).

The Lake County Sanitation District Board of Directors adjourned and reconvened as the Board of Supervisors.

Supervisor Brown was present at 10:01 a.m.

10. **ITEM A-11 - 10:00 A.M. - Presentation of Drought Management Plan Update** - Special Districts Administrator Mark Dellinger and Utilities Compliance Coordinator Jan Coppinger were present.

Mr. Dellinger presented the staff report.

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

There was Board consensus to direct the Water Resources Director to prepare a report regarding the effect of drought conditions on the waters of Clear Lake, to be presented to the Board at a future date.

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11. **ITEM A-15 - (a) Consideration of Chairman's recommended 2014 committee assignments for members of the Board of Supervisors; and (b) Discussion of future committee meetings** - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved the Chairman's recommended 2014 committee assignments for members of the Board of Supervisors.
- (b) There was consensus to schedule a discussion regarding the Yolo County 2x2 committee at a future meeting. No Board action was taken on this portion of the item.
12. **ITEM A-17 - Consideration of proposed Memorandum of Understanding between the Social Services Department and the Office of the District Attorney for Welfare and In-Home Supportive Services (IHSS) fraud prosecution** - District Attorney Don Anderson and Social Service Director Carol Huchingson were present.
- Ms. Huchingson presented the staff report, and County Administrative Officer Matt Perry added information.
- On motion of Supervisor Comstock (5 ayes), approved the Memorandum of Understanding between the Social Services Department and the Office of the District Attorney for Welfare and In-Home Supportive Services (IHSS) fraud prosecution, and authorized the Social Services Director to sign.
13. **ITEM A-19 - Consideration of issuance of County letter to the California Department of Transportation (CalTrans) affirming the County's intent in executing contract documents and amendments with Quincy Engineering, Inc., for engineering and design services to improve the County's South Main Street/Soda Bay Road Corridor** - Public Works Director Scott DeLeon presented the staff report.
- On motion of Supervisor Comstock and by vote of the Board (5 ayes), approved the issuance of County letter to the California Department of Transportation (CalTrans) affirming the County's intent in executing contract documents and amendments with Quincy Engineering, Inc., for engineering and design services to improve the County's South Main Street/Soda Bay Road Corridor, and authorized the Chair to sign.
14. **ITEM A-16 - (a) Consideration of bid process for Lucerne Castle elevator; and (b) Consideration of proposed Plans and Specifications for the Lucerne Castle elevator** - Deputy County Administrative Officer Alan Flora presented the staff report.
- (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), rejected the previous bid for design, furnishing, and installation of an elevator by Dream Ride Elevators, dated August 17, 2012, and approved the abbreviation of the bid process for the Lucerne Castle elevator.
- There was Board consensus to add the requirement of a performance bond to the bid requirements, and for the contract to include provisions to ensure timely completion of the project.
- (b) This portion of the item was carried over one week, to January 14, 2014.
15. **ITEM A-12 - 10:30 A.M. - (a) Update on hard freeze event; (b) Consideration of budget transfer from General Fund Contingencies to provide matching funds for Warming Center; and (c) Consideration of Agreement between the County of Lake and Lake Family Resource Center for the operation of the warming center** - (a) Lake Family Resource Center (LFRC) Chief Executive Officer Gloria Flaherty presented an update to the Board and County Administrative Officer Matt Perry provided the staff report.
- (b & c) On motion of Supervisor Brown and by vote of the Board (5 ayes), approved Budget Transfer B-111, from General Fund Contingencies, in the amount of \$5,000, to provide matching funds for Warming Center, and approved the Agreement between the County of Lake and Lake Family Resource Center for the operation of the warming center, total amount \$5,000, pending verification of matching funds raised by LFRC, and authorized the Chair to sign.
16. **ITEM A-13 - 10:45 A.M. - (a) Consideration of the following appointments: Area Agency on Aging (AAA) Governing Board, Child Care Planning Council and Emergency Medical Care Committee (EMCC); and (b) Consideration of elimination of the following standing committees: Clear Lake Advisory Committee** - (a) On motion of Supervisor Brown and by vote of the Board (5 ayes), reappointed Gerald Chaney to the Area Agency on Aging (AAA) Governing Board, for a term to expire on January 1, 2016.
- On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Gloria Bradford (Public Agency), and Mary Prather (Community Representative), to the Child Care Planning Council, for terms to expire January 1, 2017.
- On motion of Supervisor Brown and by vote of the Board (5 ayes), appointed Aaron Wright (Consumer/Interested Group), to the Emergency Medical Care Committee, for a term to expire January 1, 2015.
- After a brief recess, the Board reconvened into Regular Session at 10:58 a.m.
- (b) Supervisor Farrington introduced the item.
- Chair Rushing asked if anyone was present wishing to speak and the following people spoke: Khloe Karl, Melissa Fulton, Paula Britton, Suzanne Lyons, Betsy Cawn, Phil Murphy, Joan Moss, Herb Gura, Jim Steele and Mike Dunlap. 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), eliminated the Clear Lake Advisory Committee.
- There was Board consensus to schedule a discussion of the components, purpose and scope of a future lake advisory committee.
17. **ITEM A-18 - CLOSED SESSION - 1. Conference with Labor Negotiator: (a) County Negotiators: A. Grant, S. Harry, L. Guintivano, M. Perry and J. Hammond; and (b) Employee Organization: DDAA, DSA, LCCOA, LCEA and LCSEA 2. Public Employee Performance Evaluation: Title: Human Resources Director 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. Employee Grievance Hearing (EG 2013-01) 5. Conference with Legal Counsel - Anticipated Litigation pursuant to County Counsel Gov. Code Sec. 54956.9 (d)(4) Decision whether to Initiate Litigation (One Case)** - Chair Rushing announced the Board would now convene into Closed Session for the reasons stated on the agenda.

The Board reconvened into Regular Session at 12:46 p.m. and took the following action:

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On motion of Supervisor Farrington and by vote of the Board (5 ayes), approved the Findings of Fact in the matter of Employee Grievance EG 2013-01, and denied the grievance.

There being no further business, the Board of Supervisors adjourned at 12:47 p.m.

MATT PERRY  
Clerk of the Board

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Chair - Lake County Board of Supervisors

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