

#### MICHAEL POWERS.

County Executive Officer and Clerk of the Board of Supervisors

#### **ROBERTA RODRIGUEZ**

Chief Deputy Clerk of the Board (805) 654-2251

LEROY SMITH, County Counsel

# OFFICIAL SUMMARY MINUTES NOVEMBER 20, 2012

# Board of Supervisors Ventura County

County Government
Center
Hall of Administration
Board of Supervisors
Hearing room
800 South Victoria
Avenue
Ventura, California 93009

#### Members of the Board

### JOHN C. ZARAGOZA, District 5 CHAIR

Oxnard, Oxnard Shores, Mandalay Bay, Silver Strand, Hollywood Beach, Hollywood By the Sea, Channel Islands Harbor, El Rio, Nyeland Acres, Del Norte Area, Oxnard College, Oxnard Plain, Strickland and Portion of Naval Base Ventura County Port Hueneme

#### **STEVE BENNETT, District 1**

San Buenaventura, Montalvo, Saticoy, Ojai Valley, City of Ojai, Upper Ojai Valley, Riverpark, Northwest Oxnard, North Coast and West Lockwood Valley

#### **LINDA PARKS, District 2**

Thousand Oaks, Newbury Park, Westlake Village, Oak Park, Bell Canyon, Hidden Valley, Lake Sherwood, Somis, Las Posas Valley, California State University Channels, Portions of the Oxnard Plain, Santa Rosa Valley, Naval Base Ventura County Point Mugu, California Air National Guard, and South Coast

#### **KATHY I. LONG, District 3**

Camarillo, Port Hueneme, Southeast Oxnard, East Oxnard Plain, Santa Paula, Fillmore, Piru, East Lockwood Valley, and Eastern Portion of Naval Base Ventura County Port Hueneme

## PETER C. FOY, District 4 VICE CHAIR

Simi Valley, Moorpark, Santa Susana Knolls, Box Canyon, Chatsworth Peak, Home Acres, Sinaloa Lake, and Tierra Rejada Valley

#### **OPENING**

- 1. Call to Order.
- Roll Call.

Members Present:

Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

Staff Present:

Michael Powers, County Executive Officer, Leroy Smith, County Counsel, and

Roberta Rodriguez, Chief Deputy Clerk of the Board.

- 3. Moment of Inspiration Rigoberto Vargas, Ventura County Public Health and Steve Somann, Chair, County of Ventura HIV/AIDS Advisory Committee.
- 4. Pledge of Allegiance to the Flag of the United States of America.

#### **OPENING, CONTINUED**

5. Minutes of the meeting of the County and Special Districts governed by the Board held Tuesday, November 6, 2012.

Motion: Approve

Moved by Kathy I. Long, seconded by Linda Parks

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

6. Agenda Review.

Motion: Approve Addendum Agenda - Item 37 - Time Certain - Closed Session - Public Employee Performance Evaluation - Director/Chief Probation Officer

Addendum Agenda - Item 37 - Remove from Agenda

Consent Agenda - Item 18 - Revised Board Letter, page 2, added that the rate is declining due to reduced costs at the new location.

Time Certain Agenda - Item 24 - added PowerPoint Presentation

Time Certain Agenda - Item 32 - Exhibit 14 was revised with response to comment notations; Added Exhibit 15 - Planning Response to Comments of Kate Neiswender, Exhibit 16 - Letter from Glenn Forster of Warped Paintball Park, LLC.; Exhibit 17- Power Point presentation prepared by Kristina Roodsari, RMA Planning Division Staff; Exhibit 18- Site Photos prepared by Applicant's representative, Ginger Anderson of Penfield and Smith; Exhibit 19- Power Point presentation prepared by Applicant's representative, Ginger Anderson of Penfield and Smith; Exhibit 20- Video of Applicant's paintball park in Castaic, submitted by Applicant's representative, Ginger Anderson of Penfield and Smith and a Power Point Presentation Received from Ginger Andersen, Attorney for the Applicant

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

7. Consent Agenda Items 10 - 23.

Motion: Approve Consent Agenda Items 10 - 23 Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

8. Public Comments.

Lucas Thayer comments on the conflict in Gaza; comments on 1.7 million Palestinians living in Gaza; comments on Israel wanting to wipe out Gaza; comments on children being killed by Israeli air strikes; and comments on the City of Oxnard Police Department killing Alfonso Limon and Robert Ramirez.

#### **OPENING, CONTINUED**

#### 9. Board Comments.

Supervisor Foy - Adjournments; comments on the Home Acres town hall meeting and expresses appreciation to County staff for their work and participation; comments on Moorpark Chief of Police, Captain Ron Nelson moving to another assignment; comments on Elizabeth Paxson of Moorpark going to the American Quarter Horse Association Novice National Championship; comments on Carinne Gale getting a gymnastics scholarship to Stanford University; and comments on Highway Patrol Commander, April Baxter's daughter, Sarah, being the National Cross Country Runner Champion.

Supervisor Long - Adjournments; comments on the kick off of the Annual Food Share Tackling Hunger Campaign; comments on Ventura County residents that struggle with hunger; and comments on the Canned Food Tree drive at the County Administrative building.

County Executive Officer Powers - Comments on the need for participants to build the canned food trees and donate canned food.

Supervisor Parks - Adjournments; wishing everyone a wonderful Thanksgiving; expresses appreciation to troops unable to be with their family; and comments on Supervisors Bennett's PowerPoint and big money having an effect in the political process and negative campaigns.

Supervisor Bennett - Adjournments; comments on Food Share's Canned Food Tree drive; comments on residents struggling with hunger and the homeless; comments on cards being sold for \$25 that goes to the Homeless Prevention Fund and you get a green wrist band; comments on attending the Fire Academy graduation in Camarillo with Supervisor Foy; congratulates the Ventura Unified School District for their success on Measure Q; comments on Dan Walters of the Sacramento Bee comments regarding the State of Arizona's Fair Political Practices Commission's (FPPC) "the folks behind the money, whoever they may be, played the legal game well - stringing out the FPPC to delay its nondisclosure disclosure until just before the election, thereby precluding any further disclosure until after the voting, if ever".; and comments the people of Ventura County being unified on their right to know where campaign money is coming from in elections; comments that in Ventura County an independent expenditure PAC stringing out the disclosure, making it hard and slowing down the process and the need to do everything we can to prevent this; comments on a Republican and Attorney for John McCain, Trevor Potter, who helped John McCain with the finance laws, being frustrated with the process and formed an organization whose purpose is to make sure disclosures are made; comments on Trevor Potter's comments on Bill Moyers "We're creating opportunities for corruption and candidates being beholden to specific private interests because of funding, yet there's no disclosure to the rest of us."

Supervisor Zaragoza - Adjournments; comments on the Santa to the Sea run on December 9th; comments on the canned food drive and sock drive; comments on the run providing over two thousand gifts and scholarships to kids in Oxnard last year; and comments on attending the enchilada dinner at the El Rio Lions Club; and wishes everyone a happy Thanksgiving.

#### **CONSENT AGENDA**

#### **COUNTY EXECUTIVE OFFICE**

10. Adoption of a Resolution Amending the Ventura County Personnel Rules and Regulations to Update Article 2 Section 229 and 234, and Article 3 Section 304.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

11. Adoption of the Ventura County 2012-14 Equal Employment Opportunity Plan.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### FIRE PROTECTION DISTRICT

12. Authorization for the Donation of a 1992 Pierce "Lance" Fire Engine to Oxnard College's Fire Technology Program for the Purpose of Training Current and Future Firefighters.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

#### **HEALTH CARE AGENCY - Ambulatory Care**

13. Ratification of, Approval of, and Authorization for, the Purchasing Agent to Sign the Fifth Amendment to the Agreement with Kelly Cleaning & Supplies, Inc., to Renew and Increase the Purchase Order, Effective October 1, 2012 for a One-Year Period with Two One-Year renewals thereafter, with a Maximum Annualized Fixed Contract Amount Not To Exceed \$286,746; Ratification of, Approval of, and Authorization for, the Purchasing Agent to Sign the Seventh Amendment with Pride Industries One, Inc. to Increase the Purchase Order for the Period Ending September 30, 2012 in an Amount Not To Exceed \$558,287, and to Renew the Agreement for the One-Year Period Beginning October 1, 2012 Through September 2013, with up to Two One-Year Renewals Thereafter, in an Amount Not To Exceed \$664,537 Per Year.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### **HEALTH CARE AGENCY - Behavioral Health**

14. Ratification of, Approval of, and Authorization for, the Ventura County Behavioral Health Director, or Her Designee, to Sign the Second Amendment to the Agreement for Mental Health Services Act Services with Recovery Innovations, Inc. for the Service Period of July 1, 2012 Through June 30, 2013.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### **HEALTH CARE AGENCY - Ventura County Medical Center**

15. Approval of, and Authorization for, the Health Care Agency Director, or His Designee, to Sign an Amendment to the Standard Agreement with the California Department of Veterans Affairs for Health Care Services Extending the Contract from December 1, 2012 Through November 30, 2014.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

#### **HEALTH CARE AGENCY - Ventura County Medical Center, CONTINUED**

16. Approval of, and Authorization for, the Health Care Agency Director, or His Designee, to Sign an Agreement with Cheryl Lambing, M.D., Leslie Lynn Pawson, M.D., James Helmer M.D., Maria del Rocio Villasenor, M.D., Bryan Wong, M.D., and Stevenson Rogers, M.D., dba Ventura County Medical Center (VCMC) Family Practice Medical Group, for VCMC Residency and Urgent Care Physician Services, Effective December 1, 2012, for a Period of 19 Months; and Ratification of, Approval of, and Authorization for, the Purchasing Agent, or Her Designee, to Sign the Eleventh Amendment to an Agreement with Frederic Leong, M.D., for Pediatric Echocardiography Services, Effective July 1, 2012, for a Period of 12 Months..

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

17. Approval of, and Authorization for, the Health Care Agency Director, or His Designee, to Sign an Amendment to the Provider Participation Agreement with Health Net of California, Inc., for Health Care Services, Effective April 1, 2013.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

18. Ratification of, Approval of, and Authorization for, the Health Care Agency Director, or His Designee, to Amend the ACE Provider Services Agreement with Clinicas del Camino Real, Inc. to Change a Facility Location in Simi Valley and Reduce the Corresponding Federally Qualified Health Clinic Prospective Payment System Reimbursement Rate for the Provision of Primary Care and Family Practice Medical Services to the Members of the Low Income Health Program Known as ACE.

Motion: Approve; with a Revised Board Letter Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

#### **PUBLIC WORKS AGENCY - County of Ventura**

19. Approval of, and Authorization for, an Amendment to the County's Residential Solid Waste Collection Agreement with E.J. Harrison and Sons, Inc., Establishing Rates for Multi-Family Units for Solid Waste Collection Zones 1 and 2 in the Unincorporated Areas of Ventura County, Effective January 1, 2013; Supervisorial District Nos. 1 and 5.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

20. Approval of, and Authorization for, the Public Works Agency Director, or His Designee, to Sign a Renewal Lease Agreement with WESTVEN PLAZA, LLC for Office Space Located at 24 and 56 E. Main Street, in the City of Ventura for Behavioral Health Department's Alcohol Drug Program d/b/a the Ventura ADP Center.

Motion: Approve

Moved by Steve Bennett, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### **PUBLIC WORKS AGENCY - Waterworks Districts**

21. Approval of, and Authorization for, a Contract with Shea Homes to Install Water and Sewer Improvements for Tract 5425 in the City of Moorpark; and Direct the Clerk of the Board to Retain the Performance and Payment Bond; Waterworks District No. 1, Supervisorial District No. 4.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

#### **RESOURCE MANAGEMENT AGENCY - Environmental Health**

22. Receive and File the Hazardous Materials Discharge Report for November 3, 2012 Through November 9, 2012 - Proposition 65.

Motion: Receive and File

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### SHERIFF'S OFFICE

23. Authorization for the Sheriff's Office to Accept Fiscal Year 2011 Regional Catastrophic Planning Grant Funds from the City of Los Angeles; Approval of, and Authorization for, the Subrecipient Agreement with the City of Los Angeles; and Authorization for the Auditor-Controller to Process the Necessary Accounting Transactions to Adjust Appropriations and Unanticipated Revenue.

Motion: Approve

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### TIME CERTAIN ITEMS, PRESENTATIONS AND HEARINGS

#### 10:00 A.M.

24. Receive a Report by the Westminster Free Clinic and Presentation of Certificates to the Clinic's Student Volunteers.

Motion: Receive and File

Moved by Steve Bennett, seconded by Kathy I. Long

Vote: Motion carried 5-0

#### TIME CERTAIN ITEMS, PRESENTATIONS AND HEARINGS, CONTINUED

#### <u>10:00 A.M., CONTINUED</u>

25. Presentation of a Resolution Proclaiming November 2012 as "Homeless Awareness" Month in Ventura County.

Made Presentations

26. Presentation of a Resolution Proclaiming December 1, 2012 as "World AIDS" Day in Ventura County.

Made Presentation

#### 11:00 A.M.

27. Receive and File an Oral Report Regarding a First Quarter Update on the County's Fiscal Year 2012-13 Budget.

Motion: Receive and File

Moved by Kathy I. Long, seconded by Peter C. Foy

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### 12:00 P.M.

Closed Session - It is the intention of the Ventura County Board of Supervisors, Ventura County Fire Protection District Board, and the In-Home Supportive Services (IHSS) Public Authority Board to meet in Closed Session to consider the following items at 12:00 p.m. or earlier based on Agenda progress:

#### **BEFORE THE VENTURA COUNTY BOARD OF SUPERVISORS:**

28. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code, § 54957.6)

COUNTY DESIGNATED REPRESENTATIVE: Catherine Rodriguez, Matt Carroll EMPLOYEE ORGANIZATIONS: California Nurses Association Criminal Justice Attorneys' Association of Ventura County International Union of Operating Engineers, Local 501 Service Employees International Union, Local 721 Specialized Peace Officers' Association of Ventura County Ventura County Deputy Sheriffs' Association Ventura County Professional Peace Officers Association Ventura County Sheriff's Correctional Officers' Association Ventura Employees Association

UNREPRESENTED EMPLOYEES: Management, Confidential Clerical and Other Unrepresented Employees

No Action Taken

#### TIME CERTAIN ITEMS, PRESENTATIONS AND HEARINGS, CONTINUED

#### **12:00 P.M., CONTINUED**

Closed Session, CONTINUED - It is the intention of the Ventura County Board of Supervisors, Ventura County Fire Protection District Board, and the In-Home Supportive Services (IHSS) Public Authority Board to meet in Closed Session to consider the following items at 12:00 p.m. or earlier based on Agenda progress:

#### BEFORE THE VENTURA COUNTY FIRE PROTECTION DISTRICT BOARD:

29. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Gov. Code, § 54956.9)

PURSUANT TO GOVERNMENT CODE SECTION 54956.9, SUBDIVISION (a): NAME OF CASE: Ventura County Fire Protection District v. Southern California Edison Company, Ventura County Superior Court Case No. 56-2011-00404743-CU-PO-SIM

30. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code, § 54957.6)

COUNTY DESIGNATED REPRESENTATIVES: Catherine Rodriguez, Matt Carroll EMPLOYEE ORGANIZATION: Ventura County Professional Firefighters Association

No Action Taken

#### BEFORE THE VENTURA COUNTY IHSS PUBLIC AUTHORITY BOARD:

31. CONFERENCE WITH LABOR NEGOTIATORS (Gov. Code, § 54957.6)

COUNTY DESIGNATED REPRESENTATIVES: Catherine Rodriguez, Matt Carroll EMPLOYEE ORGANIZATION: Service Employees International Union, Local 6434

No Action Taken

#### 1:30 P.M.

32. Public Hearing Regarding an Appeal of the Planning Commission's Approval of Conditional Use Permit (CUP) No. LU11-0030 for a Paintball and Airsoft Sports Park; De Novo Consideration of CUP Case No. LU11-0030 for the Operation of a Paintball and Airsoft Sports Park at 8643 Shekell Road in the Community of Moorpark; Supervisorial District No. 4.

Motion: Deny the Appeal and Uphold the Planning Commission's decision of Conditional Use Permit No. LU11-0030 for the reasons set forth in the staff report; with a revised Exhibit 14 and added Exhibits 15-20

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

#### **REGULAR AGENDA**

#### **HEALTH CARE AGENCY - Public Health**

33. Approval of, and Authorization for, the Human Resources Director to Delete Two Full-Time Equivalent Nutrition Assistant II Positions from the Woman, Infants, and Children Budget, Effective November 24, 2012.

Motion: Approve

Moved by Linda Parks, seconded by Peter C. Foy

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### **HUMAN SERVICES AGENCY**

34. Approval of, and Authorization for, a Contract with Forward Advantage, Inc., Not to Exceed \$110,031 for Information Technology Professional Services, Effective November 20, 2012 Through June 30, 2013; and Approval of, and Authorization for, the Human Services Agency Director, or His Designee, (Deputy Director of Administrative Services) to Approve Modifications to Decrease the Amount of the Contract, to Extend the Time for Performance Not to Exceed a Cumulative Three-Month Period, or to Approve Non-Monetary Corrections, Clarifications and Technical Changes to the Contract, Provided that the County Executive Office and County Counsel Approve the Changes, that the Changes are Consistent with the Original Purpose of the Contract and that the Changes Do Not Result in Additional Costs to the County.

Motion: Approve

Moved by Peter C. Foy, seconded by Linda Parks

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### **BOARD OF SUPERVISORS**

35. Recommendation of Supervisor Zaragoza to Set a Special Meeting of the Board of Supervisors for January 15, 2013; Cancel the Regular Board of Supervisors Meeting for January 22, 2013; and Approve the Regular Meeting Schedule Calendar for February 2013.

Motion: Approve

Moved by Kathy I. Long, seconded by Linda Parks

Vote: Motion carried 5-0

#### **CORRESPONDENCE AGENDA**

Receive and File Correspondence Agenda Item 36 - Communications Received and Filed by the Clerk of the Board on Behalf of the Board of Supervisors, with Copies Furnished as Indicated.

36. Receive and File Correspondence from the California Department of Food and Agriculture, Regarding the Proclamation of an Emergency Program Against the Asian Citrus Psyllid in Ventura County.

Motion: Receive and File

Moved by Kathy I. Long, seconded by Peter C. Foy

Vote: Motion carried 5-0

Yes: Steve Bennett, Linda Parks, Kathy I. Long, Peter C. Foy, and John C. Zaragoza.

#### **ADDENDUM AGENDA**

#### **12:00 P.M., CONTINUED**

Closed Session, CONTINUED - It is the intention of the Ventura County Board of Supervisors, Ventura County Fire Protection District Board, and the In-Home Supportive Services (IHSS) Public Authority Board to meet in Closed Session to consider the following items at 12:00 p.m. or earlier based on Agenda progress:

#### BEFORE THE VENTURA COUNTY BOARD OF SUPERVISORS:

37. PUBLIC EMPLOYEE PERFORMANCE EVALUATION (Gov. Code, § 54957)

TITLE: DIRECTOR/CHIEF PROBATION OFFICER

Motion: Remove from Agenda

Moved by Peter C. Foy, seconded by Kathy I. Long

Vote: Motion carried 5-0

38. At 3:33 p.m. the Board hereby adjourns in memory of Kevin S. Krout, Al Sassoe, David Boyle, Supha Snow, Sal Terrusa, Mary Jane Watson, Pauline Lamorta, Bienvenido Cancel Morales, Johnson Charles Wood Ronald Owen Griswold, Donald E. Oliverier, Mary Louise Kirchner, Peter Delgadillo, Joseph Davey, Donna Gladden, Dolores Juve, Virginia Patterson, Dale Edwin Ragel and Joseph Vasquez.

ROBERTA RODRIGUEZ Chief Deputy Clerk of the Board

#### **CLERK'S CERTIFICATE**

I hereby certify that the annexed instrument is a true and correct copy of the document which is on file in this office.

MICHAEL POWERS, Clerk of the Board of Supervisors, County of Ventura, State of California.

Dated:	_
Ву:	
Deputy Clerk of the Board	