

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 6, 2007

REGULAR MEETING

9:00 a.m.: Chairman Cibula called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Kehoe
District No. 2 - Supervisor Cibula
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
County Counsel - Karen Jahr
Deputy Clerk of the Board - Elaine Grossman
Deputy Clerk of the Board - Diane Colson
Chief Deputy Clerk of the Board - Glenda Tracy

INVOCATION

Invocation was given by Curtis Barbarick, Minister at Palo Cedro Church of Christ.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Shasta County Fire Warden Mike Chuchel.

INTRODUCTIONS

Introductions of the Members of the Board, County staff, elected officials, and County department heads were made.

PUBLIC COMMENT PERIOD - OPEN TIME

Dorothy Robbins read an excerpt from George Washington's Farewell Address.

Roberta Wright interpreted religion and morality viewpoints from George Washington's Farewell Address.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Cibula noted that the minutes of the February 27, 2007 meeting were pulled at the request of the department.

CONSENT CALENDAR

By motion made, seconded (Hawes/Baugh), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended (Chairman Cibula abstained on the office space lease for 1388 Court Street and the abatement consulting agreement for the former County library due to real property holdings in the area):

Approved and authorized the Chairman to sign an amendment to the lease with A & P Investments increasing the monthly rent by \$56.08 (for a new total of \$1,925.53 per month) for approximately 1,650 square feet of office space (\$1.17/square foot) for the court reporters at 1388 Court Street, Suite E, effective May 1, 2007 on a month-to-month basis. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$3,126.37 requiring special board action. (Auditor-Controller)

Approved and authorized the Chairman to sign an amendment to the agreement with Crestwood Behavioral Health, Inc. increasing compensation by \$60,000 (for a new total not to exceed \$137,800 per fiscal year) to provide special treatment programs and enhanced services and retaining the original term through June 30, 2007. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Empire Recovery Center increasing compensation by \$54,000 (for a total not to exceed \$114,000) to provide additional residential alcohol and other drug treatment services and retaining the term of July 1, 2006 through June 30, 2007. (Mental Health-Alcohol and Drug Programs)

For Tract Map No. 1887A-Phase 1, Balls Ferry Subdivision (Cottonwood area), approved the final map (Phase 1) for filing and adopted Resolution No. 2007-21, which consents to but does not accept all offers of dedication for drainage easements. (Public Works)
(See Resolution Book No. 48)

Approved and authorized the Chairman to sign an agreement with ACC Environmental Consultants, Inc. in an amount not to exceed \$55,241 to provide abatement consulting services on the former County Library building from the date of signing through 30 days after filing a notice of completion of abatement. (Public Works)

REGULAR CALENDAR

BOARD MATTERS

MARCH 2007 EMPLOYEE OF THE MONTH
DEPUTY DISTRICT ATTORNEY III EARL JOSH LOWERY
RESOLUTION NO. 2007-22

At the recommendation of District Attorney Jerry Benito and Assistant District Attorney Dan Flynn and by motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-22, which recognizes Deputy District Attorney III Earl Josh Lowery as Shasta County's March 2007 Employee of the Month.

(See Resolution Book No. 48)

GENERAL GOVERNMENT**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Larry Lees had no legislative report.

Supervisor Baugh recently attended an Economic Development Corporation of Shasta County meeting and complimented CAO Lees on his presentation. Supervisor Baugh also recently attended a PSA 2 Area Agency of Aging Executive Board meeting and reported that although the senior population of Shasta County is 64 percent, only 48 percent of PSA 2 funds are received in Shasta County.

Supervisors Baugh, Cibula, and Kehoe attended the grand opening of the Shasta County Library - Redding Main.

Supervisor Kehoe noted that Chairman Cibula recently received the 2006 Governor's Environmental and Economic Leadership Award on behalf of the Lower Clear Creek Restoration Team for the Lower Clear Creek Floodway Rehabilitation Project led by the Western Shasta Resource Conservation District.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE**ILLEGAL DUMPING PREVENTION PROGRAM REPORT**

County Administrative Officer Larry Lees introduced the staff report and recommended receipt of the educational, cleanup, and law enforcement components of the report. Department of Resource Management-Community Education Staff Services Manager Ronni Harman stated that bumper stickers including the toll free telephone number to report illegal dump sites will be printed and she will work with Public Health staff on program advertising, including web sites, and the quarterly "Trash Talk" newsletter.

District Attorney Jerry Benito announced that the toll free telephone number 1-866-61-TRASH is active for citizens to report illegal dump sites; community members are asked to leave detailed information of the trash site location. The lead investigation team includes District Attorney's Investigator Rich Edwards and Investigator Technician Karl Howell; they will use investigative techniques to locate perpetrators as well as collaborate with local law enforcement, Public Works, Department of Fish and Game, Department of Resource Management, and CalMet. Mr. Benito added that there is a reporting party's reward system in place for prosecution in addition to a Penal Code award of 50 percent of the fine paid by a perpetrator.

Sheriff Tom Bosenko stated that officers will respond to in-progress illegal dumping calls reported to SHASCOM dispatchers at 245-6540. Citizens' Volunteer Patrols will also watch for violators and encourage citizen participation in community cleanup events.

Public Works Director Pat Minturn said illegal dump sites in the right of way along County roads can be reported to 225-5661; the Roads Department will clean up these areas. His department has allocated \$10,000 to pay tipping fees which will facilitate cleanup efforts by Crystal Creek Boys' Camp and Sheriff's work release programs. Mr. Minturn reported that the Board of Supervisors previously inquired about mandatory garbage collection outside city jurisdictions; he suggested that single-family rentals may be a good starting point, and reports

from the District Attorney's investigation team will assist in determining whether these are illegal dumping violators.

In response to a question by Supervisor Kehoe, Mr. Minturn explained that Public Works coordinates with the City of Redding in the Enterprise area, shares common haulers with the Cities of Shasta Lake and Anderson, and makes the Buckeye Transfer Station available for cleanups in the City of Shasta Lake; however, there is a general understanding that each jurisdiction is responsible for cleanup efforts in their area.

In response to a question by Supervisor Kehoe, CAO Lees reported that ultimate success of the program will be measured by no reported illegal dump sites; short-term success can be measured by the prosecution rate. He added that the District Attorney will prepare a report to the Board of Supervisors after six months of program implementation indicating measurements of convictions and number of received calls. Supervisor Hawes requested that the amount of tonnage removed be included in the report.

Supervisors Kehoe, Baugh, and Hartman suggested a more captivating slogan than "Illegal Dumping is a Crime in Shasta County." Chairman Cibula suggested the illegal dumping public relations committee create a new slogan.

In response to questions by Supervisor Kehoe, Mr. Benito said that prosecution does apply to illegal dumping on private property; however, a preventive approach will be used for absentee landowners to encourage property access being blocked by large rocks, fences, or trees. The owners should take notice of the problem when the dumping is minimal and remove the trash.

In response to questions by Chairman Cibula, Mr. Minturn advised that the \$10,000 mentioned earlier can also be used for community group cleanup efforts; if the group provides the site and workers, haulers can bring bins to collect the refuse. He added that the Adopt-A-Highway Program is set up to provide bags and bagged refuse collection from assigned areas. In regard to economic effect and "free" dump days, Mr. Minturn replied that the landfill is run by a joint powers agreement; bond conditions prohibit "free" dump days as cash flow is needed for management costs and environmental costs to maintain the landfill.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors received a report on the Illegal Dumping Prevention Program, referred slogan determination to the public relations committee, and requested a progress report from the District Attorney's Office after the program has been implemented for at least six months.

COUNTY CLERK/ELECTIONS

HELP AMERICA VOTE ACT OF 2002 (HAVA) SECTION 301 FUNDS SPENDING PLAN VOTING SYSTEM RETROFIT

County Clerk/Registrar of Voters Cathy Darling presented the staff report and in response to questions by Supervisors Kehoe, stated that the process requires an initial expenditure from the General Fund of \$255,000, which should be reimbursed from the State as occurred with Napa and Orange Counties. CAO Lees added that there is a minimal risk if the State determines not to provide Shasta County with the reimbursement of funds; however, he does approve the recommendation.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved in concept a proposed spending plan for \$1,156,557.13 in Help America Vote Act of 2002 (HAVA) Section 301 funds, approved and authorized the Chairman to sign a letter supporting extension of the contract with the State of California so that funds may be available to Shasta County after June 30, 2007; authorized the Registrar of Voters to seek reimbursement for costs associated with the 2006 retrofit of the County's voting system with

accessible voter-verified paper audit-trail printers; and authorized the Auditor-Controller to process payments associated with the retrofitting.

HEALTH AND HUMAN SERVICES

PUBLIC HEALTH

AGREEMENT: NATIONAL ASSOCIATION OF COUNTIES
AND CAREMARKPCS HEALTH, L.P.
DISCOUNT PRESCRIPTION DRUG CARD PROGRAM

Public Health Director Donnell Ewert presented the staff report, and in response to questions of Supervisors, he explained that participants can determine the benefit comparison of whether to use the free card allowing discounts on prescriptions instead of their own prescription coverage, which may have limited prescription selection. He added that Public Health will locate community partners to display the free cards, and his staff will prepare press releases to advise the public of the free program.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with the National Association of Counties and CaremarkPCS Health, L.P. to implement a discount prescription drug card program available free to all County residents.

PUBLIC WORKS

LEASES: GERALD K. DUERRE AND MICHAEL GLASSON,
NICHOLS, CATTERTON, DOWNING & REED, INC.
RON TAYLOR
77M PARTNERSHIP
FALL RIVER AEROHEADS, INC.
DICK NEMANIC AND STEVEN J. SHARPF, M.D.
FRED WILSON AND BRUCE TRONIER
GRAINGER HUNT
ROBERT A. SWARM AND SHARON HANSON
FALL RIVER MILLS AIRPORT AIRCRAFT HANGARS

Public Works Director Pat Minturn presented the staff report and stated that an aircraft consultant determined proposed lease rates for the new hangars, recognizing average rates of \$200 per month throughout the State; however, Fall River Mills has fewer commodities than most sites, and the proposed rates are substantially higher than the rates for the current hangars, which will be demolished mid-year 2007.

In response to questions of Supervisor Kehoe, Mr. Minturn stated that the new hangars are comparable in size to those at Redding Municipal Airport, which are leased at a current rate of \$195 per month and may increase to \$310 per month. In response to questions of Chairman Cibula, Mr. Minturn replied that one-year leases are more staff intensive for collecting necessary paperwork than two- or three-year leases.

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors approved and authorized the Chairman to sign agreements in the amount of \$175 per month for the first year, \$180 per month for the second year, and \$185 per month for the third year to lease aircraft hangars at the Fall River Mills Airport from the date of signing through March 5, 2010 with Gerald K. Duerre and Michael Glasson; Nichols, Catterton, Downing & Reed, Inc.; Ron Taylor; 77M Partnership; Fall River Aeroheads, Inc.; Dick Nemanic and Steven J. Sharpf, M.D.; Fred Wilson and Bruce Tronier; Grainger Hunt; and Robert A. Swarm

and Sharon Hanson. Supervisor Kehoe voted no, as the rates are below market for the area considering the rates in Redding for comparable hangars and that there is a waiting list for hangars at the Fall River Mills Airport.

SCHEDULED HEARINGS

HEALTH AND HUMAN SERVICES

MENTAL HEALTH-ALCOHOL AND DRUG PROGRAMS

MEDICAL MARIJUANA IDENTIFICATION PROGRAM FEES

This was the time set to conduct a public hearing to consider adopting revised Medical Marijuana Identification Program fees in response to increased State fees. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Alcohol and Drug Programs Director David Reiten presented the staff report and recommended approval of the request as the State has increased their fee portion from \$13 to \$66, which is charged to an identification card applicant in addition to the \$40 County processing fee. In response to questions by Supervisor Baugh, Mr. Reiten stated that the law requires all California counties to comply with implementing the mandated program, but does not provide a timeline. He added that it is a voluntary program for citizens.

In response to a question by Supervisor Baugh, County Counsel Karen Jahr stated that if the County does not comply with State law, a taxpayer can file a writ of mandate against the County. Chairman Cibula stated the matter currently before the Board of Supervisors is the proposed fee increase.

The public hearing was opened, and Bonnie Metcalf said most patients are afraid to apply for the identification card, the card is too expensive now, and MediCal should help pay for the card.

No one else spoke for or against the matter, and the public hearing was closed.

Under discussion, Supervisor Hartman stated the program is a failure in Shasta County, with only 50 approved cardholders; however, she does not support the County absorbing the increased State portion of the fees. By consensus, the Board of Supervisors approved and authorized the Chairman to sign a letter to the Department of Health Services requesting reasoning for the 500 percent increase in the State's portion of the fees.

By motion made, seconded (Hawes/Kehoe), and carried, the Board of Supervisors introduced and waived the reading of an ordinance which repeals Ordinance No. 637 and adopts revised Medical Marijuana Identification Program fees. Supervisor Baugh voted no as he disagrees with the program as the County is placed in the position of endorsing possession of marijuana which is against federal law.

CLOSED SESSION ANNOUNCEMENT

Chairman Cibula announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with its counsel to discuss existing litigation entitled Thompson v. County of Shasta, pursuant to Government Code section 54956.9(a);

- 2. Confer with its real estate negotiators to negotiate price and terms of payment to the Administrative Office of the Courts, State of California, regarding properties located at 1525 and 1654 Court Street, Redding, pursuant to Government Code section 54954.2.; and
- 3. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Joann Davis, and Labor Consultant Becker and Bell, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code section 54957.6.

11:04 a.m.: The Board of Supervisors recessed to Closed Session.

12:22 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Cibula, Hawes, Hartman, and Baugh, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, and Deputy Clerk of the Board Elaine Grossman present.

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, real estate negotiations, and labor negotiations. In the matter of Thompson v. County of Shasta, by unanimous vote with all Supervisors present, the Board of Supervisors approved assignment of defense of the action to the Law Firm of Gary Brickwood. No other reportable action was taken.

Chairman Cibula advised that he abstained from the real estate negotiations due to real property holdings in the area.

12:25 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy