

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, August 5, 2008

REGULAR MEETING

9:02 a.m.: Vice Chairman Hawes 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. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
 County Counsel - Mike Ralston
 Chief Deputy Clerk of the Board - Glenda Tracy
 Deputy Clerk of the Board - Diane Colson

District No. 4 - Supervisor Hartman - Absent

INVOCATION

Invocation was given by Pastor Dave Honey, Good News Rescue Mission.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Supervisor Hawes.

BOARD MATTERS

AUGUST 2008 EMPLOYEE OF THE MONTH
LEGAL SECRETARY JULIE PROCTOR
RESOLUTION NO. 2008-095

At the recommendation of Director of Child Support Services Terri Love and by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-095, which recognizes Legal Secretary Julie Proctor as Shasta County's August 2008 Employee of the Month.

(See Resolution Book No. 49)

PROCLAMATION: CHILD SUPPORT AWARENESS MONTH

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates August 2008 as Child Support Awareness Month in Shasta County. Director of Child Support Services (DCSS) Terri Love discussed the transition to the new statewide automation system known as California Child Support Enforcement System. In the 12 months ending June 20, 2008, DCSS collected and disbursed over \$22.6 million in child support.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled for discussion the County Claims List.

CONSENT CALENDAR

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended:

Approved the minutes of the meeting held on July 22, 2008, as submitted. (Clerk of the Board)

Reappointed Scott Hill to the Grazing Advisory Board for a three-year term to January 2010. (Clerk of the Board)

Approved and authorized the Chairman to sign an amendment to the agreement with the California Department of Health Care Services, Medi-Cal Administrative Activities increasing the maximum compensation by \$150,000 (for a new total not to exceed \$610,000) to provide additional outreach activities for Fiscal Year 2007-08 and retaining the term of July 1, 2003 through June 30, 2008. (Public Health)

Approved and authorized the Chairman to sign a retroactive agreement with Golden Umbrella in an amount not to exceed the maximum claimable federal financial participation reimbursement to provide targeted case management services for the period October 1, 2007 through September 30, 2012; and authorized the Auditor-Controller to pay claims related to the agreement. (Public Health)

Authorized the Public Works Director to act as the agent for County Service Area No. 3 - Castella Water, County Service Area No. 6 - Jones Valley Water, County Service Area No. 23 - Crag View Water, and County Service Area No. 25 - Keswick Water to negotiate water transfers with the Shasta County Water Agency or other willing transferors in an amount not to exceed \$15,000 through 2011. (County Service Areas No. 3, 6, 23, and 25)

Awarded to the low bidder, Giles Excavating and Paving, on a unit-cost basis, the contract for construction on Various Permanent Road Divisions in the amount of \$129,572. (Public Works)

For Tract Map No. 1942, Phase 1, Poulos Subdivision (Cottonwood area), approved the final map for filing; and accepted on behalf of the public offers of dedication for public road rights of way, public utility easement, and relinquished access rights. (Public Works)

Approved and authorized the Chairman to sign an agreement with Pacific Gas and Electric in the amount of \$137,133.82 to relocate utility facilities for the Airport Road at Sacramento River Bridge Replacement Project. (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

COUNTY CLAIMS LIST

In response to a question by Supervisor Kehoe, Chief Probation Officer Brian Richart advised that the Department of General Services (DGS) had previously charged a flat fee of \$2,500 for lease preparation and negotiations per each lease. An invoice was received with itemized charges in excess of that fee; DGS was contacted by Shasta County, and DGS advised

to disregard the invoice. Later, DGS advised that the charges were due. After advice from County Counsel to pay the charges, Mr. Richart negotiated with DGS, and the bill was reduced from \$12,180.25 to \$9,088.75.

By motion made, seconded (Kehoe/Cibula), and carried, the Board of Supervisors approved and authorized the Chairman to sign the County Claims List totaling \$9,088.75 requiring special board action and correspondence to be sent to Assemblyman LaMalfa to communicate the excessive charges. Supervisor Baugh voted no. (Auditor-Controller)

9:30 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

WATER AGENCY

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled for discussion the item to authorize negotiation of water transfers with willing transferors.

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

AUTHORITY TO NEGOTIATE WATER TRANSFERS

In response to questions by Supervisor Kehoe, Water Agency Chief Engineer Pat Minturn stated that some County Service Areas (CSA) do not have Citizen's Advisory Boards, and some CSA advisory boards do not meet often; therefore, it is difficult to meet with the boards. Supervisor Kehoe requested that letters be sent to each CSA informing them of the possible water transfers.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Shasta County Water Agency authorized the Chief Engineer to act as an agent to negotiate water transfers with willing transferors in an amount not to exceed \$15,000 through 2011 and with County Service Areas in an amount not to exceed \$15,000 through 2011; and to send correspondence to the affected County Service Areas. (Water Agency)

CONSENT CALENDAR

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Shasta County Water Agency took the following action, which was listed on the Consent Calendar, as amended:

Approved and authorized the Chairman to sign a seven-year contract with the California Department of Transportation to provide 3 acre-feet of Central Valley Project water per year. (Water Agency)

9:40 a.m.: The Shasta County Water Agency adjourned and reconvened as the Shasta County Board of Supervisors.

REGULAR CALENDAR**LAW AND JUSTICE****PROBATION****AGREEMENT: NICHOLS, MELBURG & ROSETTO, ARCHITECTS, INC.
ADULT AND JUVENILE DETENTION FACILITIES FEASIBILITY STUDY UPDATE
JUVENILE HALL CONSTRUCTION GRANT APPLICATION**

Chief Probation Officer Brian Richart presented the staff report and recommended approval of a contract with Nichols, Melburg & Rossetto, Architects, Inc. (NMR) to update the October 2006 Adult and Juvenile Detention Facilities Feasibility Study and complete a Senate Bill No. 81 (SB 81) juvenile hall construction grant application.

In response to questions by Supervisor Kehoe, Mr. Richart said that the feasibility study for the juvenile hall completed by NMR in 2006 was a result of a Request for Proposal (RFP). Mr. Lees stated that the Facilities Master Plan submitted in February 2008 by NMR was not in response to an RFP.

The juvenile hall construction funded under provisions of SB 81 requires counties applying for funds to provide a 25 percent match of funds; 5 percent of which is cash and 20 percent is in-kind, which may be negotiated. If the project is approximately \$20 million and Shasta County receives total allowable funding for the project, the match would be approximately \$2 million; funds are currently available in the capital reserve fund. \$30 million is available for the small counties in California. Because Shasta County had the foresight to set aside capital improvement funds, Mr. Richart believes that will assist Shasta County if juvenile hall construction or renovation is approved. Shasta, Mendocino, and Monterey are the three small counties in the state that have antiquated facilities.

In response to questions by Supervisor Cibula, Mr. Richart advised that the SB 81 grant application opportunity has been in effect for approximately one year; however, it was not finalized until July 15, 2008, which does not allow time for an RFP. He was informed by NMR that their subcontractor would not agree to the contract if it was not presented to the Board of Supervisors before today.

Mr. Richart explained outside assistance is needed to construct how the information is submitted to the state on the grant application. Neither he nor his staff have experience in writing the grant proposal.

Elin Klaseen stated that the feasibility study had been presented to the Board of Supervisors in December 2006; members of the public requested to view the study in October 2007 and were told it was not available.

CAO Lees said that there is adequate time to go out for an RFP or Request for Quote (RFQ) as the deadline to submit the grant applications is January 2009. Mr. Richart estimated a six-week timeframe to do an RFP and a three-week timeframe to do an RFQ.

By motion made, seconded (Baugh/Cibula), and unanimously carried, the Board of Supervisors directed a Request for Quote be issued for the proposal to update the October 2006 Adult and Juvenile Detention Facility Feasibility Study and completion of a SB 81 juvenile hall construction grant application.

10:30 a.m.: The Board of Supervisors recessed.

10:37 a.m.: The Board of Supervisors reconvened.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees presented an update on specific legislation of importance to Shasta County, including opposition to attempts to change or eliminate Proposition 10 funding at the local level. These changes could affect First 5 Shasta which meets the specific needs of Shasta County families with young children. By consensus, the Board of Supervisors approved and authorized the Chairman to sign letters opposing proposed changes to Proposition 10 funding.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

**AGREEMENT: NORTHERN CALIFORNIA EMERGENCY MEDICAL SERVICES, INC.
LOCAL EMERGENCY MEDICAL SERVICES ADMINISTRATION**

Administrative Analyst Mike Lindsey presented the staff report and recommended approval of a retroactive renewal agreement with Northern California Emergency Medical Services, Inc. (Nor Cal EMS). Nor Cal EMS will continue to oversee provision of basic life support and advanced life support ambulance and emergency services, oversee training programs, certify specific emergency personnel, and operate a regional communication system.

In response to questions by Supervisor Cibula, County Counsel Mike Ralston stated the provision in the contract regarding legal fees is that Nor Cal EMS will pay the first \$1,000 of any legal action per fiscal year, Shasta County will pay to a cap of \$25,000, and Nor Cal EMS will pay any excess exposure over the \$25,000.

Nor Cal EMS Counsel Patrick Tillman explained that the contracts with the other counties also include this provision; however, there is no cap amount.

By motion made, seconded (Baugh/Cibula), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a retroactive renewal agreement with Northern California Emergency Medical Services, Inc. for a base compensation in the amount of \$65,979.66 to provide local emergency medical services administration for the period July 1, 2008 through June 30, 2009, with two optional one-year renewals (for a maximum base compensation in the amount of \$205,962.11).

CLOSED SESSION ANNOUNCEMENT

Vice Chair Hawes 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 Ristemi v. County of Shasta and Yeadon v. City of Redding, pursuant to Government Code section 54956.9(a);
2. Confer with its counsel to discuss potential litigation, pursuant to Government Code section 54956.9(b); and

3. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Michelle Schafer, 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.

11:25 a.m.: The Board of Supervisors recessed to Closed Session.

2:50 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Cibula, Hawes, and Baugh, County Administrative Officer Larry Lees, County Counsel Mike Ralston, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Diane Colson present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation and potential litigation, as well as labor negotiations. By a unanimous vote, the Board of Supervisors authorized the law firm of Gary Brickwood to handle the defense in the matter of Yeadon v. City of Redding. Supervisor Cibula recused from the discussion on the matter of Ristemi v. County of Shasta. No other reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

GENERAL PLAN AMENDMENT NO. 07-005

ZONE AMENDMENT NO. 07-020

JERRY AND KERRY COMINGDEER

KESWICK AREA

RESOLUTION NO. 2008-096

This was the time set to conduct a public hearing to consider the request to approve General Plan Amendment No. 07-005, Jerry and Kerry Comingdeer, which would change approximately 115 acres in the Keswick area from a Natural Resource Protection-Open Space (N-O) land designation to a Mineral Resource (MR) land designation, and Zone Amendment No. 07-020, which would rezone approximately 115 acres from an Unclassified (U) District to a Mineral Resource (MR) District. Senior Planner Bill Walker presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time property owner Jerry Comingdeer thanked County staff for their assistance in this matter. No one else spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding General Plan Amendment No. 07-005 and Zone Amendment No. 07-020, Jerry and Kerry Comingdeer, Keswick area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as set forth in Planning Commission Resolutions No. 2008-066 and 2008-067;
2. Adopted Resolution No. 2008-096, which approves General Plan Land Use Element map changes in General Plan Amendment No. 07-005 from Natural Resource protection-Open Space (N-O) land designation to Mineral Resource (MR) land designation, as recommended by the Planning Commission;
3. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-067; and
4. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-020, as requested.

ZONE AMENDMENT NO. 07-017
DAVID DURETTE AND CINDY CROOKHAM
SHINGLETOWN AREA

This was the time set to conduct a public hearing and consider taking action on Zone Amendment No. 07-017, David Durette and Cindy Crookham, which would rezone approximately 20 acres in the Shingletown area from an Unclassified (U) District to a Limited Residential (R-L) District. Senior Planner Kent Hector presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-017, David Durette and Cindy Crookham, Shingletown area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration, with the findings as set forth by Planning Commission Resolution No. 2008-062;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-062; and
3. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 07-017, as requested.

REPEAL OF ORDINANCE NO. 588
INCREASE SPECIFIED FEES

This was the time to conduct a public hearing to consider repealing Ordinance No. 588 and enacting an ordinance to increase specified fees by the Planning Division of the Department of Resource Management over the next three years. Director of Resource Management Russ Mull presented the staff report and recommended approval. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Mr. Mull stated that the last increase of user fees by the Department of Resource Management was in 1995. The proposed fees are to be divided equally over the next three years with full implementation on July 1, 2010.

The public hearing was opened, at which time Shasta VOICES Executive Director Mary Machado, representing 622 Shasta County citizens who oppose the proposed fee increase, urged the Board of Supervisors to consider input from the community.

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

In response to questions by Supervisor Kehoe, Mr. Mull explained that while the rates have not been raised for approximately 15 years, the proposed rate increase is comparable to annual rate increases over the last 15 years.

In response to a question by Supervisor Baugh, Mr. Mull stated that fees will be reviewed every five years.

By motion made, seconded (Baugh/Kehoe), and carried, the Board of Supervisors introduced and waived the reading of an ordinance which repeals Ordinance No. 588 and increases fees for various services performed by the Department of Resource Management; and directed staff to review fees in 5 years. Supervisor Cibula voted no as he would like members of the community to be allowed to provide input.

3:35 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy