

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 23, 2008

REGULAR MEETING

9:01 a.m.: Chairman Hartman 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 - John Loomis
Deputy Clerk of the Board - Valerie Ibarra
Deputy Clerk of the Board - Diane Colson

INVOCATION

Invocation was given by Pastor Paul Shrum, Grace Fellowship.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Senior Field Representative Nadine Bailey of Senator Sam Aanestad's Office told of a tour provided for Undersecretary of Agriculture Mark Rey and U.S. Forest Service regional representatives to view the extensive wildfire damage to almost 350,000 acres of Trinity County forests. She voiced concerns over the long-term effects of the dead trees left standing and the lack of federal funding for reforestation.

BOARD MATTERS

PROCLAMATION: MENTAL ILLNESS AWARENESS WEEK

By motion made, seconded (Kehoe/Cibula), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 5-11, 2008 as Mental Illness Awareness Week in Shasta County. Director of Mental Health Mark Montgomery, Psy.D. discussed the scheduled public events, including a candlelight vigil and the National Alliance on Mental Illness (NAMI) banquet.

PROCLAMATION: BREAST CANCER AWARENESS MONTH AND THINK PINK DAY

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2008 as Breast Cancer Awareness Month and October 16, 2008 as Think Pink Day in Shasta County. Nor-Cal Think Pink board member Jean Peterson spoke about the success of Think Pink Day locally and across the nation and expressed appreciation for the many contributions for the 40,000 information bags that will be distributed on Think Pink Day.

CONSENT CALENDAR

By motion made, seconded (Kehoe/Cibula), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Hawes recused on the minutes of the meeting held on September 16, 2008 as he was not in attendance at that meeting):

Approved and authorized the Chairman to sign the County Claims List totaling \$7,191.96 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on September 16, 2008, as submitted. (Clerk of the Board)

Adopted Salary Resolution No. 1353, which amends the following position titles and job classifications for Support Services and Probation effective September 28, 2008 to more accurately reflect existing job duties:

1. Approves job specifications for the Personnel Analyst I/II/III, Risk Management Analyst I/II/III, Personnel Assistant-Confidential, Risk Management Assistant-Confidential, Workers' Compensation Assistant-Confidential, Personnel Technician I/II-Confidential, Risk Management Technician I/II-Confidential, Workers' Compensation Technician I/II-Confidential, Supervising Juvenile Detention Officer, and Juvenile Detention Officer I/II classifications; and
2. Deletes job specifications for the Human Resources Analyst I/II/III, Human Resources Assistant-Confidential, Human Resources Technician I/II, Supervising Group Counselor, Group Counselor I/II, Human Resources Analyst I/II/III, Human Resources Assistant-Confidential, Human Resources Technician I/II classifications. (Support Services)
(See Salary Resolution Book)

Approved and authorized the Chairman to sign a retroactive amendment to an agreement with Catholic Social Services of Southern Illinois, Diocese of Belleville increasing maximum compensation by \$100 (for a new total not to exceed \$17,108) to provide additional case management and supervision services for two Juvenile Court dependents currently placed in Illinois and extending the term to April 30, 2009. (Social Services)

Approved and authorized the Chairman to sign an End User License Agreement with ITRON, Inc. to provide electronic meter-reading software for use in County Service Area No. 3 - Castella Water. (County Service Area No. 3 - Castella Water)

Approved and authorized the Chairman to sign an agreement with the California State Lands Commission in an estimated amount of \$3,000 for the period July 2, 2008 through July 1, 2010 to reimburse the Lands Commission for services to process an amendment to its lease for land needed by the County to replace and maintain the Airport Road at Sacramento River Bridge to allow utilities to be installed on the Bridge. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Redding Regional Septage Impoundments Cleanout Project and record it within 10 days of actual completion of the work. (Public Works)

Released the security guaranteeing maintenance of public improvements in the amount of \$31,000 for Tract Map No. 1908, Timber Ridge Subdivision (Burney area). (Public Works)

Adopted Resolution No. 2008-115, which summarily abandons an undeveloped portion of Thatcher Mill Road (Shingletown area); and approved and authorized the Public Works Director to sign an Offer of Dedication accepting right of way for the present alignment. (Public Works)

(See Resolution Book No. 49)

REGULAR CALENDAR

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 the proposed state budget, which will negatively affect Shasta County.

Supervisors Cibula and Baugh recently attended the Commission on Aging meeting.

Supervisor Kehoe recently attended the Commission on Aging meeting and the Superior California Economic Development meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

9:43 a.m.: Supervisor Cibula recused on the Joint Declaration due to real property holdings in the vicinity and left the chambers.

JOINT DECLARATION: ADMINISTRATIVE OFFICE AND COUNTY OF SHASTA COURT FACILITIES EXECUTION OF TRANSFER AGREEMENTS

Administrative Chief Fiscal Officer Bebe Palin presented the report and recommended authorizing the Chairman to sign the Declaration.

In response to questions by Supervisors, Ms. Palin and CAO Lees explained that the County has been negotiating the transfer of court facilities to the State since 2002 but was unable to complete the transfer by the statutory date of September 30, 2008. The transfer agreement includes the main courthouse, justice center, courthouse annex, Burney Joint Sheriff/Court Building, and juvenile hall and is for use only and not title deeds. The County will benefit by the agreement in that it includes a fixed maintenance cost rate; therefore, increasing maintenance costs will not affect the fixed rate. The Administrative Office of the Courts (AOC) will not consider Shasta County for a new courthouse if the County fails to transfer the use of the courthouse buildings to the AOC.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a Joint Declaration of the Administrative Office of the Courts and the County of Shasta Regarding Execution of Transfer Agreements for Court Facilities to relieve the County of a penalty assessment for failure to finalize court facility transfers prior to September 30, 2008.

10:02 a.m.: Supervisor Cibula returned to the chambers.

FISCAL YEAR 2008-09 FINAL BUDGET

RESOLUTION NO. 2008-116

POSITION ALLOCATION AMENDMENTS AND COUNTY SALARY PLAN

SALARY RESOLUTION NO. 1354

At the recommendation of Chief Fiscal Officer Bebe Palin and by motion made, seconded (Kehoe/Cibula), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-116, which approves the Fiscal Year 2008-09 Final Budget; and adopted Salary Resolution No. 1354, which reflects the position allocation amendments approved in the Fiscal Year 2008-09 Final Budget effective September 28, 2008, the 2008-09 County Position Allocation effective September 28, 2008, and the County Salary Plan.

(See Resolution Book No. 49)

(See Salary Resolution Book)

ADMINISTRATIVE OFFICE/AUDITOR-CONTROLLER/

TREASURER-TAX COLLECTOR/SUPPORT SERVICES

AGREEMENT: CALPERS CALIFORNIA EMPLOYERS RETIREE BENEFIT TRUST

IRREVOCABLE OTHER POST EMPLOYMENT BENEFIT (OPEB) TRUST PLAN

RESOLUTION NO. 2008-117

Auditor-Controller Connie Regnell presented the staff report and recommended approval of the CalPERS California Employers Retiree Benefit Trust (CalPERS) investment portfolio.

In response to questions by supervisors, Ms. Regnell and CAO Lees confirmed that the proposal is fiscally responsible and in compliance with Governmental Accounting Standards Board Statement 45 (GASB 45); and the investment portfolio of Public Agency Retirement System (PARS) is riskier and includes more fees than the portfolio of CalPERS California Employers Retiree Benefit Trust (CalPERS). CAO Lees stated that by creating a trust to prefund Shasta County's retired employees' liability of \$90-\$145 million, Shasta County's bond and loan rating will be higher than if no trust is created. The monies used for this allocation can only be used for benefits.

Supervisors Hawes and Baugh requested that the Board of Supervisors receive presentations or information from both PARS and CalPERS in order to make a fully informed decision as to which Other Post Employment Benefit (OPEB) Trust Plan to choose.

Supervisor Kehoe moved to accept staff's recommendations. Supervisor Cibula seconded the motion.

Supervisor Baugh moved to continue this matter to a future board meeting in order to allow staff time to prepare a presentation to the Board of Supervisors with the OPEB proposals from PARS and CalPERS. Supervisor Baugh's motion died for lack of a second.

Ms. Regnell recommended the Board of Supervisors commit an amount to create an irrevocable trust in order to allow time for her staff to complete the 2008 financial statements due to the State by October 10, 2008, with the selection of an OPEB Trust Fund by December 31, 2008.

Supervisor Baugh moved that the monies be assigned to create an irrevocable trust and continue the selection of a trust fund administrator to a future meeting in order to allow the Board of Supervisors to review the portfolios of CalPERS and PARS.

In response to a question by Supervisor Baugh, Assistant County Counsel John Loomis stated that the motion of Supervisor Kehoe is still on the floor, and action is required prior to making another motion. Supervisor Kehoe may amend his motion to include Supervisor Baugh's request to allow the Board of Supervisors to review the portfolios of both CalPERS and PARS.

Supervisor Kehoe declined to amend his motion. Supervisor Baugh's motion to amend was not seconded; therefore, no action was taken on the amended motion.

By a 3-2 vote, the Board of Supervisors adopted Resolution No. 2008-117, which approves and authorizes the County Administrative Officer to sign an agreement with the CalPERS California Employers Retiree Benefit Trust to establish and administer the County's irrevocable Other Post Employment Benefit (OPEB) Trust Plan; reaffirms the use of \$2.875 million from the County's Self-Insurance Fund and an additional \$9.125 million from the Self-Insurance Fund, for a new total of \$12 million, to pre-fund the County's OPEB liability; authorizes the Auditor-Controller to process the necessary refund, charge, and transfer of funds to an appropriate trust pending execution of the Shasta County Irrevocable OPEB Trust Plan; authorizes the Auditor-Controller to transfer \$12 million into the Irrevocable OPEB Trust Fund upon execution of the Trust agreement; and appoints the Auditor-Controller as the County's authorized representative to make periodic transfers of funds to the OPEB Trust Fund and to request disbursements from the OPEB Trust Fund for payment of retiree health care benefits.

The vote was as follows:

AYES: Kehoe, Cibula, Hartman
NOES: Hawes, Baugh

Supervisors Baugh and Hawes voted no as they would like the Board of Supervisors to receive presentations or information from both PARS and CalPERS in order to make a fully informed decision as to which Other Post Employment Benefit (OPEB) Trust Plan to choose, although they still fully support the concept of funding in advance.

(See Resolution Book No. 49)

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 08-002 **JAIME AND CINDY LYNN** **WEST REDDING AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 08-002, Jaime and Cindy Lynn, which would rezone approximately 16.54 acres in the West Redding area from an Unclassified (U) District to a Rural Residential (R-R) District in conjunction with a four-parcel residential land division. Assistant Director of Resource Management Rick Simon presented the staff report and recommended approval of the project. The Affidavit of Posting and Notice of Hearing are on file with the Clerk of the Board.

In response to questions by supervisors, Mr. Simon confirmed that there will be no impact to any ditch or trails on the property, and there is no substantial noise from the adjacent

gun range. He explained that a gate was installed on Radio Lane to protect the property from illegal dumping, but emergency access is still available. He agreed to amend page 15, paragraph 3, of the Environmental Initial Study to correct the description of Benton Airpark.

The public hearing was opened, at which time applicant's engineer Duane Miller stated that, although the adjacent gun range is not close in proximity to the proposed project, the owner will disclose the noise from the gun range in all realty documents. No one else spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 08-002, Jaime and Cindy Lynn, West Redding area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as set forth in Planning Commission Resolution No. 2008-085;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-085; and
3. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 08-002, as requested.

10:53 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

10:53 a.m.: The Shasta County Water Agency recessed.

11:00 a.m.: The Shasta County Water Agency reconvened.

SPECIAL DISTRICTS/OTHER AGENCIES WORKSHOP

WATER AGENCY

Water Agency Chief Engineer Pat Minturn provided an overview of the Delta Vision process, including the CALFED system, and introduced former Water Agency Chief Engineer Joseph Patten. Mr. Patten discussed the history of the State Water Project since 1959. He spoke in support of a peripheral canal to correct basic water quality.

Senator Emeritus Maurice Johannessen spoke regarding the water struggle between Northern and Southern California water rights holders. He recommended additional water storage and the building of dams.

Supervisor Cibula proposed modifying the letter to be more direct, add origin rights language, and outline ramifications to Northern California.

By motion made, seconded (Cibula/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter, as modified, commenting on the "Delta Vision Strategic Plan," which aims to improve water supply reliability and water quality for habitat and export, and authorized Supervisor Cibula to work with staff on the proposed general revisions.

CLOSED SESSION ANNOUNCEMENT

Chairman Hartman 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 Burns v. City of Redding, et al., pursuant to Government Code section 54956.9, subdivision (a); and
2. 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.

12:04 p.m.: The Board of Supervisors recessed to Closed Session.

12:25 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, and Assistant County Counsel John Loomis present.

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel John Loomis reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations. By a 4-0 vote, with Supervisor Cibula recusing, the Board of Supervisors authorized the law firm of Gary Brickwood to handle the defense in the matter of Burns v. City of Redding, et al. No other reportable action was taken.

12:26 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy