

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, May 19, 2009

REGULAR MEETING

9:03 a.m.: 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 Moty
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman

District No. 5 - Supervisor Baugh - Absent

County Administrative Officer - Larry Lees
County Counsel - Mike Ralston
Chief Deputy Clerk of the Board - Glenda Tracy
Agency Staff Services Analyst II - Megan Dorney

INVOCATION

Invocation was given by Pastor Guy Ascherman, Redding Christian Fellowship.

PLEDGE OF ALLEGIANCE

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

BOARD MATTERS

PROCLAMATION: EMERGENCY MEDICAL SERVICES WEEK

At the recommendation of Senior Administrative Analyst Julie Hope and by motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 17-23, 2009 as Emergency Medical Services Week in Shasta County. American Medical Response Ambulance Paramedic/Operations Manager Mark Belden accepted the proclamation.

PROCLAMATION: SAFE BOATING WEEK

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Moty/Hartman), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 16-22, 2009 as Safe Boating Week in Shasta County. Coast Guard Public Affairs Officer Dan Weggeland accepted the proclamation.

**PROCLAMATION: HONORS AT ARLINGTON DAY
MISSING IN AMERICA PROJECT**

By motion made, seconded (Hartman/Moty), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 20, 2009 as Honors at Arlington Day

in Shasta County. Missing in America Project (MIAP) National Executive Director Fred Salanti accepted the proclamation.

9:24 a.m.: The Board of Supervisors recessed.

9:36 a.m.: The Board of Supervisors reconvened.

PUBLIC COMMENT PERIOD - OPEN TIME

Fire Warden Mike Chuchel discussed recruitment efforts of volunteer firefighters.

Jean Marlo, Elizabeth Messick, Gerald Nelson, Lynn Dorroh, Rocky Compton, Judy Sours, Stan Sours, Jeff Kniep, Donna Snyder, Mauro Oliviera, Alta Compton, Verena Larson, Russ Wade, Ed Marek, Francine Crockett, Rose Sloan, David Strawn, Sonny Compton, Deana Wallis, Steven Kerns, Dane Wigington, Todd Papesh, Thomas Schmidt, Randy Compton, Regina Hightman, Linda Pearson, Julie Henderson, Dale Baugh, and Carol Taff spoke in opposition to the Transmission Agency of Northern California (TANC) Transmission Project.

Donna Caldwell presented a list of 12 questions to ask County Counsel regarding the legal rights of community members regarding the proposed TANC project. County Counsel Mike Ralston advised that the Office of County Counsel provides legal advice to Shasta County Board of Supervisors, County departments, and special districts but is prohibited by law to provide legal advice to the members of the public as this would be to give a gift of public funds. He suggested that by reviewing the property rolls that are to be impacted by this project, citizens may find attorney(s) whose property will be impacted, and these individuals may be willing to review the questions and give legal advice.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

CORRESPONDENCE TO THE TRANSMISSION AGENCY OF NORTHERN CALIFORNIA

County Administrative Officer (CAO) Larry Lees stated that his office had contacted the Transmission Agency of Northern California (TANC) to request they come to make a presentation, but they were unable to come until June 2009. TANC was advised that a June presentation is after the final date for comments to be provided, and an extended date was requested. Assemblymen Jim Nielsen and Congressman Wally Herger have sent correspondence to TANC advising that the comment period needs to be extended.

Supervisor Hartman moved that the Board of Supervisors authorize the Chairman to sign a letter to the Transmission Agency of Northern California (TANC) requesting an extended comment period for the TANC Transmission Project. Supervisor Kehoe seconded the motion.

Supervisor Kehoe suggested sending a letter to the City of Redding inquiring whether, as a minority participant in TANC, they have veto powers; and to forward the twelve questions presented by open time speaker Donna Caldwell to request they address those questions.

Supervisor Hartman amended her motion to include sending the letter to the City of Redding. Supervisor Kehoe seconded the amended motion. By unanimous vote the Board of Supervisors approved and authorized the Chairman to sign the following letters:

1. To the Transmission Agency of Northern California requesting that the comment period for the TANC Transmission Project be extended; and

2. To the City of Redding inquiring whether they have veto power as a minority member of the TANC and requesting they answer the questions of Ms. Caldwell regarding the legal rights of community members regarding the project.

11:04 a.m.: The Board of Supervisors recessed.

11:11 a.m.: The Board of Supervisors reconvened.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled for discussion the item for changes to the *Personnel Rules*.

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

In reply to questions by Supervisor Kehoe, Director of Support Services Michelle Schafer stated that there are no costs associated with the proposed revisions of the Leave of Absence policy, as the wording of the policy is being changed to conform to State law. However, the proposed revisions to the vacation policy could result in costs to the general fund as management employees exceed their maximum accruable vacation hours and are then required to fill out paperwork every pay day to process the donation of their extra hours to the Vacation Donation Bank, which takes approximately 10 to 15 minutes. There would also be a cost to the department where the employee works that is using the donated hours. A survey was taken of the County staff affected by the proposed change, and all the employees that responded were in agreement with this change.

In response to a comment from Supervisor Moty regarding the reasons for limiting vacation accrual, Ms. Schafer advised that employees are allowed to exceed their maximum limit on request; when this happens, she does remind them to use their vacation hours. CAO Lees recommended that the change proposed to the Leave of Absence be approved, and the proposed changes regarding Vacations be researched further.

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-035, which revises Chapter 14, *Leaves of Absence*, to comply with changes in the Family Medical Leave Act. (Support Services)
(See Resolution Book No. 50)

CONSENT CALENDAR

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

Approved a budget amendment which recognizes revenue and increases revenue and appropriations in the amount of \$48,600 in the Agricultural Commissioner/Sealer of Weights and Measures budget unit; approved and authorized the Chairman to sign an amendment to the Work and Financial Plan with the U.S. Department of Agriculture Animal and Plant Health Inspection Service/Wildlife Services; and authorized the Auditor-Controller to pay associated claims. (Agricultural Commissioner)

Approved the minutes of the meeting held on May 12, 2009, as submitted. (Clerk of the Board)

Appointed Peggy Bowker, Bill Estes, and Rich Hall to the Fall River Mills Community Services District Board of Directors to terms to expire December 2009. (Clerk of the Board)

Enacted Ordinance No. 669 for County Service Area (CSA) No. 3 - Castella Water, Ordinance No. 670 for CSA No. 6 - Jones Valley Water, Ordinance No. 671 for CSA No. 23 - Crag View Water, and Ordinance 672 for CSA No. 25 - Keswick Water, which declare a water shortage emergency condition, restrict maximum water consumption, and establish penalties for water consumption in excess of the established maximum, as introduced May 5, 2009. (Clerk of the Board)

(See General Ordinance Book)

Approved and authorized the Chairman to sign an agreement with TALX Corporation in an annual amount not to exceed \$10,000 to administer the County's unemployment insurance claims for the period May 1, 2009 through April 30, 2010, with two automatic one-year renewals. (Support Services)

Adopted Resolution No. 2009-036, which approves and authorizes the Director of Housing and Community Action Programs (Director) to sign and submit an application to the California Department of Housing and Community Development for Federal Emergency Shelter Grant (FESG) funding in an amount not to exceed \$100,000 for homeless prevention services, approves and authorizes the Chairman to sign a grant agreement if one is awarded; and approves and authorizes the Director to sign application and program participation documents. (Housing and Community Action Programs)

(See Resolution Book No. 50)

Approved and authorized the Chairman to sign a Memorandum of Understanding with the Shasta County Office of Education to allow the transfer of approximately \$80,209 in Federal Individuals with Disabilities Education Act funds to the Mental Health Department for Fiscal Year 2009-10 to provide mental health services to special education students. (Mental Health)

Approved and authorized the Chairman to sign a retroactive agreement with the Shasta County Office of Education for Mental Health to receive amounts not to exceed \$112,164 for Fiscal Year 2008-09, \$117,825 for Fiscal Year 2009-10, \$128,986 for Fiscal Year 2010-11, and \$141,197 for Fiscal Year 2011-12 to provide clinical staff to support the Valuing Ongoing Interventions for Community and Education Success (VOICES) Partnership for the period October 1, 2008 through June 30, 2009, with three one-year automatic renewals. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Stott Outdoor Advertising changing the beginning date of the "No Safe Amount of Alcohol" display to March 3, 2009 and changing the billing terms to allow payment of the final invoice by May 31, 2009; and authorized the Auditor-Controller to pay claims associated with the agreement. (Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with the Shasta County Office of Education increasing compensation by \$232,038 (for a new maximum of \$2,111,184) to provide additional Stage I Childcare services to CalWORKs participants and retaining the term of July 1, 2008 through June 30, 2009. (Social Services)

For the 2009 Chip Seal Project (Shingletown), found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and direct the Public Works Director to advertise for bids; and authorized opening of bids on or after June 11, 2009 at 11:00 a.m. (Public Works)

Awarded to the low bidder, Joe Van Sweden d.b.a. Ark Design Construction and Roofing, on a lump-sum basis, the contract for construction on the Jail Roof Project in the amount of \$135,000. (Public Works)

Adopted Resolution No. 2009-037, which authorizes the Department of Resource Management to apply for City/County Payment Program funds from the California Department of Conservation for beverage container recycling and litter abatement programs in the amount of \$28,406 on behalf of the County of Shasta and the Cities of Anderson and Shasta Lake, appoints the Director of Resource Management as the agent for Shasta County for the purposes of the

Program, and authorizes the Auditor-Controller to pay claims for said expenditures. (Community Education Section)

(See Resolution Book No. 50)

Adopted Resolution No. 2009-038, which authorizes the Director of Resource Management to apply for a Solid Waste Enforcement Assistance Grant for Fiscal Year 2009-10 in an approximate amount of \$22,835. (Environmental Health)

(See Resolution Book No. 50)

Approved and authorized the Chairman to sign agreements with Sierra Pacific Industries in the amount of \$108,380 for the preparation by a consultant of an Environmental Impact Report (EIR), a Mitigation Monitoring Plan (MMP), and staff costs related to document production and processing of related land use permits for the Sierra Pacific Industries co-generation power plant project retaining the original term; and with DeNovo Planning Group in the amount of \$107,380 for a period beginning the date of signing through final certification of the EIR and acceptance of the MMP, or June 30, 2012, whichever first occurs for the preparation of an EIR and MMP. (Planning)

Approved and authorized the Chairman to sign amendments to agreements with Hawkins Companies, LLC., increasing the maximum amount by \$12,425 (for a total of \$259,976) for the preparation by a consultant of an Environmental Impact Report (EIR), a Mitigation Monitoring Plan (MMP), and staff costs related to document production and processing of related land use permits for the Knighton & Churn Creek Commons Retail Center Project; and with Quad Knopf, Inc. increasing the maximum amount by \$12,425 (for a total of \$249,976) for the preparation of an EIR and MMP. (Planning)

REGULAR CALENDAR

PRESENTATIONS

SHERIFF'S OFFICE VOLUNTEERS RECOGNIZED

Sheriff Tom Bosenko thanked the Sheriff's Office volunteers for their invaluable services and assistance to the citizens of Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees advised that the budget workshop is scheduled for June 8, 2009, to be followed by the final budget hearings, scheduled for another possible fourteen days.

Supervisor Hawes requested a letter be sent to the Federal Energy Regulatory Commission (FERC) regarding the Kilarc South Cow Creek issue. By consensus, the Board of Supervisors directed CAO Lees to have County staff review the issue and return to the Board of Supervisors at the next meeting for possible further action.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

LETTER IN SUPPORT OF POTENTIAL SITES FOR A NEW COURTHOUSE

At the recommendation of County Administrative Officer (CAO) Larry Lees and by motion made, seconded (Moty/Hartman), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign and submit a joint, non-binding letter with the City of Redding to the Administrative Office of the Courts regarding the County of Shasta's and City of Redding's support of potential sites identified for a new Courthouse.

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Maes v. Jorgensen, Burns v. City of Redding, and Burns v. Mukasey, pursuant to Government Code section 54956.9, subdivision.

11:35 a.m.: The Board of Supervisors recessed to Closed Session.

11:48 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Moty, Hawes, and Hartman, County Administrative Officer Larry Lees, County Counsel Mike Ralston, and Agency Staff Services Analyst II Megan Dorney.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation. By a unanimous vote, the Board of Supervisors authorized the Law Office of Gary Brickwood to handle the defense in the matter of Burns v. Mukasey. No other reportable action was taken.

11:49 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy