

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, June 23, 2009

REGULAR MEETING

9:00 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

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 Jon Thompson, We R 1 Redding Transformation.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance was led by Chairman Kehoe.

PUBLIC COMMENT PERIOD - OPEN TIME

Kathy Jalquin thanked the members of the fire department who had recently extinguished a fire in the Elk Trail area.

Charles Alexander gave his opinion regarding the June 8, 2009 budget hearing.

Ed Merrick spoke in opposition to the proposed new power lines in Shasta County. Supervisor Baugh advised that Transmission Agency of Northern California (TANC) has a meeting scheduled on July 8, 2009 at 6:00 p.m. at the Cascade Theatre which is open to the public.

BOARD MATTERS

PROCLAMATION: AIRPORT DAY

At the recommendation of Undersheriff Greg Wrigley and by motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates June 28, 2009 as Airport Day in Shasta County.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled for discussion the matter of Keefe Commissary Network to provide an inmate commissary system. Undersheriff Greg Wrigley advised that Attachment "C" had been previously omitted from the contract. In reply to questions by Supervisor Kehoe, Undersheriff Wrigley confirmed that if the number of inmates in jail decreases, the costs for the services will decrease.

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign an agreement with Bartel Associates, LLC in an amount not to exceed \$75,000 to provide actuarial services for Other Post-Employment Benefits (OPEB's) from the date of signing through December 31, 2011, with two automatic one-year renewals. (Administrative Office)

Approved and authorized the Chairman to sign a software maintenance and support agreement with Megabyte Systems, Inc. in the following amounts for the period July 1, 2009 through June 30, 2010: a renewal agreement in the amount of \$116,142.44; and a web services addendum in the amount of \$4,647.00. (Assessor/Auditor-Controller/Treasurer-Tax Collector/Information Technology)

Approved and authorized the Chairman to sign the County Claims List totaling \$36,002.54 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on June 2, 2009, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1944, which approves Zone Amendment No. 07-009, Western Star Lodge (Millville area), as introduced March 18, 2008. (Clerk of the Board)
(See Zoning Ordinance Book)

Enacted Ordinance No. 673, which repeals Ordinance No. 669 (CSA No. 3 - Castella Water); Ordinance No. 674, which repeals Ordinance No. 670 (CSA No. 6 - Jones Valley); Ordinance No. 675, which repeals Ordinance No. 671 (CSA No. 23 - Crag View Water); and Ordinance No. 676, which repeals Ordinance No. 672 (CSA No. 25 - Keswick Water), as introduced June 9, 2009. (Clerk of the Board)

(See General Ordinance Book)

Enacted Ordinance No. 677, which sets a capital fire facility and equipment mitigation fee for the Cottonwood Fire Protection District, as introduced June 9, 2009. (Clerk of the Board)
(See General Ordinance Book)

Approved and authorized the Chairman to sign a five-year Authorization to Order Under State Contract MSA 1 with SBC Global Services, Inc. d.b.a. AT&T Global Services on behalf of Pacific Bell Telephone Company d.b.a. AT&T California to provide telecommunications services under the State of California's CALNET II agreement. (Information Technology)

Adopted Resolution No. 2009-053, 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 HOME Investment Partnership Program funding in an amount not to exceed \$800,000 for a first-time homebuyer program; 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 renewal agreement with Vista Pacifica Enterprises, Inc. in an amount not to exceed \$202,656 per fiscal year to provide skilled nursing care for the period July 1, 2009 through June 30, 2010, with two automatic one-year renewals. (Mental Health)

Adopted Resolution No. 2009-054, which repeals Resolutions No. 88-26 and 2007-056 and establishes a revised records retention schedule for the Health and Human Services Agency-Public Health Department. (Public Health)

(See Resolution Book No. 50)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Private Industry Council d.b.a. Smart Business Resource Center in an amount not to exceed \$70,000 to provide computerized inmate education services in the Main Jail for the period July 1, 2009 through June 30, 2012. (Sheriff)

Approved the award of Bid No. 08-018 to Keefe Commissary Network for the provision of an inmate commissary system; approved and authorized the Chairman to sign an agreement with Keefe Commissary Network for the Inmate Welfare Fund to receive a \$40,000 signing bonus plus 40 percent of the net sales to provide the system for the period July 1, 2009 through June 30, 2016, with two automatic one-year renewals; and approved and authorized the Sheriff to sign future amendments during the term of the agreement. (Sheriff)

For the construction in various Permanent Road Divisions, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and directed the Public Works Director to advertise for bids; and authorized opening of bids on or after July 16, 2009 at 11:00 a.m. (Public Works)

For the East Fork Road at Clear Creek Bridge Replacement Project, adopted Resolution No. 2009-055, which makes a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, subject to specific findings; approved and authorized the Chairman to sign right-of-way contracts with Robin and Gail Gale (0.33 acres at \$17,300) and Marjorie Richardson (0.40 acres at \$14,900); and accepted two easement deeds from these owners conveying parcels of project right of way. (Public Works)

(See Resolution Book No. 50)

For the Swede Creek Road at Swede Creek Bridge Widening Project, adopted Resolution No. 2009-056, which makes a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, subject to specific findings; approved and authorized the Chairman to sign right-of-way contracts with Jay and Linda Rawitzer (0.13 acres at \$4,600) and Edward and Virginia Caraccia (0.14 acres at \$9,100); and accepted two easement deeds from these owners conveying parcels of project right of way. (Public Works)

(See Resolution Book No. 50)

Adopted Resolution No. 2009-057, which approves and authorizes the Chairman to sign an amendment to the cooperative fire protection agreement with the California Department of

Forestry and Fire Protection (CAL FIRE) increasing compensation by \$2,564,880 for Fiscal Year 2009-10 (for a new total of \$5,014,637) to administer and operate the Shasta County Fire Department and extending the term through June 30, 2010. (County Fire)
(See Resolution Book No. 50)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION:

TOBACCO SETTLEMENT FUND CITIZENS' ADVISORY COMMITTEE

Public Health Director Donnell Ewert stated the Board of Supervisors authorized the creation of Tobacco Settlement Fund (TSF) Citizens' Advisory Committee in 2006 to oversee the distribution of Tobacco Settlement funds. TSF Citizens' Advisory Committee member Brad Frost gave the final report regarding the outcome of the TSF grant program, advising that 21 projects had been funded, totaling \$700,954 in grant funds.

By consensus, the Board of Supervisors directed staff to prepare certificates of appreciation for the members who had served on the TSF Citizens' Advisory Committee.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees advised that Shasta County has been unable to have an automatic entitlement for Community Development Block Grants (CDBG) grants and must apply annually. Since participation in the 2010 Census will be helpful, as grant dollars are based on the population in the County, it is possible that Shasta County may be an entitlement community as it relates to CDBG grants. By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign Resolution No. 2009-058, which supports the 2010 Census.

(See Resolution Book No. 50)

CAO Lees stated Shasta County may participate in the Healthy Purchase Pilot Project to provide incentives for users of food stamp cards to purchase healthy choices of food items. By consensus, the Board of Supervisors approved and authorized the Chairman to sign a letter to the California Department of Public Health requesting Shasta County be selected to participate in the Healthy Purchase Pilot Project.

CAO Lees presented an update on specific legislation of importance to Shasta County, including the acknowledgment that the State of California budget has not yet passed, causing a continued delay in contract implementation and particular revenue payments.

Supervisor Baugh recently attended a Regional Council of Rural Counties (RCRC) meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE/PUBLIC HEALTH**AGREEMENT: NORTHERN CALIFORNIA EMS, INC.
EMERGENCY MEDICAL SERVICES**

Principal Administrative Analyst Julie Hope introduced Northern California EMS, Inc. (Nor-Cal) Executive Officer Dan Spiess described the various emergency medical services provided by Nor-Cal. Nor-Cal has requested increasing compensation for training and the purchase of new equipment for emergency medical care.

In response to questions by Supervisor Baugh, Mr. Spiess stated that a local EMS agency is not required to operate a communication system. Nor-Cal proposes to meet with representatives from Shasta County, hospitals, and ambulance companies to redefine how a communication system might operate. If there are alternatives to the current UHF (Ultra High Frequency) system, costs may be reduced.

CAO Lees stated that the UHF system is very important. If the County were to assume that service, it would be costly.

Ms. Hope stated that Nor-Cal requested additional compensation in an increased amount of 15 to 16 percent due to declining reserves and the State reducing their revenue this year by 10 percent, with potential additional reductions next year. Nor-Cal advised in their correspondence in April 2009 that they would need to make increases after June 30, 2009. Attempts have been made to negotiate additional services and a review of Nor-Cal's financial records has been completed. If Shasta County were to provide the services of Nor-Cal, the costs would far exceed the contracted amount.

In response to questions by Supervisor Kehoe, Ms. Hope explained that Nor-Cal's total increase for Fiscal Year 2009-10 is 16.74 percent. CAO Lees commented that this is the most reasonable, cost-effective choice for these services at this time. Ms. Hope stated that if Shasta County were to provide the services in-house, the County would not be able to access the Local Emergency Medical Services Agency (LEMSA) state funds.

In response to questions by Supervisor Moty, Ms. Hope advised that the contract provides a termination "without cause" provision for both sides, with a 90-day notice.

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an amendment to the agreement with Northern California EMS, Inc. modifying various agreement provisions, decreasing the minimum annual agreement increases from 2 percent to zero, increasing Fiscal Year 2009-10 compensation by \$9,728.22 (for a total of \$77,027.47), increasing maximum compensation by \$17,153.59 (for a new maximum of \$223,115.70) to include costs for the third-year option, and retaining the term of July 1, 2008 through June 30, 2009, with two optional one-year renewals.

10:43 a.m.: The Board of Supervisors recessed.

10:51 a.m.: The Board of Supervisors reconvened.

ADMINISTRATIVE OFFICE**AGREEMENT: JEFFREY L. JENS
INDIGENT CONFLICT DEFENSE SERVICES**

Principal Administrative Analyst Julie Hope advised that Shasta County has a constitutionally mandated responsibility to provide conflict indigent defense services. The

proposed renewal agreement has increased compensation due to the need for the law office of Jeffrey Jens to hire additional staff because of caseload growth.

In response to questions by supervisors, County Counsel Mike Ralston advised that if the Court appoints counsel, the Court approves the bills. Shasta County would be mandated to pay the costs for the defense and would lose control of the defense costs. There is a financial qualification process in place to determine whether defendants are eligible for court-appointed attorneys.

By motion made, seconded (Kehoe/Baugh), and carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal agreement with Jeffrey L. Jens in the amount of \$4,215,132.36 to provide conflict indigent defense services for the period January 1, 2010 through December 31, 2012. Supervisors Hawes and Moty voted no.

PUBLIC WORKS

CSA NO. 6 – JONES VALLEY WATER

ELK TRAIL ANNEXATION

RESOLUTION NO. 2009-059

Public Works Director Pat Minturn provided a report regarding the possible grants and loans for the proposed Elk Trail Annexation to County Service Area (CSA) No. 6 - Jones Valley. Many Elk Trail residents have unreliable wells and have requested service from the Jones Valley water system. A straw poll was taken in 2007 to gauge support for the project, with overwhelming support. There are potential grants in the amount of \$3 million and an interest-free loan in the amount of \$7 million for the project.

The loan would be repaid through parcel charges, proportionate to the benefits derived. Benefits include fire suppression, water service, water service availability, and groundwater recharge. There are possibly two plans to be offered to participants. In the Plan A, recipients would benefit from fire suppression and water service as Community Service Area No. 6 - Jones Valley (CSA No. 6) customers. All parcels will be on the Plan A unless they qualify and apply for the Plan B.

The Plan B will be for parcels with a satisfactory existing well. The property owners would benefit from fire suppression, water supply availability, and groundwater recharge, and may later obtain water service by paying an upgrade fee.

Elk Trail must be annexed to the CSA No. 6 as a condition of service.

Paul Stout and Burt Stead spoke in support of the project. Kathy Jalquin and Wendy Peet spoke in opposition to the project. Mike Whitlock stated a straw vote should not be taken until October.

By motion made, seconded (Moty/Hartman), and carried, the Board of Supervisors directed staff to submit an annexation application to the Local Agency Formation Commission (LAFCO) for the proposed Elk Trail Annexation to County Service Area (CSA) No. 6 - Jones Valley; adopted Resolution No. 2009-059, which requests LAFCO to initiate an annexation proceedings; and directed staff to return to the Board on July 21, 2009 to consider issuing a new straw poll.

(See Resolution Book No. 50)

SCHEDULED HEARINGS

HEALTH AND HUMAN SERVICES

HOUSING AND COMMUNITY ACTION PROGRAMS

NEIGHBORHOOD STABILIZATION PROGRAM
RESOLUTION NO. 2009-060

Director of Housing and Community Action Programs Richard Kuhns, Psy.D. gave the report and recommended approval of the application.

This was the time set to conduct a public hearing and consider adopting a resolution to approve a Neighborhood Stabilization Program (NSP) grant application to fund housing rehabilitation, down payment assistance for foreclosed homes, and demolition of blighted structures. 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 matter, and the public hearing was closed.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-060, which approves a Neighborhood Stabilization Program (NSP) grant application in the amount of \$1,356,660 to fund owner-occupied housing rehabilitation, down payment assistance for foreclosed homes, and demolition of blighted structures; approves and authorizes the County Administrative Officer to sign the NSP Statement of Assurances; approves and authorizes the Director of Housing and Community Action Programs to sign the grant application and any additional documentation required for participation; and approves and authorizes the Chairman to sign the grant agreement, if one is awarded.

(See Resolution Book No. 50)

LAW AND JUSTICE

SHERIFF

EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT FUNDS

Undersheriff Greg Wrigley gave a report regarding the Edward Byrne Memorial Justice Assistance Grant (JAG) funds awarded jointly to the County of Shasta and the City of Redding.

This was the time set to conduct a public hearing and consider the use of JAG funds and a memorandum of understanding with the City of Redding to allocate the pending grant between the two parties. 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 matter, and the public hearing was closed.

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a memorandum of understanding with the City of Redding to allocate the use of \$30,999 in Edward Byrne Memorial Justice Assistance (JAG) funds awarded jointly to the County of Shasta (\$30,999) and the City of Redding (\$53,708).

PUBLIC WORKS

SISKIYOU COUNTY TRANSFER STATION
PARCEL CHARGES
RESOLUTION NO. 2009-061

This was the time set to conduct a public hearing and consider adopting a resolution which maintains at the current rate parcel charges to pay tipping fees at the Siskiyou County Transfer Station. Public Works Director Pat Minturn 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 matter, and the public hearing was closed.

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-061, which maintains at the current rate parcel charges to pay tipping fees at the Siskiyou County Transfer Station.

(See Resolution Book No. 50)

RESOURCE MANAGEMENT

PLANNING

ZONE AMENDMENT NO. 08-008
GENE DAVIS AND JEFF DAVIS
WEST COTTONWOOD AREA

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 08-008, Gene and Jeff Davis, which would rezone approximately 68.71 acres in the West Cottonwood area from an Unclassified (U) District to a Rural Residential (R-R) District and a Rural Residential combined with a Restrictive Flood (R-R-F-2) District. 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 no one spoke for or against the matter, 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. 08-008, Gene Davis and Jeff Davis, West Cottonwood area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2009-026;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-026; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 08-008, as requested.

11:50 a.m.: The Board of Supervisors recessed.

11:56 a.m.: The Board of Supervisors reconvened.

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes announced that the Board of Supervisors would recess to a Closed Session to 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.

11:56 a.m.: The Board of Supervisors recessed to Closed Session.

1:17 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, County Counsel Mike Ralston, and Agency Staff Services Analyst II Megan Dorney present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

1:17 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy