

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 15, 2009

REGULAR MEETING

9:01 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
Deputy Clerk of the Board - Valerie Ibarra

INVOCATION

Invocation was given by Pastor Heather Hennessey, First Christian Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Mauro Oliviera spoke on behalf of citizens groups for clean air, stating that the California Department of Forestry violated California Environmental Quality Act (CEQA) requirements by approving timber harvest plans without analyzing greenhouse emissions.

Former Shasta County Volunteer Firefighter Chris Veal discussed the manner in which boating law relates to fire rescue boats and the boating safety officers' knowledge of the laws.

BOARD MATTERS**CERTIFICATES OF RECOGNITION**

The Board of Supervisors presented certificates of recognition to the City of Redding, Shasta Regional Medical Center, District Attorney Gerald Benito, and Shasta Women's Refuge Executive Director Maggie John, expressing appreciation for service and commitment to the Sexual Assault Response Team.

PROCLAMATION: CONSTITUTION WEEK

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 17-23, 2009 as Constitution Week in Shasta County. Daughters of the American Revolution representative Donna Ellis Chaplain accepted the proclamation.

PROCLAMATION: YOUTH PEER COURT MONTH

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 2009 as Youth Peer Court Month in Shasta County. Dr. Charles Menoher accepted the proclamation.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Hawes announced that the item regarding the Public Defender's office space lease had been pulled for discussion.

In response to a question by Supervisor Baugh, Administrative Analyst Elaine Grossman explained that savings have been negotiated in the lease for office space at 1815 Yuba Street, Redding.

CONSENT CALENDAR

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Hawes recused on the item regarding the SHASTEK Redevelopment Project Area due to personal property holdings and on the ordinance approving Zone Amendment No. 08-007, Richards due to a personal relationship with the applicants):

Elected to begin receiving pass-through funds from the SHASTEK Redevelopment Project Area commencing with the receipt of Fiscal Year 2009-10 tax increment funds in accordance with Health & Safety Code section 33607.5. (Administrative Office)

Approved and authorized the Chairman to sign an amendment to the Buckeye Redevelopment Project Area's Project Formation and Administration agreement to allow for the participation jurisdictions to receive pass-through funding with the receipt of the Fiscal Year 2009-10 tax increment funds in accordance with Health & Safety Code section 33607.5. (Administrative Office)

Approved and authorized the Chairman to sign a lease with Robert and Dorothy Nutto in the amount of \$9,442.13 per month (\$1.25 per square foot) to lease 7,570 square feet of office space at 1815 Yuba Street, Redding for the period February 1, 2010 through July 31, 2012, with one 30-month optional extension, with annual rent increases during the option term of 2.5 percent. (Administrative Office/Public Defender)

Approved and authorized the Chairman to sign the County Claims List totaling \$12,338.60 requiring special board action. (Auditor-Controller)

Adopted Resolution No. 2009-087, which approves the Fiscal Year 2009-10 Countywide Tax Rate, the Unitary Debt Service Rate, and the tax rates for bond sinking funds, state school building loan payments, and voter-approved debt. (Auditor-Controller)

(See Resolution Book No. 50)

Accepted the annual report of cash shortage reimbursements in the amount of \$460.46 for Fiscal Year 2008-09. (Auditor-Controller)

Approved the minutes of the meeting held on August 25, 2009, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1995, which approves Zone Amendment No. 08-007, Richards (east Redding area), as introduced March 3, 2009. (Clerk of the Board)
(See Zoning Ordinance Book)

Appointed Jeffrey Gorder to the Shasta County Public Law Library Board of Trustees for a term to January 2010. (Clerk of the Board)

Appointed Katharine Ann Campbell (District 3) to the Public Health Advisory Board to fill an unexpired term to March 2010. (Clerk of the Board)

Reappointed Crystal Hatch to the Fall River Mills Fire Protection District Board of Directors in lieu of election to a term to December 2013. (Clerk of the Board)

Reappointed Alan Masden to the PSA Area 2 Agency on Aging Advisory Council for a term to expire September 2013. (Clerk of the Board)

Approved and authorized the Chairman to sign a retroactive agreement with the Shasta County Child Abuse Prevention Coordinating Council in the amount of \$224,997 for AmeriCorps workers to provide services within several Health and Human Services Agency programs for the period July 1, 2009 through July 31, 2010. (Health and Human Services Agency)

Adopted Resolution No. 2009-088, which approves and authorizes the Chairman to sign and submit a Community Services Block Grant (CSBG) agreement with the California Department of Community Services and Development in the amount of \$389,556 and any subsequent amendments for the period July 1, 2009 through September 30, 2010 to provide services to persons living in poverty, and approves and authorizes the Director of Housing and Community Action Programs to sign the CSBG certifications and reports; approved a budget amendment in the amount of \$298,840 increasing appropriations and revenue in the Community Action Agency budget; and approved a budget amendment in the amount of \$42,283 decreasing appropriations and revenue in the Housing Authority budget. (Housing and Community Action Programs)

(See Resolution Book No. 50)

Approved and authorized the Chairman to sign an amendment to the agreement with Vista Staffing Solutions, Inc. increasing maximum compensation by \$200,000 (for a new total not to exceed \$300,000) to provide additional staffing for temporary psychiatric services and retaining the term of July 1, 2009 through June 30, 2010. (Mental Health)

Approved and authorized the Chairman to sign an agreement with Sutter Health Sacramento Sierra Region d.b.a. Sutter Center for Psychiatry in an annual amount not to exceed \$10,000 to provide psychiatric inpatient hospital services to Shasta County residents from the date of signing through June 30, 2010, with two automatic one-year renewals; and adopted Resolution No. 2009-089, which designates Sutter Health Sacramento Sierra Region d.b.a. Sutter Center for Psychiatry as a facility to provide 72-hour treatment and evaluation and 14-day intensive treatment pursuant to the Lanterman-Petris-Short Act. (Mental Health)

(See Resolution Book No. 50)

Approved and authorized the Chairman to sign a retroactive agreement with the California Department of Public Health to receive an approximate amount of \$88,572 in expedited payment of supplemental funds to prepare for and respond to pandemic H1N1 influenza. (Public Health)

Approved and authorized the Chairman to sign a revenue agreement and other related agreement documents with the California Department of Forestry and Fire Protection (CAL FIRE) in an amount not to exceed \$133,926.90 (\$43,400.00 for Fiscal Year 2009-10, \$44,630.00 for Fiscal Year 2010-11, and \$45,896.90 for Fiscal Year 2011-12) for the Opportunity Center to provide janitorial services at two CAL FIRE facilities from the date of signing through June 30, 2012. (Social Services-Opportunity Center)

Adopted Salary Resolution No. 1368, which deletes one Legal Secretary position and adds one Legal Secretary/Supervisor position in the Public Defender's Office budget effective September 27, 2009. (Public Defender)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign a retroactive renewal agreement with Anderson Union High School, Cottonwood Union High School, Happy Valley Union High School, and Pacheco Union School Districts in the amount of \$83,585 (plus any overtime costs) to provide one Deputy Sheriff (School Resource Officer) on school campuses for the period August 17, 2009 through June 3, 2010. (Sheriff)

Approved and authorized the Chairman to sign an agreement with the Anderson Union High School District funded with Average Daily Attendance (ADA) and inmate welfare funds to provide an adult education program for inmates at the Main Jail from the date of signing through June 30, 2012, with two automatic one-year renewals. (Sheriff)

Adopted Salary Resolution No. 1369, effective January 1, 2010, which extends the sunset date from December 31, 2009 to December 31, 2012 for one Senior Planner position in the Public Works budget. (Public Works)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign an agreement with George and Christine McArthur to lease an aircraft hangar at the Fall River Mills Airport for a seven-month period from September 1, 2009 through March 31, 2010 in the amount of \$185 per month. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Asbestos Abatement 1855 Shasta Street Project effective September 7, 2009 and record it within 10 days of actual completion of work. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the 2009 Various Permanent Road Division Project and record it within 10 days of actual completion of work. (Public Works)

Approved a budget amendment increasing appropriations in the amount of \$3,000 in the Millville Way Permanent Road Division Administration budget, authorizing use of fund balance. (Public Works)

Adopted Resolution No. 2009-090, which approves and authorizes the Chairman to sign an agreement with the California Department of Forestry and Fire Protection (CAL FIRE) from the date of signing through August 31, 2010 to accept grant revenue in an amount not to exceed \$10,000 to purchase 110 sets of web gear to enable volunteer firefighters to carry mandated safety equipment. (County Fire)

(See Resolution Book No. 50)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: GOOD NEWS RESCUE MISSION SHASTA COUNTY'S EMPLOYEES' FOOD DRIVE CONTRIBUTION

Good News Rescue Mission Community Relations Director Ken White presented Shasta County's Employees' with an award for contributing the most food during a drive in April and May 2009.

PRESENTATION: PANDEMIC H1N1 INFLUENZA VIRUS UPDATE

Director of Public Health Donnell Ewert discussed the pandemic H1N1 influenza, previously referred to as "swine flu." Groups at risk for hospitalization or death from H1N1 influenza are school-aged children, young adults, children under 5 years, pregnant women, and persons with chronic medical conditions. Good hygiene, infection control, and vaccines can reduce hospitalization and death. The first groups to receive the vaccination will be pregnant women, persons aged 6 months through 24 years, persons aged 25 years through 64 years at risk due to medical conditions, persons who live or care for infants under the age of 6 months, healthcare workers, and emergency medical services personnel.

PRESENTATION: SHASTA COUNTY COORDINATING COUNCIL COMMITTEE ON DEVELOPMENTAL DISABILITIES UPDATE

Shasta County Coordinating Council Committee on Developmental Disabilities President Marcie Caldwell and Secretary Sara May provided an update of the activities, developments, challenges, and future planning of the Coordinating Council.

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 Open Space Subvention (Williamson) Act Funding cuts. By consensus, the Board of Supervisors directed CAO Lees to sign a letter to Governor Schwarzenegger urging restoration of Open Space Subvention Act funding (Section 9100-101-001) in the Fiscal Year 2010-11 State Budget.

CAO Lees stated Assemblyman Wally Herger requested Shasta County adopt a resolution supporting wildfire prevention. By motion made, seconded (Hartman/Moty), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-091, which supports the California Catastrophic Wildfire Prevention and Community Protection Act.

(See Resolution Book No. 50)

Supervisor Kehoe recently attended the Mental Health Advisory Board meeting and a Local Agency Formation Commission (LAFCO) workshop.

Supervisor Hawes recently attended the Inter-Mountain Fair. Supervisor Hawes requested discussion at a future Board of Supervisors meeting regarding elimination of the ban on dredge mining in rivers at the state level.

Supervisors reported on issues of countywide interest.

10:12 a.m.: The Board of Supervisors recessed.

10:23 a.m.: The Board of Supervisors reconvened.

COUNTY COUNSEL

MEDICAL MARIJUANA DISPENSARIES MORATORIUM

County Administrative Officer Larry Lees noted that the request for a moratorium will allow the County time to review existing policies to assure they are adequate. County Counsel Mike Ralston explained that the requested urgency ordinance would impose a 45-day moratorium on medical marijuana dispensaries in the unincorporated areas of Shasta County, which would allow Resource Management time to obtain input from Public Health, the Sheriff's Office, and other counties. He confirmed that the proposed ordinance is not subject to the California Environmental Quality Act (CEQA) requirements.

Sheriff Tom Bosenko and District Attorney Gerald Benito spoke in support of the moratorium.

Shasta County Health Officer Dr. Andrew Deckert discussed the health effects experienced by marijuana users and provided examples of pain control alternatives.

Director of Resource Management Russ Mull stated that codes are already specifically designed to accommodate all new businesses. In response to questions by Supervisors, Mr. Mull explained that a business may not be opened without a use permit and confirmed the medical marijuana cooperative operating in Cottonwood did not apply for a use permit.

In response to questions by Supervisor Moty, Mr. Benito explained that it is against the law to sell or give away marijuana; however, marijuana collectives operate like a community farm where individuals share in the work and the product.

Chris Young and Chuck Tosh opposed the ordinance, stating the requested 45-day moratorium is a stalling tactic.

Trinity Gardens Collective representative Michael Vasquez noted that the facility opened in July 2009 as a nonprofit organization, and they act as an initiator of transactions between members. Patients are reimbursed for reasonable out-of-pocket expenses in exchange for their time and effort in creating the product; allocation is then made to other members in the collective. Only people that are part of the collective receive the product.

Supervisor Baugh made a motion to introduce, waive the reading of, and enact an urgency ordinance which imposes a 45-day moratorium on medical marijuana dispensaries in the unincorporated areas of Shasta County. Supervisor Hartman seconded the motion.

Supervisor Moty stated that there is little reason to support medicinal marijuana, and most people are using Proposition 215 as an excuse to avoid prosecution. However, Proposition 215 has been in place for more than 10 years, so a 45-day moratorium is not necessary. He supports the County meeting with the cities in Shasta County to assure the clarifications are all the same.

Supervisor Kehoe read from a report from the Attorney General's office that opined all marijuana dispensaries should generally be considered illegal, and he recommended the matter be returned to staff for further review.

Supervisor Hawes said that the products are grown by individuals who do not use the permit process to obtain the chemicals used to grow marijuana plants, creating a dangerous treatment which kills bugs and weeds.

Supervisor Baugh withdrew his motion.

Mr. Lees requested Resource Management provide input as to the need of additional or stronger language in the use permit requirements if the matter is to be returned to staff for clarification of guidelines.

Supervisor Hartman withdrew her second to the previous motion.

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors directed this matter to be returned to staff for clarifying guidelines and the determination as to the need for additional language for the use permit process, with assistance from Resource Management and law enforcement.

11:40 a.m.: The Board of Supervisors recessed.

11:46 a.m.: The Board of Supervisors reconvened.

SUPPORT SERVICES-PURCHASING

RENTAL OF MULTI-FUNCTIONAL DEVICES AND MAINTENANCE SERVICES

Director of Support Services Michelle Schafer outlined the Request for Proposals (RFP) process and recommended approval of an agreement with Ray Morgan, Inc. to provide copy machines/multi-functional devices to Shasta County. The contract with Western Office Equipment had expired, and an RFP was issued. Six responses were received, and all had missing information. Letters were sent to the vendors explaining that each would be interviewed by a committee to provide clarification of the information contained in the proposal. After determining the top two choices, telephone calls were made to references (consisting of those provided by the vendor and Ms. Schafer's own contacts), and Ray Morgan, Inc. was selected.

In response to questions by Supervisors, Ms. Schafer identified the top two choices as Ray Morgan, Inc. and Carrel's Office Machines. After the selection of the successful bidder, vendors had ten days to submit an appeal. When appeals were received, the committee met with County Counsel to review the concerns raised. Senior Deputy County Counsel Jim Ross confirmed the County reserved the right in the RFP to accept the bid that was in the best interest of the County. The process used for the RFP, the selection of the successful vendor, and the consideration of the appeal to the RFP process did not exceed legal parameters. Ms. Schafer stated that a cost-saving analysis was performed by working with departments to determine current usage and anticipated future usage.

Craig Carrel of Carrel's Office Machines said his firm is currently the single largest copy vendor for the County. The RFP states the proposal price will include all federal, state, and local taxes, without later modification, and the contract states that the County will pay sales tax; the bid provided by Ray Morgan, Inc. did not include sales tax. Also, Ray Morgan, Inc. included extra copiers in their proposal that were not specified in the RFP. Mr. Carrel said that Carrel's Office Machines received the highest points total in the criteria rating; therefore, he requested the Board of Supervisors reject the proposed contract with Ray Morgan, Inc.

Dennis McGalliard of Western Business Products stated that he had suggested leasing equipment in the interview process and was told that was not an option.

Sal Lopez of Comtech Office Systems opposed the award of the contract to Ray Morgan, Inc., stating that the RFP bid process was flawed.

David Edwards, Esq., legal counsel for Carrel's Office Machines, stated that the proposals were to be received by March 30, 2009, and the responses were to be the "best and

final offer.” Carrel Office Machines submitted their best and final offer on a timely basis, yet Ray Morgan, Inc. failed to do so. He said that the RFP process was not followed by staff.

Chris Starr of Ray Morgan, Inc. named several Shasta County businesses that are his clients. He said that nine out of ten times, there are protests to an RFP, and he believed the RFP process was done in a professional manner. In response to questions by Supervisor Baugh, Mr. Starr stated he was not prepared to answer questions specific to his proposal as he did not have a copy with him.

In response to questions by Supervisor Moty, Ms. Schafer confirmed Ray Morgan, Inc. included sales tax in their proposal.

In response to questions by Supervisor Kehoe, Mr. Lees stated that if the RFP is reissued, the vendors would be at an unfair advantage as they are all privy to each previous proposal.

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors directed staff to reissue the Request for Proposals for rentals of multi-functional devices and maintenance services of such devices to county departments.

SCHEDULED HEARINGS

HEALTH AND HUMAN SERVICES

PUBLIC HEALTH

PUBLIC HEALTH SERVICE REDUCTIONS

This was the time set to conduct a Beilenson public hearing to consider reducing services of the Public Health Department. Director of Public Health Donnell Ewert presented the staff report and recommended approval of the proposed reduction in services. The Notice of Hearing is on file with the Clerk of the Board.

In response to questions by Supervisors, Mr. Ewert confirmed that the Public Health Department has been trying to manage the negative impact of the State of California budget and will continue to help those affected to seek treatment and services elsewhere prior to the reduction of services.

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 (Moty/Baugh), and unanimously carried, the Board of Supervisors approved the following Public Health service reductions:

1. Human Immunodeficiency Virus (HIV) Testing:
 - Eliminate two weekly 3-hour HIV Counseling and Testing clinics at Shasta County Public Health (Breslauer Way)(66 percent reduction);
 - Eliminate one weekly 3-hour HIV Counseling and Testing clinic at Shasta County Public Health (Sacramento Street)(100 percent reduction);
 - Eliminate twice monthly 2-hour HIV Counseling and Testing services at the Main Jail (100 percent reduction);
 - Eliminate monthly 4-hour HIV Counseling and Testing services at Juvenile Hall (100 percent reduction);

- Eliminate weekly 4-hour HIV Counseling and Testing services at the Good News Rescue Mission (100 percent reduction); and
 - Reduce HIV Counseling and Testing services at Visions of the Cross Recovery to 2 hours monthly (65 percent reduction).
2. Hepatitis C Screening:
- Eliminate monthly Hepatitis C Screening services at Trinity House (100 percent reduction);
 - Eliminate monthly Hepatitis C Screening services at Empire Recovery Center (100 percent reduction);
 - Eliminate monthly Hepatitis C Screening services at Visions of the Cross Recovery (100 percent reduction);
 - Eliminate monthly Hepatitis C Screening services at Right Roads (100 percent reduction); and
 - Eliminate three weekly 3-hour Hepatitis C Screening services at Public Health (Breslauer Way)(100 percent reduction).
3. HIV Blood Testing:
- Eliminate all laboratory HIV blood specimen testing (100 percent reduction).
4. Dental Sealants:
- Eliminate dental sealant contract with Shasta Community Health Dental Center for dental sealants at Cypress, Juniper Academy, Happy Valley Primary, Shasta Lake, Shasta Meadows, Rother, and Verde Vale Elementary Schools (100 percent reduction).
5. Preschool Oral Health Education and Fluoride Supplementation:
- Eliminate classroom oral health education and daily fluoride supplementation for preschool age children at Anderson State, Buckeye State and School of the Arts, Castle Rock, Central Valley, Happy Valley, LIFE Center, Burney Home Away from Home, and Meadow Lane Preschools (100 percent reduction).
6. Elementary School Oral Health Education and Fluoride Supplementation:
- Eliminate classroom oral health education and daily fluoride supplementation for children at Cypress, Juniper Academy, Happy Valley Primary, Shasta Lake, Shasta Meadows, and Verde Vale Elementary Schools (100 percent reduction).

CLOSED SESSION ANNOUNCEMENT

Chairman 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 Brummett v. Shasta County and Anderson v. Shasta County, pursuant to Government Code section 54956.9, subdivision (a); and

2. Consider a public employee appointment (Veterans Service Officer), pursuant to Government Code section 54957; and
3. Confer with its Real Property Negotiator County Administrative Officer Larry Lees and the Administrative Office of the Courts regarding 1500 Court Street, Redding, pursuant to Government Code section 54964.8; and
4. 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.

1:05 p.m.: The Board of Supervisors recessed.

1:09 p.m.: The Board of Supervisors reconvened.

1:11 p.m.: The Board of Supervisors recessed to Closed Session.

1:20 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 Chief Deputy Clerk of the Board Glenda Tracy present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, a public employee appointment, real property negotiations, and labor negotiations; however, no reportable action was taken.

1:20 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy