

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 22, 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

County Administrative Officer - Larry Lees
 County Counsel - Mike Ralston
 Deputy Clerk of the Board - Linda Mekelburg
 Deputy Clerk of the Board - Valerie Ibarra

INVOCATION

Invocation was given by Paul Schmidt, Liberty Hill Christian Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Russ Wade discussed the benefits of maintaining a healthy lifestyle, including prevention of several obesity-related diseases.

Friends of Cow Creek Preserve representative Laura Carnley invited the Board of Supervisors and the public to the second annual Whitmore Community Picnic, which is a fundraiser for Kilarc Reservoir.

BOARD MATTERS

PROCLAMATION: MENTAL ILLNESS AWARENESS WEEK

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 4-10, 2009 as Mental Illness Awareness Week in Shasta County. National Alliance for the Mentally Ill Shasta County President Diana Clayton accepted the proclamation.

PROCLAMATION: NATIVE AMERICAN DAY

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 25, 2009 as Native American Day in Shasta County. Rod Lindsey and Anderson Union High School student Gilbert Serna accepted the proclamation.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Hawes noted that the items regarding the letter to the State Personnel Board and the agreement with Prime Healthcare Services - Shasta, LLC had been pulled for discussion.

In response to questions from Supervisors, Support Services Director Michelle Schafer explained that, at a minimum, the switch from an interagency merit system to an approved local merit system will be cost neutral; however, the time required to fill vacant positions will decrease from 3-6 months to 1-2 months. Additionally, although seniority is calculated differently under the two systems, current employees will be “grandfathered” into the approved local merit system so they will not lose any seniority benefit for their years of service.

In response to questions from Supervisors, Public Health Director Donnell Ewert noted that the agreement with Prime Healthcare Services replaces a previous one with Shasta Regional Medical Center. The agreement allows the Public Health laboratory to process tests which would otherwise be sent out of the area, thus causing a delay in receiving lab results; a similar contract is in place with Mercy Medical Center. Although no billable services have been provided since the previous contract was terminated, due to Health Insurance Portability and Accountability Act concerns, County Counsel has recommended the agreement be made retroactive to November 1, 2008.

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:

Approved and authorized the Chairman to sign the County Claims List totaling \$7,794.00 requiring special board action. (Auditor-Controller)

Enacted Ordinance No. 378-1996, which approves Zone Amendment No. 08-008, Davis (west Cottonwood area), as introduced June 23, 2009. (Clerk of the Board)

(See Zoning Ordinance Book)

Appointed George Matthews to fill an unexpired term on the Burney Cemetery District Board of Directors to March 2010. (Clerk of the Board)

Approved and authorized the Chairman to sign a letter to the State Personnel Board requesting Shasta County’s conversion from an interagency merit system to an approved local merit system. (Support Services/Health and Human Services Agency/Child Support Services)

Approved the following appointments in lieu of election, as listed on the County Clerk’s certificate:

<u>Anderson-Cottonwood Irrigation District:</u>	J.D. Leitaker	term to 2013
	Brenda Haynes	term to 2013
<u>Burney Fire Protection District:</u>	Donna Caldwell	term to 2013

<u>Burney Water District:</u>	Valerie J. Dickinson	term to 2013
<u>Castella Fire Protection District:</u>	James P. Stambolis	term to 2013
	Shelly Wilson	term to 2013
	Eddie Cahill	term to 2011
<u>Centerville Community Services District:</u>	Eric Woodstrom	term to 2011
<u>Clear Creek Community Services District:</u>	Ronald E. Asher	term to 2013
	Johanna Trennery	term to 2013
	Doug Evans	term to 2011
<u>Cottonwood Fire Protection District:</u>	Mel "Sonny" Bramley	term to 2013
	Larry Ray Brower	term to 2013
	Art Parham, Jr.	term to 2013
<u>Fall River Mills Community Services Dist.:</u>	Barbara Briggs	term to 2013
	Margaret "Peggy" Bowker	term to 2011
	Sandra Jensen	term to 2011
<u>Fall River Mills Fire Protection District:</u>	Randy Scholl	term to 2013
<u>Happy Valley Fire Protection District:</u>	Richard E. Bassham	term to 2013
	Ken Ross	term to 2013
	Robert W. Wenham	term to 2013
	Larry Clark	term to 2011
<u>Igo-Ono Community Services District:</u>	Gil Spencer	term to 2013
	Vance Acker	term to 2011
<u>Millville Fire Protection District:</u>	Bob Buick	term to 2013
	John Arthur Kessinger	term to 2011
<u>Shasta Community Services District:</u>	Judy M. Smith	term to 2011
<u>Shasta Lake Fire Protection District:</u>	Lori L. Chapman-Sifers	term to 2013
	Theodore G. Chase	term to 2013

(County Clerk/Registrar of Voters)

Approved and authorized the Chairman to sign a retroactive agreement with Prime Healthcare Services - Shasta, LLC to pay Shasta County a per-specimen charge to provide public health laboratory testing services for the period November 1, 2008 through June 30, 2010, with two automatic one-year renewals. (Public Health)

Approved a budget amendment increasing revenues and expenditures in the amount of \$61,188 in the Public Health Emergency Preparedness budget to draw down unspent federal bioterrorism funds for the purchase of laboratory testing equipment to meet grant requirements to test for biological threat agents and also allow testing for the Pandemic H1N1 Influenza virus. (Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with ACC Environmental Consultants, Inc. increasing compensation by \$4,793 (for a new total not to exceed \$60,034) to provide additional hazardous materials abatement consulting services for the Old Library Remodel project. (Public Works)

Awarded to the low bidder, Tony Painting, Inc., on a lump-sum basis, the contract for the Jail Painting Project in the amount of \$124,500. (Public Works)

For Parcel Map No. 05-040A, Terri Lee Terrace Emergency Fire Escape Road (EFER) Permanent Road Division (northeast Redding area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for November 10, 2009 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: COMMUNITY VISION PROJECT HAPPY VALLEY AND COTTONWOOD

Healthy Eating Active Communities Collaborative representatives Mary O'Keeffe and Barbara Jackson presented the report *How Shall We Grow? Community Vision: Happy Valley and Cottonwood*, which is part of the Healthy Eating, Active Communities Initiative funded by the California Endowment. The report explores area residents' visions for their communities, which they would like incorporated into the General Plan.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees had no legislative report.

Supervisors reported on issues of countywide interest.

HEALTH AND HUMAN SERVICES

MENTAL HEALTH

PRESENTATION: MENTAL HEALTH ADVISORY BOARD ANNUAL REPORT MENTAL HEALTH BOARD APPOINTMENTS

Director of Mental Health Dr. Mark Montgomery introduced Mental Health Advisory Board (MHAB) Chair Mary Rickert. Ms. Rickert introduced the members of the MHAB and then introduced Susan Wilson, who presented the Mental Health Advisory Board's Annual Report. The MHAB has fifteen members, four standing committees, and several ad hoc committees. In Fiscal Year 2009-10, the MHAB's focus will be on Board structure, training, and effectiveness; a possible merger with the Alcohol and Drug Advisory Board; training for board members in quality assurance and outcomes; and the Mental Health Services Act.

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors appointed Rusty Garren (consumer), Samuel Major (family), and David Honey (public interest) to the Mental Health Advisory Board to fill unexpired terms to January 2010.

PUBLIC HEALTH

**BLOOD-BORNE DISEASE PREVENTION PILOT PROJECT FINAL REPORT
CONTINUATION OF BLOOD-BORNE DISEASE PREVENTION PROGRAM
RESOLUTION NO. 2009-092**

County Health Officer Dr. Andrew Deckert presented the Blood-borne Disease Prevention Pilot Project final report. The pilot project was approved by the Board of Supervisors in September 2006. The pilot project had four components: a media campaign, a syringe exchange program, substance abuse treatment referral, and evaluation. Over the course of the program, more than 8,000 needles have been exchanged; needle sharing has decreased, as have problems with needle litter and solid waste.

Supervisors thanked the Public Health Department for their efforts and for the success of the program. Supervisor Hartman noted that although she applauded the hard work of the Department, she believes more in a no-tolerance attitude than a syringe-exchange program.

By motion made, seconded (Kehoe/Moty), and carried, the Board of Supervisors adopted Resolution No. 2009-092, which authorizes a permanent Blood-borne Disease Prevention Project, which includes a syringe-exchange component. Supervisor Hartman voted no as she does not agree with the syringe-exchange component of the program.

(See Resolution Book No. 50)

10:52 a.m.: The Board of Supervisors recessed.

11:00 a.m.: The Board of Supervisors reconvened.

LAW AND JUSTICE

PROBATION

**AGREEMENT: SHASTA CHILDREN AND FAMILIES FIRST COMMISSION
YOUNG FATHERS CASELOAD PROGRAM**

Chief Probation Officer Brian Richart presented the staff report and recommended approval of the agreement, noting that the program targets men between the ages of 18 and 25 with children under age 5. In response to questions by Supervisors, Mr. Richart explained that another program targeting women was established approximately two years ago and has been successful. By motion made, seconded (Moty/Hartman), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a retroactive revenue grant contract with the Shasta Children and Families First Commission in an amount not to exceed \$246,881 for the Probation Department to provide services to the Young Fathers Caseload program for the period September 1, 2009 through June 30, 2012.

**AGREEMENT: ALLVEST INFORMATION SERVICES, INC. d.b.a. ASSESSMENTS.COM
WEB-BASED ADULT ASSESSMENT SOFTWARE PACKAGE**

At the recommendation of Chief Probation Officer Brian Richart and by motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Allvest Information Services, Inc. d.b.a. Assessments.com in amounts not to exceed \$175,200 the first year of the agreement and \$56,400 the second year to provide a web-based adult assessment software package, including licensing, maintenance, implementation consulting, and staff training for one year from the date of signing, with one automatic one-year renewal.

AGREEMENTS: SHASTA COUNTY OFFICE OF EDUCATION
PROBATION INTERVENTION SERVICES AT OASIS COMMUNITY
SCHOOL/EDUCATION RESOURCE CENTER

At the recommendation of Chief Probation Officer Brian Richart and by motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign renewal revenue agreements with the Shasta County Office of Education for probation intervention services at Oasis Community School/Educational Resource Center from the date of signing through June 30, 2010, with two optional one-year renewals in the amount of \$92,723.83 for Fiscal Year 2009-10 to provide one full-time Deputy Probation Officer; and in the amount of \$64,230.87 for Fiscal Year 2009-10 to provide one full-time Probation Assistant.

SCHEDULED HEARINGS

LAW AND JUSTICE

DISTRICT ATTORNEY

MISDEAMEANOR ALTERNATIVE ACCOUNTABILITY PROGRAM
PRE-COMPLAINT DIVERSION PROGRAM
DEFERRED ENTRY OF JUDGMENT PROGRAM
RESOLUTIONS NO. 2009-093 AND 2009-094

This was the time set to conduct a public hearing and consider the request to establish a revised fee schedule for the misdemeanor alternative accountability program and to allow fees for the pre-complaint diversion and deferred entry of judgment programs in the District Attorney's office. District Attorney Jerry Benito 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 no one spoke for or against the matter, and the public hearing was closed.

By motion made, seconded (Moty/Kehoe), and unanimously carried, the Board of Supervisors took the following actions:

1. Adopted Resolution No. 2009-093, which repeals Resolution No. 2004-160 and allows for the imposition of a fee to offset expenses for implementation of a pre-complaint diversion program;
2. Adopted Resolution No. 2009-094, which allows for the imposition of a fee to offset expenses for implementation of a deferred entry of judgment program; and
3. Introduced and waived the reading of an ordinance which repeals Ordinances No. 631 and 678 and establishes fees for enrollment in misdemeanor alternative accountability programs.

(See Resolution Book No. 50)

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 06-025

AZIZOLLAH BARZIN

MOUNTAIN GATE AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 06-025, Azizollah Barzin, which would rezone approximately 28.3 acres in the Mountain Gate area from an Unclassified (U) District to a Rural Residential (R-R) District and would relocate an Open Space (OS) District to more accurately reflect the alignment of the West Fork of Stillwater Creek. 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 adjacent property owner Phillip Grove requested a clarification on what is meant by the realignment of Stillwater Creek. Mr. Walker explained that the creek will not be realigned; only the boundaries of the Open Space District will be realigned. County Counsel Mike Ralston further clarified that only zoning lines will be changed, not property lines. No one else spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 06-025, Azizollah Barzin, Mountain Gate 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. 2009-037; and
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-037; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 06-025, as requested.

ZONE AMENDMENT NO. 09-001

AZIZOLLAH BARZIN

MOUNTAIN GATE AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 09-001, Azizollah Barzin, which would rezone approximately 11 acres in the Mountain Gate area from an Unclassified (U) District to a Rural Residential (R-R) 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 no one spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Baugh/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 09-001, Azizollah Barzin, Mountain Gate 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. 2009-039; and

2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-039; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 09-001, as requested.

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 Palmer and Palmieri v. Shasta County Social Services, pursuant to Government Code section 54956.9, subdivision (a); and
2. Confer with its Real Property Negotiator, County Administrative Officer Larry Lees, to negotiate price and terms with Mr. and Mrs. Horn regarding property located at 2650 Breslauer Way, Redding, pursuant to Government Code section 54964.8; and

CAO Lees noted that the agendaized Closed Session to discuss labor negotiations had been pulled.

11:51 a.m.: The Board of Supervisors recessed to Closed Session.

12:11 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 Deputy Clerk of the Board Linda Mekelburg present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation and real property. In the matter of Palmer and Palmieri v. County of Shasta County Social Services, the Board of Supervisors by a unanimous vote referred the matter to the Law Offices of Gary Brickwood for the defense of Shasta County. No other reportable action was taken.

12:12 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy