

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, October 20, 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  
Administrative Board Clerk - Linda Mekelburg  
Administrative Board Clerk - Valerie Ibarra

**INVOCATION**

Invocation was given by Pastor Paul Shrum, Grace Fellowship Foursquare Church.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Mike Quinn notified the Board of Supervisors of an upcoming meeting where the Department of Fish and Game will present a draft report on hatcheries and stocking of lakes, and he encouraged the Board of Supervisors to become involved with this issue. By consensus, the Board of Supervisors directed staff to provide a staff report containing background on the subject.

**REGULAR CALENDAR**

**PRESENTATION: SHASTA WOMEN'S REFUGE  
CERTIFICATE OF RECOGNITION**

Director of Public Health Donnell Ewert introduced Shasta Women's Refuge Executive Director Maggie John, who presented an update on the history and accomplishments of the Shasta Women's Refuge since its creation in 1979.

The Board of Supervisors presented Shasta Women's Refuge with a Certificate of Recognition for 30 years of service to victims of domestic violence and sexual assault in Shasta County. Ms. John accepted the Certificate on behalf of Shasta Women's Refuge.

**CONSENT CALENDAR**

By motion made, seconded (Kehoe/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 a purchase and sale of easement contract with Michael and Linda Horn in the amount of \$23,800 to grant a permanent floating easement on property located on Breslauer Way; and approved and authorized the County Administrative Officer to sign amendments to formalize future easement alignments. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$120.39 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on October 13, 2009, as submitted. (Clerk of the Board)

Enacted Ordinance No. 462-117, which establishes a "No Parking" zone at the southerly end of Eagles Roost Road in the Pollard Flat area, as introduced October 6, 2009. (Clerk of the Board)

(See No Parking Zone Ordinance Book)

Enacted Ordinance No. 408-208, which establishes a 35-mile-per-hour speed zone on Brookdale Road, as introduced October 6, 2009. (Clerk of the Board)

(See Speed Restriction Zone Ordinance Book)

Enacted Ordinance No. 680, which repeals Ordinance No. 636 and establishes a revised fee schedule for the Public Health Department which more accurately reflects the cost of providing services, current reimbursement and market rates, and services offered, as introduced October 6, 2009. (Clerk of the Board)

(See General Ordinance Book)

Adopted Resolution No. 2009-103, which finds that approval of a lease with Sierra Sacramento Valley Emergency Medical Services Agency is in the best interest of Shasta County's social needs, in accordance with Government Code §26227; approved and authorized the Chairman to sign a lease with Sierra Sacramento Valley Emergency Medical Services Agency to pay Shasta County \$86.40 per month for approximately 108 square feet of office space (\$0.80/square foot) at 2650 Breslauer Way, Redding for the period November 1, 2009 through June 30, 2010, with two optional one-year extensions; designated Health and Human Services Agency-Public Health as the agency to administer the lease; and designated Health and Human Services Agency-Business and Support Services as the agency to collect the rent for the lease. (Health and Human Services Agency)

(See Resolution Book No. 50)

Approved submission of a California Department of Social Services funding application in the amount of \$126,334 for Fiscal Year 2009-10 to apply for state and federal funding for In-Home Supportive Services fraud prevention activities; and approved and authorized the Chairman to sign the County Response Cover Page. (In-Home Supportive Services)

Approved the appointment of Michelle A. Sager, M.D. at Step 'F' of the Senior Psychiatrist classification. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with the Shasta County Office of Education increasing compensation by \$1,642,000 (for a new maximum of \$4,078,184) to provide additional Stage I Childcare services to CalWORKs participants and extending the term for nine months to June 30, 2010. (Social Services)

Approved and authorized the Chairman to sign a renewal agreement with Legal Research Associates in an annual amount not to exceed \$35,000 to provide legal research materials and services to jail inmates from the date of signing through October 19, 2012, with two automatic one-year renewals. (Sheriff)

Approved a budget amendment increasing appropriations and revenues by \$75,000 in the Sheriff's budget in order to remit to the City of Redding its first-year payment under the 2009 Recovery Act Edward Byrne Memorial Justice Assistance Grant. (Sheriff)

Accepted additional funding in the amount of \$228,200 from the Central Valley High Intensity Drug Trafficking Area (HIDTA) for drug suppression program activities, including the Domestic Highway Enforcement program; approved a budget amendment increasing revenue and appropriations by \$190,367 in the Sheriff's Office Marijuana Eradication Program budget; approved the purchase of the following fixed assets: one mobile radio in the amount of \$4,775, one mobile data control device in the amount of \$6,200, one mobile radar device in the amount of \$3,700, and two global positioning system trackers in the amount of \$12,400; and authorized the Auditor-Controller to pay claims for expenses related to the budget amendment. (Sheriff)

Approved a budget amendment increasing appropriations by \$12,272 in the Sheriff's Cal-MMET budget to remit prior year federal and state asset forfeiture revenues to the District Attorneys in Butte and Tehama Counties, to be offset with the use of designated asset forfeiture fund balances. (Sheriff)

Awarded to the low bidder, Kelly Construction Company, on a lump-sum basis, the contract for construction of the garage addition at the Bella Vista Fire Station in the amount of \$89,900. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Palo Cedro Fire Station Metal Building and record it within 10 days of actual completion of work. (Public Works)

Approved and authorized the Chairman to sign an agreement with Waste Recovery West, Inc. in an amount not to exceed \$100,000 to assist the County in conducting waste tire collection events from the date of signing through June 30, 2010, with two automatic one-year renewals. (Resource Management-Community Education Section)

### **COMMENT ON CONSENT CALENDAR**

Chairman Hawes announced that there was a correction to the staff report for the Cal-MMET budget amendment which does not affect the Board of Supervisors' action on the item; the amount of previously earned Federal asset forfeiture revenue payable to other counties is \$5,599, rather than the \$5,811 listed in the report.

### **REGULAR CALENDAR, CONTINUED**

#### **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 Senate Bill 67 (Committee on Budget and Fiscal Review), *Property Tax Revenues: Proposition 1A Receivables*, which was approved by Governor Schwarzenegger on October 19, 2009.

CAO Lees noted that a request has been received from the Bureau of Land Management for a letter of support for two Western Shasta Resource Conservation District projects. By consensus, the Board of Supervisors approved and authorized the Chairman to sign a letter to the Bureau of Land Management supporting the use of American Recovery and Reinvestment Act funds for two Western Shasta Resource Conservation District projects on Lower Clear Creek.

Supervisor Kehoe recently attended a Redding Area Bus Authority meeting.

Supervisors reported on issues of countywide interest.

## **HEALTH AND HUMAN SERVICES**

### **HEALTH AND HUMAN SERVICES AGENCY**

#### **FORMAL ESTABLISHMENT OF HEALTH AND HUMAN SERVICES AGENCY/CONSOLIDATION OF SOCIAL SERVICES AND PUBLIC GUARDIAN JOB DESCRIPTION REVISIONS**

Health and Human Services Agency (HHS) Director Marta McKenzie provided an update on the progress of the integration of Mental Health, Public Health, and Social Services into the Health and Human Services Agency. Several models were considered; a potential “sphere” model was developed which was similar to Placer, Mendocino, and Humboldt County agencies. Staff and community forums were held to gather additional input on the proposed model before it was put into place. Accomplishments include:

1. Integration of Alcohol and Drug programs into Mental Health services;
2. Integration of Alcohol and Drug prevention services into Public Health to join tobacco prevention services;
3. Preventing Violence through Education, Networking and Technical Assistance (PREVENT) Institute training to develop cross-agency and community strategies to prevent child maltreatment;
4. Filed a “Linkages” plan to allow co-management of CalWORKs and child welfare cases;
5. Adopted a joint release-of-information form to aid clients in accessing a variety of HHS services;
6. Launched an HHS website for the public and an HHS newsletter for staff;
7. Centralized administrative service functions and co-located staff, improving efficiency, minimizing duplication, and saving lease costs over time;
8. Co-located Adult Social Services with Mental Health, saving lease costs and allowing increased service integration and coordination;
9. Jointly seeing WIC/CalWORKs/Medi-Cal clients in the Anderson office;
10. Mental Health medication support services offered in the Anderson office.

Future plans include:

1. Implementation of a web-based C-IV (automated welfare system) for more accessible and efficient eligibility services;

2. Expand and place eligibility services where clients receive other services or closer to high-need areas;
3. Outstation some Children's Services staff to better integrate with schools and neighborhoods;
4. Centralize agency-wide disaster and emergency preparedness and planning functions;
5. Complete approved local merit system conversion to allow easier movement of staff within HHSa and eliminate duplicate classifications;
6. Consider new or changed budgets for "spheres";
7. Provide up-front assessment and supportive services for families to lessen abuse or neglect and out-of-home placement
8. Implement joint case management between child welfare and CalWORKs cases
9. Integrate HHSa services in existing space;
10. Replace existing leases to better serve clients outside of downtown Redding or Burney area.

Supervisors complimented Ms. McKenzie on the successful integration of several departments into the Health and Human Services Agency.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which formally establishes the HHSa and consolidates the offices of the Director of Social Services and the Public Guardian with the position of HHSa Director; and made adjustments to the classification specifications for the HHSa Director and the Director of Mental Health Services to facilitate the performance of delegated job duties within the HHSa.

### **SCHEDULED HEARINGS**

### **RESOURCE MANAGEMENT**

### **PLANNING DIVISION**

#### **ZONE AMENDMENT NO. 06-037**

#### **MARY JUSTICE**

#### **CENTERVILLE AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 06-037, Mary Justice, which would rezone approximately 51.5 acres in the Centerville area from an Unclassified, Mineral Resource Buffer (U-MRB) District to a Limited Residential, minimum lot area as shown by final map, Mineral Resource Buffer (R-L-BSM-MRB) District. Senior Planner Kent Hector 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 (Moty/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 06-037, Mary Justice, Centerville 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. 2009-046; and
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2009-046; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 06-037, 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. Conduct its annual review of pending civil cases, pursuant to Government Code section 54956.9, subdivision (a), as follows:
  1. Aldrich, Anthony v. County of Shasta
  2. Anderson, Joshua v. Shasta County Main Jail
  3. Anselmo, Seven Hills Land v. Jensen, Mull, County of Shasta
  4. Bowman, Jaime Lee v. Shasta County Public Works
  5. Brummett, Melvin v. Teske, Clair, et al.
  6. Burns, Dwayne v. County of Shasta, Prison Health Services, et al.
  7. Burns, Dwayne v. USAG, City of Redding, Tom Bosenko
  8. Citizens for a Healthy Environment v. County of Shasta, Tullis, et al.
  9. Coleman/Plata Intervenor
  10. County of Shasta v. Swendiman
  11. DeLarge, Kim and Georgia v. Shasta County Assessor
  12. Denney, Philip v. DEA, County of Shasta
  13. Douglas, Shirley v. Shasta County Sheriffs Thompson and Nelson
  14. Foland, David C. and Sally v. DCSS
  15. Gardner, Joyce v. County of Shasta
  16. Green, Joyce Lynn v. County of Shasta
  17. King, Catherine v. Saxon Mtg. and Shasta County Recorder
  18. Maes, Christopher v. Jorgenson, Bonnie, et al.
  19. McDaniel, Donald v. Woods, John
  20. Morin, Patricia v. County of Shasta, Tom Bosenko, and J. Ruiz
  21. Phipps, Greg v. County of Shasta
  22. Pinkston, Kenneth v. State of California, County of Shasta, City of Redding, and City of Anderson
  23. Pirritano, Denise R. v. City of Redding, County of Shasta, et al.
  24. Redd, Evelyn K. v. RABA, County of Shasta, et al.
  25. Santos, Timothy v. Shasta County Sheriff's Department
  26. Simonis, Moore, Lovett v. Matrini, Fitch, Clements, et al.
  27. Snodgrass, Wade v. Shasta County Dept. of Corrections
  28. State of California v. Infineon Technologies
  29. Thomspson, Roy v. Shasta County, Jim Blalock
  30. Toroni, Paul v. HSBC Bank, Tom Bosenko, et al.
  31. Yeadon, Dale Leroy v. City of Redding, County of Shasta, et al.
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.

10:07 a.m.: The Board of Supervisors recessed to Closed Session.

10:55 a.m.: The Board of Supervisors recessed from Closed Session.

1:32 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, County Counsel Mike Ralston, and Administrative Board Clerks Linda Mekelburg and Valerie Ibarra present.

### **AFTERNOON CALENDAR**

#### **REPORT OF CLOSED SESSION ACTIONS**

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations. By a unanimous vote, the Board of Supervisors referred the case of Aldrich v. County of Shasta to the law offices of Gary Brickwood for the defense of the County defendants. No other reportable action was taken.

### **PRESENTATION**

#### **UNDERAGE DRINKING**

Shasta County Chemical People Director Betty Cunningham introduced area high school students Kendall Kaplan, Kaylee Schroeder, Rebecca Flaig, and Megan Calzie, who presented petitions supporting action to reduce teen access to alcohol signed by 244 minors and 305 adults. They also gave a presentation providing information on the effects of drinking on the body.

### **WORKSHOP**

#### **HEALTH AND HUMAN SERVICES/LAW AND JUSTICE**

#### **PUBLIC HEALTH/DISTRICT ATTORNEY**

#### **SOCIAL HOST ORDINANCE**

Public Health Director Donnell Ewert introduced Public Health Officer Dr. Andrew Deckert, who discussed the health and social consequences of underage drinking. Alcohol is the drug of choice for youth, and it has both immediate effects (e.g., car crashes, falls, social and domestic violence) and long-term effects (e.g., neurological problems, dementia in later life, abnormal heart rhythm, anxiety, unemployment, serious family problems). In young people, alcohol can cause severe damage to the still-developing prefrontal cortex--which is responsible for good judgment, planning, decision making, and impulse control--and hippocampus--which handles many types of memory and learning. Shasta County's rates for alcohol are higher than the state average in all areas (e.g., binge drinking, alcohol arrests) and at all ages.

Research has not shown that individually focused prevention strategies, such as education, are effective. An environmental approach examines community norms and practices and tries to change those norms. The largest environmental factor in Shasta County in underage

drinking is underage house parties. These have become the main focus of a proposed social host ordinance.

Mr. Ewert provided the history and process for the proposed ordinance, which has been in development for several years; he noted that 9 counties and 51 cities have already adopted social host ordinances. Shasta County began work on its proposed ordinance in 2007.

District Attorney Jerry Benito explained that the proposed ordinance defines a “loud and unruly gathering” and groups of responsibility. Groups of responsibility include occupants staying or living at the location, owners, tenants, or those throwing the party; it specifically excludes landowners who are nonresident landlords, owners of vacant land, and landowners/occupants where a loud and unruly gathering occurs more than 100 yards from a habitable building.

The proposed ordinance deals with three areas of accountability:

1. Criminal Liability applies when a resident or landlord knowingly allows a loud and unruly gathering; the authority to prosecute violators already exists within state law.
2. Response Cost Recovery allows recovery of costs when emergency personnel respond to a loud and unruly gathering and is applicable only when the conduct occurs within 12 months after a written warning letter is provided; bona fide medical emergencies are exempted.
3. Civil Liability is created using the concept of strict liability; all persons connected with the gathering or the property would potentially be liable. Fines are increased if repeat offenses occur within a 12-month period and may be assessed independently of criminal sanctions.

“Strict liability” means that the resident/landlord is liable regardless of knowledge and based on the responsibility to control, maintain, and manage property and people under the resident’s/landlord’s control, such as for dog escape and bite issues and for unlawful discharge and hazardous waste issues.

Mr. Benito explained that strict liability is the key issue in the ordinance; if the Board of Supervisors will not support inclusion of strict liability in the ordinance, then the ordinance would be ineffective.

Mr. Ewert reminded the Board of Supervisors that they had several options, including requesting the ordinance be brought back as-is for a vote at the next meeting, sending the ordinance back to the departments to make changes as requested by the Board of Supervisors, rejecting the ordinance completely, or choosing to pursue another policy direction to curb underage drinking.

Iona Ward described an incident several years ago where a teenager was allowed to drink alcohol at a function and was killed in a car crash that night; she asked the Board of Supervisors to take into consideration what has been said.

Charles Alexander noted that he did not see any exemption in the ordinance for non-resident landlords and discussed potential problems with the ordinance.

Debbie Allen supported the proposed ordinance, noting that the information presented is accurate, and she related recent instances of parents providing alcohol to underage drinkers.

Dick Richards thought the wording in the ordinance needs more work and requested it be returned to Public Health for revision.

Marie Whitacre approved the concept of the ordinance but thought the landlord responsibility language was somewhat convoluted; she thanked those involved for their efforts in putting an ordinance together.

2:52 p.m.: The Board of Supervisors recessed.

3:00 p.m.: The Board of Supervisors reconvened.

Pat McCabe, John Casolary, and George Blankenship opposed the ordinance because of the landlord provisions contained in it.

Shasta Union High School Superintendent Jim Cloney, Youth Violence Prevention Council Director Charlie Menoher, and Nick Webb supported the ordinance; the language can be revised to resolve issues.

Health Improvement Program Director Susan Morris Wilson distributed copies of a short film produced by Oasis School students and thanked the Board of Supervisors for their attention to the ordinance.

Swift Properties owner Walt Swift requested the Board of Supervisors revise the language regarding owner-tenant liability since tenant law does not allow owners to perform on-the-spot evictions and allows acquaintances access to the property while the tenant is incarcerated for illegal activity at the property.

In response to questions by Supervisor Moty, Mr. Benito clarified that landlords would not be liable for response recovery costs. However, landlords are responsible under civil liability if no mitigating action is taken after receiving two notices; a fine would then be imposed. The District Attorney's Office would not be involved in imposing any aspect of civil liability. Any mitigating action, such as the landlord notifying the tenant either verbally or in writing or contacting the police, would relieve the landlord from fines. If the language in the draft ordinance regarding civil liability is not clear, it can be clarified. The civil liability aspect promotes mitigating action by the landlords rather than ignoring the situation.

Although laws prohibit the furnishing of alcohol to minors, the police cannot enter a home where alcohol is being provided to investigate. The proposed ordinance would hold the parents or homeowners civilly liable to encourage the homeowner to make an effort to control the activities on their property.

Supervisor Moty stated he opposes parents/homeowners being held liable for illegal activities taking place in their homes without their knowledge. Mr. Benito noted, however, that parents are held liable for restitution due to vandalism by their child.

Supervisor Kehoe requested staff provide more information on strict liability, facts regarding the current underage drinking issue in the unincorporated areas, goals of the proposed ordinance, and how those goals will be measured. Since the language in the proposed ordinance is very complex, he requested the language be simplified for all to understand.

In response to questions by Supervisor Baugh, Mr. Benito confirmed that the purpose of the proposed ordinance is not to prevent landlords from renting to families. He also noted that the purpose of the workshop is to gain understanding from different perspectives.

Supervisor Baugh stated that the proposed ordinance does not resolve underage drinking but simply adds another level of bureaucracy.

Supervisor Hartman opposed strict liability, stating that parents and the community need to teach children to make right decisions. The ordinance does not solve the underage drinking problem. Focus should be on prosecuting those who provide alcohol to minors.

Supervisor Kehoe made a motion to return the proposed social host ordinance to staff to incorporate comments provided at this meeting. Chairman Hawes passed the gavel to Vice Chairman Kehoe, and Vice Chairman Kehoe presided. Supervisor Hawes seconded the motion, and Vice Chairman Kehoe returned the gavel to Chairman Hawes.

In response to a question by Supervisor Moty, Mr. Benito confirmed that should the board not support the strict liability aspect of the proposed ordinance, nothing further can be done. Strict liability focuses on the location and the location's owner of where the nuisance took place, not the persons. In response to a question by Supervisor Kehoe, Mr. Benito explained that if the strict liability portion of the ordinance is removed, the ordinance will be rendered useless.

Supervisor Kehoe amended his motion to hold a future workshop on strict liability to provide the Board with more detailed information to then determine whether to go forward with the proposed ordinance. Supervisor Hawes seconded the amended motion.

The motion failed by the following vote:

AYES:	Supervisors Kehoe and Hawes
NOES:	Supervisors Moty, Hartman, and Baugh

4:18 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy