

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, March 9, 2010

**REGULAR MEETING**

9:00 a.m.: Chairman Kehoe 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  
Senior Deputy County Counsel - Rubin E. Cruse, Jr.  
Chief Deputy Clerk of the Board - Glenda Tracy  
Administrative Board Clerk - Linda Mekelburg

**INVOCATION**

Invocation was given by Supervisor Baugh.

**PLEDGE OF ALLEGIANCE**

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

**REGULAR CALENDAR**

**BOARD MATTERS**

**LEAGUE OF WOMEN VOTERS  
90TH BIRTHDAY**

The Board of Supervisors presented a Certificate of Recognition honoring the 90th birthday of the League of Women Voters. Susan Wilson was present to accept the certificate. She discussed an upcoming event celebrating Women's History Month.

**PRESENTATIONS**

**PACIFIC GAS AND ELECTRIC  
BATTLE CREEK RESTORATION PROJECT**

Pacific Gas and Electric representative Janet Walther gave an update on the Battle Creek Restoration Project. The project restores approximately 42 miles of habitat in Battle Creek, and 6 miles of habitat in tributaries, making it among the largest cold water anadromous fish restoration effort in North America.

The project will entail the removal of five small diversion dams, installation of screens and ladders on three of the remaining diversion dams, increase of flow releases on Battle Creek, and dedication of water rights for in-stream purposes at the dam removal sites.

#### BUREAU OF LAND MANAGEMENT

Bureau of Land Management (BLM) Assistant Field Manager Francis Berg provided an update on current activities in Western Shasta County. Restoration of habitat at Lower Clear Creek has established an area where various fish thrive. The Redding Resource Management Plan will be amended to designate the Lower Clear Creek as an area of critical and environment concern.

In response to questions by Supervisor Moty, Mr. Berg advised that members of the public will be able to swim in the creek and access the area for recreational pursuits. Some areas will be closed to mining claims activity and vegetation management.

In response to questions by Supervisor Baugh, Mr. Berg explained the public access is limited to existing public roads. The brush in the area will be removed and reduced by BLM.

Bureau of Land Management Manager Steven Anderson stated 12,000 acres of forest land was transferred to BLM by a bill introduced by Congressman Herger.

#### **ITEMS PULLED FROM CONSENT CALENDAR**

Chairman Kehoe announced that the department has pulled for discussion the item regarding a retroactive amendment to an agreement with the California Department of Public Health.

#### **ITEMS PULLED FROM CONSENT CALENDAR**

#### **AGREEMENT: CALIFORNIA DEPARTMENT OF PUBLIC HEALTH WOMEN, INFANTS, AND CHILDREN PROGRAM**

Health and Human Services Agency (HHS) Regional Services Director Jane Work advised that the agenda states this matter utilizes American Recovery and Reinvestment Act (ARRA) funding. For clarification, there is no ARRA funding currently in this amendment. The California Department of Public Health requires the language be included in the agreement's exhibits to allow for one of any possible future use of this funding.

In response to questions by Supervisor Kehoe, Ms. Work stated that the funding will assist in locating new sites for Women, Infants, and Children (WIC) Program facilities in underserved areas, and WIC staff will also receive lactation training.

In response to questions by Supervisor Kehoe, HHS Director of Business and Support Services Leanne Link said the current allowable maximum payable amount is approximately \$60,000 (4.4 percent) in indirect costs. The amendment will allow an increase to approximately 4.92 percent in indirect costs.

**CONSENT CALENDAR**

By motion made, seconded (Baugh/Hawes), 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 \$115.00 requiring special board action. (Auditor-Controller)

Adopted Resolution No. 2010-022, pursuant to Government Code sections 27640 and 27641, which appoints Rubin E. Cruse, Jr. as County Counsel for a four-year term effective March 15, 2010 at Step 'C' of the position classification; and in accordance with Government Code section 27641.1, waives the residence requirement in Government Code section 24001. (Board Matters)

(See Resolution Book No. 51)

Approved the minutes of the meeting held on February 23, 2010, as submitted. (Clerk of the Board)

Appointed Lynda McDaniel to the Pine Grove Mosquito Abatement District Board of Directors for a term to January 2012. (Clerk of the Board)

Appointed Douglas Hillman to the Anderson Cemetery District Board of Trustees to fill an unexpired term to March 2011. (Clerk of the Board)

Approved the appointment of Linda Kruger at Step 'D' of the Nurse Practitioner II classification. (Health and Human Services Agency (HHS)-Business and Support Services)

Approved and authorized the Chairman to sign an addendum to the revenue agreement with The McConnell Foundation to help fund the Healthy Shasta Program, extending the term of the agreement to June 30, 2011, with no change in compensation. (HHS-Public Health)

Approved and authorized the Chairman to sign a retroactive amendment to an agreement with the California Department of Public Health increasing compensation by \$680,000 (for a new total not to exceed \$4,905,000) for the Women, Infants, and Children (WIC) Program to provide additional nutrition counseling and education, breastfeeding promotion, medical care referrals, and vouchers for nutritious foods for Shasta County families, retaining the term of October 1, 2008 through September 30, 2011; and approved and authorized the Regional Services Director to approve future contract amendments that do not exceed 5 percent of the annual WIC contract level. (HHS-Regional Services)

Approved and authorized the Chairman to sign an amendment to the agreement with California Safety Company, retaining the original term to December 31, 2011 to modify the location list for various alarm systems; and approved and authorized the Public Works Director to approve such changes in the future. (Public Works)

Awarded to the low bidder, Redding Spray Service, on a unit-cost basis, the contract for the 2010 Weed Spray Triennial Contract on County Roads, Airports, and Service Areas in the amount of \$75,410.61. (Public Works)

**REGULAR CALENDAR, CONTINUED****GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

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

At the recommendation of CAO Lees and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter to the U.S. Forest Service requesting a postponement of the issuance of the Record of Decision on the U.S. Forest Service Motorized Travel Management Plan for Shasta-Trinity National Forest.

Following discussion and by consensus, the Board of Supervisors approved and authorized the Chairman to sign a letter to the Regional Transportation Planning Agency regarding Assembly Bill 32 (Nunez) and Senate Bill 375 (Steinberg).

Supervisors Moty and Baugh recently attended a Northern Sacramento Valley Integrated Regional Water Management Plan meeting.

Supervisor Kehoe recently attended a Shasta County Mental Health, Alcohol & Drug Advisory Board meeting.

Supervisors reported on issues of countywide interest.

**ADMINISTRATIVE OFFICE****CONFLICT PUBLIC DEFENSE BUDGET UNIT  
BUDGET AMENDMENT**

CAO Lees recommended approval of a budget amendment increasing appropriations in the amount of \$600,000 in the Conflict Public Defense Budget Unit. He noted that it is the County's responsibility to assure fair representation is provided to Shasta County's indigent population. Court-ordered expenditures for conflict public defense matters can be significant and a portion of the funds are reimbursed by the California Homicide Trial Reimbursement - State Controller's Office.

Some defendants have obtained and are paying for private attorneys, yet have received court-ordered indigent status wherein costs of various investigative services are paid through the Conflict Public Defense budget. These costs are higher than the amount proposed in the budget approved in June 2009.

In response to questions by Supervisor Kehoe, CAO Lees advised that he has met with and will continue to meet with the Presiding Judge to assure consistency and fairness, yet to explore mutually-agreed upon processes that may be able to mitigate or cap some costs in the future.

In response to questions by Supervisor Moty, CAO Lees confirmed that past experience indicates that costs submitted to the Homicide Trial Reimbursement are not completely recovered. With the current budget crisis, he is unsure about the amount that will be received for reimbursement. The judges control the hiring of experts as they authorize the costs, and

contempt charges could be filed against the County should the County refuse to pay the costs. Continued meetings with the Presiding Judge will assure the charges are consistent and fair.

County Fiscal Chief Bebe Palin stated that the majority of the overage in the budget unit is the result of an existing large capital case for murder. Shasta County is unable to pay current charges because the budget unit does not have sufficient funds. Other charges are received with an ex parte court order, thus there is not an option other than paying the charges.

In answer to questions by Supervisor Hartman, Ms. Palin replied that the majority of the costs were incurred to provide investigative services and expert witness fees. Senior Deputy County Counsel Rubin Cruse, Jr. explained that the County is bound by legal obligations ordered by the Court.

Supervisors Moty and Baugh requested further information following CAO Lees meeting with the Presiding Judge.

In response to questions by Supervisor Kehoe, CAO Lees stated the Presiding Judge has not yet determined if there is a method to recover costs paid in the case of an allegedly indigent defendant who has assets.

Ms. Palin said that the individual's indigent financial analysis is determined in the courtroom. The Judge can order that the defendant reimburse for costs as part of a court order.

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors approved a budget amendment increasing revenue and appropriations in the amount of \$600,000 in the Conflict Public Defense budget, to be offset with a decrease in the Contingency Reserve. Supervisor Moty voted no because he does not agree with the method of the charges.

### **CLOSED SESSION ANNOUNCEMENT**

Chairman Kehoe 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 *Koslow v. County of Shasta* and *Fisher v. County of Shasta* pursuant to Government Code section 54956.9, subdivision (a); and
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.

10:27 a.m.: The Board of Supervisors recessed to Closed Session.

10:39 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and Senior Deputy County Counsel Rubin Cruse present.

**REPORT OF CLOSED SESSION ACTIONS**

Senior Deputy County Counsel Rubin Cruse reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations. The Board of Supervisors, on a unanimous vote:

1. In the matter of Koslow v. County of Shasta, approved a Stipulations with Request for Award in the amount of \$82,325.63, less credit for permanent disability advances; and
2. In the matter of Fisher v. County of Shasta, approved a Compromise and Release Agreement in the amount of \$80,000.

No other reportable action was taken.

10:42 a.m.: The Board of Supervisors adjourned.

---

Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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