

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, November 30, 2010

REGULAR MEETING

9:01 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
County Counsel - Rubin E. Cruse, Jr.
Administrative Board Clerk - Linda Mekelburg
Administrative Analyst - Megan Dorney

INVOCATION

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

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: BLOOD-BORNE DISEASE PREVENTION PROJECT

Public Health Officer Dr. Andrew Deckert presented an update on the Blood-borne Disease Prevention Project. The pilot project consists of four components: a media campaign, a syringe exchange program, substance abuse treatment, and an evaluation component.

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 (Supervisor Hawes recused on the appointment to the Shasta Public Library System Citizens' Advisory Committee):

Adopted Resolution No. 2010-107, which approves a short-term loan in the amount of \$4,000 to the Fall River Mills Cemetery District from the County General Reserve which will be repaid from the District's tax apportionment. (Administrative Office)

(See Resolution Book No. 51)

Appointed Lou Ann Sandoval as the Shasta County designee to the Shasta Public Library System Citizens' Advisory Committee for a term to expire November 2014. (Clerk of the Board)

Reappointed Larry Mower and Robert Miller to the Board of Building Appeals for terms to expire December 2012. (Clerk of the Board)

Reappointed Diana Garside to the Shasta County Community Action Board for a term to expire December 2014. (Clerk of the Board)

Approved the proposed calendar for the Board of Supervisors meetings for 2011. (Clerk of the Board)

Enacted Ordinance No. 684, which establishes fees to be charged to ambulance providers and base hospitals to offset the cost of care, maintenance, and replacement of the Shasta County emergency medical services communication system, as introduced November 9, 2010. (Clerk of the Board)

(See General Ordinance Book)

Adopted Resolution No. 2010-108, which approves the Conflict of Interest Code of the Monarch Learning Center. (Clerk of the Board/County Counsel)

(See Resolution Book No. 51)

Adopted Resolution No. 2010-109, which approves the Conflict of Interest Code of the North Cow Creek Elementary School District. (Clerk of the Board/County Counsel)

(See Resolution Book No. 51)

Adopted Resolution No. 2010-110, which repeals Resolution No. 2009-004 and approves the revised Conflict of Interest Code of the Anderson Fire Protection District. (Clerk of the Board/County Counsel)

(See Resolution Book No. 51)

Accepted the County Clerk/Registrar of Voters' Official Canvass of the November 2, 2010 General Election. (County Clerk/Registrar of Voters).

Approved and authorized the Chairman to sign a renewal agreement with the Butte County Department of Behavioral Health in an amount not to exceed \$10,000 (excluding transportation, legal, and interpreter services) to provide adult psychiatric inpatient care to Shasta County residents from the date of signing through June 30, 2011. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign a retroactive amendment to an agreement with Shasta-Tehama-Trinity Joint Community College District adding indemnification language and retaining the original compensation and term of October 19, 2010 through August 31, 2013 for purchasing and utilizing an alcohol prevention program to educate students. (HHS-Public Health)

For Parcel Map No. 05-046, Ecenbarger (Cottonwood area), adopted Resolution No. 2010-111, which grants a fourth extension of time to the developer for completion of improvements by December 8, 2011; and approved and authorized the Chairman to sign an amendment to the agreement with Mark and Kathryn Ecenbarger extending the time of completion to December 8, 2011. (Public Works)

(See Resolution Book No. 51)

Approved and authorized the Chairman to sign a retroactive lease with the California Department of General Services in the amount of \$75 per month for Air Resources Board meteorological equipment housed on 24 square feet of rooftop space at 2640 Breslauer Way, Redding for the period November 1, 2010 through October 31, 2018; approved and authorized the Chairman to initial Exhibits A and B of the lease; and approved and authorized the Chairman to sign the California Disabled Veteran Business Enterprise Program Certification Sheet. (Resource Management)

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, noting that the vehicle license fee bill sunsets June 30, 2011 and will affect public safety funding. CAO Lees has met with Senator-elect LaMalfa and with Assemblyman-elect Nielsen to discuss the issue.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

SENATE BILL NO. 863, LOCAL GOVERNMENT OPEN SPACE SUBVENTION (WILLIAMSON) ACT

Administrative Analyst Angela Richardson explained that Senate Bill 863 (SB 863) was passed to afford counties the opportunity to offset a portion of the revenue lost when the State of California reduced Williamson Act subvention funding. In order to implement SB 863, the County must make certain findings annually through 2015.

In response to questions from Supervisor Moty, Ms. Richardson confirmed that all Williamson Act contracts will be renewed for a term of nine years, rather than the standard ten-year renewal, causing a slight increase in the amount of property taxes paid by the landowner. County Counsel Rubin Cruse noted that if a landowner chooses to non-renew their contract, their property taxes will gradually increase over the remaining term of the contract.

In response to a question from Supervisor Hawes, Deputy Assessor-Recorder Wayne Stephens confirmed that property tax impacts on these lands will be determined by many factors, including the length of time the property has been held by the landlord and the agricultural productivity of the land.

Supervisor Baugh made a motion to approve the staff recommendation; Supervisor Hawes seconded the motion.

In response to questions from supervisors, Ms. Richardson confirmed that Shasta County has the option of opting out of the SB 863 program. Mr. Cruse noted that should Shasta County opt out of the program, the nine-year contracts will revert back to ten-year contracts; he will research whether a landowner who has filed for a nonrenewal of their Williamson Contract can re-enter into a new contract should Shasta County opt out of the SB 863 program after a few years.

Assessor-Recorder Leslie Morgan confirmed that her office will inform landowners of the Board of Supervisors' decision both by mail and on the County's internet site.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors found that the subvention payment the County received from the State of California for Fiscal Year 2009-10 pursuant to the Open Space Subvention Act was less than one-half of the County's actual foregone general fund property tax revenue that resulted from Williamson Act contracts; set a public hearing for December 14, 2010 at 9:00 a.m. (or as soon thereafter as may be heard) to, pursuant to Government Code section 16142(e), consider implementing the provisions authorized in Senate Bill 863 and outlined in Government Code sections 51244(b) and 51244.3 and consider adopting a procedure to provide Williamson Act landowners with at least 60 days' notice (instead of 90 days' notice) of their opportunity to prevent the modification and revaluation of their contracts by serving notices of non-renewal; and directed staff to notify all Williamson Act contracted landowners of the scheduled public hearing to consider implementation of the SB 863 provisions, the final decision of the Board of Supervisors after the conclusion of the public hearing on whether to implement the SB 863 provisions and whether to adopt a procedure to allow landowners to serve a notice of non-renewal within 60 days (instead of 90 days' notice), and the landowner's right to prevent the reduction in the term of his or her contract due to the implementation of the SB 863 provisions by serving notice of non-renewal as specified by Government Code section 51245 and any adopted County procedure.

SUPPORT SERVICES-PERSONNEL

SUCCESSOR COMPREHENSIVE MEMORANDUM OF UNDERSTANDING MID-MANAGEMENT BARGAINING UNIT RESOLUTION NO. 2010-112

At the recommendation of Director of Support Services Michelle Schafer and by motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors adopted Resolution No. 2010-112, which approves a successor comprehensive memorandum of understanding with the Mid-Management Bargaining Unit for the period November 1, 2010 through October 31, 2012.

(See Resolution Book No. 51)

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 Rule v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (a); and

2. 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, Kelly Kafel, et al.
 2. Anselmo, Seven Hills Land v. Russ Mull, Les Baugh, Glenn Hawes, Leslie Morgan, et al.
 3. Baldwin, Gary David v. Shasta County, et al.
 4. Batten, Wesley v. Shasta County Jail, et al.
 5. California Sportfishing Protection Alliance v. City of Redding, County of Shasta, et al.
 6. Christine W. by and through her Guardian ad Litem, Richard Bay v. County of Shasta
 7. County of Sacramento, County of Alameda, et al v. State of California, Governor Schwarzenegger, et al. (regarding Assembly Bill 3632 Funds)
 8. County of Sacramento, et al. v. State of California
 9. County of Tehama v. State Controller, Department of Motor Vehicles, County of Shasta
 10. Dellamaria, Theresa Louise v. County of Shasta
 11. Denney, Phillip, M.D. v. Drug Enforcement Administration, et al.
 12. Dixon, Ron v. Mark Montgomery, et al.
 13. Douglas, Shirley v. Shasta County Sheriffs Thompson and Nelson
 14. Galea, Toni v. County of Shasta, et al.
 15. Garcia, Gonzolo and Chairez, Nathaniel Dowd v. City of Redding, et al.
 16. Gardner, Joyce v. County of Shasta, Gerald Benito, Elizabeth Leslie, and Carol Gall
 17. General Electric Capital Corp., et al. v. Ten Forward Dining, Inc., et al.
 18. Gutierrez, James v. County of Shasta
 19. Jayne, Michael Aaron v. Tom Bosenko, Donald Van Buskirk, Sheila Ashmun, et al.
 20. Mapes, Walter Ivan v. Jeffrey Gorder, Richard Farrell and Theodore Loos
 21. McCullough, William v. Shasta County Public Works
 22. McDaniel, Donald v. John Woods, Shasta County Tax Collector, et al.
 23. McLaughlin, Timothy v. Robert L. Davis, County of Shasta
 24. Meyers, Terry v. Sheriff Jim Pope, et al.
 25. Morin, Patricia v. County of Shasta, et al.
 26. Neal, Teresa v. County of Shasta, Tom Bosenko, Chris McQuillan, et al.
 27. Palmer, Tracie, an individual, et al. v. Shasta County Department of Social Services, et al.
 28. Phipps, Greg v. County of Shasta Probation Department
 29. Pirritano, Denise R. v. City of Redding, County of Shasta, Jefferson Public Radio, et al.
 30. Sargent, Gary L. and Atterbury, Danny F. v. Paul Simonetta, Supervisor Les Baugh, Glenda Tracy, et al.
 31. Shasta County Citizens for a Healthy Environment v. County of Shasta, Tullis
 32. Smith, James Edward v. Benito, Daly, Sheriff's Office, et al.
 33. Staffin, Christopher v. Jerry Bellinger and County of Shasta
 34. Tracy, Megan Vogel v. City of Redding, Redding Police Department, Shasta County Sheriff's Department, et al.
 35. Tri C Manufacturing v. County of Shasta Resource Management
 36. Yeadon, Dale Leroy v. City of Redding, County of Shasta, et al.

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

11:16 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 County Counsel Rubin E. Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss existing litigation. In the case of Rule v. County of Shasta, which involves allegations of personal injury and property damage arising out of an incident involving a trip and fall, the Board of Supervisors by a unanimous 5-0 decision approved the defense of this action and assigned the defense to Gary Brickwood, Esq. No other reportable action was taken.

11:18 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy