

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, November 15, 2011

REGULAR MEETING

9:01 a.m.: Chairman Baugh 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.
 Chief Deputy Clerk of the Board - Glenda Tracy
 Administrative Board Clerk - Linda Mekelburg

INVOCATION

Invocation was given by Father John Molina, Our Lady of Mercy Catholic Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Russ Wade discussed how people are using the Earth's resources faster than they can be replenished and offered each of the Board Members a copy of the Earth Policy Institute's *Plan B*.

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: SHASTA FAMILY JUSTICE CENTER

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors adopted a proclamation which designates support for the Shasta Family Justice Center. Shasta Family Justice Center Executive Director Michael Burke was present to accept the proclamation.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Baugh announced that items regarding a policy resolution to adopt administrative policies, a salary resolution to add positions in Health and Human Services Agency, and an agreement with Moody Flats Quarry, LLC have been pulled for discussion.

CONSENT CALENDAR

By motion made, seconded (Hartman/Moty), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended:

Adopted Resolution No. 2011-120, which approves a decrease to the Fiscal Year 2011-12 tax rate for the Mayers Memorial Hospital District General Obligation Bond. (Auditor-Controller)

(See Resolution Book No. 52)

Approved the minutes of the meeting held on November 8, 2011, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-2018, which approves Zone Amendment No. 11-001, Turner (Shingletown area), as introduced July 19, 2011. (Clerk of the Board)

(See Zoning Ordinance Book)

Adopted ten resolutions, which notify the Public Employees' Retirement System of the County's contribution to the 2012 group health insurance premium for the United Public Employees of California (UPEC) General (Resolution No. 2011-121), Deputy Sheriff's Association (Resolution No. 2011-122), Unrepresented Managers (Resolution No. 2011-123), Confidential (Resolution No. 2011-124), Professional Peace Officers Association (Resolution No. 2011-125), Shasta County Employees Association-Supervisors (Resolution No. 2011-126), Deputy Sheriff's Association-Correctional Officers (Resolution No. 2011-127), Sheriff Administration Association (Resolution No. 2011-128), Mid-Management (Resolution No. 2011-129), and UPEC Professional bargaining units (Resolution No. 2011-130). (Support Services-Personnel)

(See Resolution Book No. 52)

Adopted Resolution No. 2011-131, which repeals Resolution No. 2006-186 and designates professional persons who may take (or cause to be taken) individuals into custody who are, as a result of a mental disorder, a danger to themselves or to others or are gravely disabled in accordance with Welfare and Institutions Code sections 5150 and 5585.50; and adopted Resolution No. 2011-132, which designates the Sacramento Mental Health Clinic, David Grant Medical Center, San Francisco Veterans Administration (VA) Medical Center, and VA Palo Alto Health Care System facilities to provide 72-hour treatment and evaluation and 14-day intensive treatment pursuant to the Lanterman-Petris-Short Act. (Health and Human Services Agency (HHS)-Adult Services)

(See Resolution Book No. 52)

Approved and authorized the Chairman to sign a retroactive agreement with the County of Marin in an annual amount not to exceed \$6,000 for Fiscal Years 2011-12 and 2012-13 (unless approved by the County Administrative Officer) for Marin County to act as the Local Government Agency Host Entity for the Medi-Cal Administrative Activities/Targeted Case Management programs for the period July 1, 2011 through June 30, 2013; and authorized the Auditor-Controller's office to pay claims associated with the agreement. (HHS)-Business and Support Services)

For the East Redding Bike Lanes - Phase IIB Project, approved and authorized the Chairman to sign right-of-way contracts with The McConnell Foundation (1.16 acres at \$18,500) and the Phillips Family Living Trust (0.06 acres at \$3,900); and accepted two easement deeds conveying two parcels of project right of way. (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

ADMINISTRATIVE POLICIES

POLICY RESOLUTION NO. 2011-10

In response to questions by Supervisor Kehoe, Assistant County Counsel James Ross explained the difference between electronic mail messages (e-mail) that do and do not need to be retained. For example an e-mail message that might not be considered a public record would be a message seeking availability to attend a meeting. An e-mail containing a request for advice would be a message that would be retained.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Policy Resolution No. 2011-10, which approves two administrative policies regarding litigation holds and electronic message retention. (County Counsel)
(See Policy Resolution Book)

POSITIONS

HEALTH AND HUMAN SERVICES AGENCY

SALARY RESOLUTION NO. 1400

Health and Human Services Agency (HHS) Director of Public Health and Regional Services Donnell Ewert stated due to the economic recession, the number of Shasta County residents applying for various programs administered by HHS has risen dramatically over the past four years, including currently unemployed individuals. The increased caseload has caused a delay in providing services. The additional positions will allow HHS to provide timely services to eligible residents. The request for the approval of the additional positions is through June 30, 2013, and the amount of the caseload will be reconsidered at that time.

In response to questions by Supervisor Kehoe, Mr. Ewert said if the positions are not approved, the caseworkers would continue to experience heavy caseloads. It would be possible to see staff reduction or Workers Comp claims filed due to the stress. The customers would also suffer.

In response to questions by Supervisor Baugh, Mr. Ewert advised that financial information provided is verified through an electronic system. The individuals are required to provide copies of their tax returns and pay records.

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1400, which adds ten Eligibility Worker I/II positions, two Eligibility Worker III positions, two Office Assistant I/II positions, and one Eligibility Supervisor position to the HHS-Social Services budget, with a sunset date of June 30, 2013. (HHS-Regional Services)

(See Salary Resolution Book)

AGREEMENTS: MOODY FLATS QUARRY, LLC

DENOVO PLANNING GROUP

MOODY FLATS HARD-ROCK QUARRY PROJECT

Assistant Director of Resource Management Rick Simon Assistant stated that one agreement is for a consultant to prepare an Environmental Impact Report (EIR) and the second agreement is a funding agreement for the project proponent to pay for the EIR for the Moody Flats Quarry project.

Eric Cassano opposed the Moody Flats Quarry because dust, air pollution violation, excessive noise, diesel truck emission, stream pollution, water quality issues may be created.

By motion made, seconded (Hawes/Moty), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign the agreements with Moody Flats Quarry, LLC in the amount of \$424,506 for the preparation by a consultant of an Environmental Impact Report (EIR), a Mitigation Monitoring and Reporting Plan (MMRP), and an additional deposit of \$95,494 for administrative and staff costs related to processing of related land use permits for the Moody Flats hard-rock quarry project; and with DeNovo Planning Group in the amount of \$424,506 for a period beginning the date of signing through final certification of the EIR and acceptance of the MMRP or June 30, 2014, whichever first occurs for the preparation of an EIR and MMRP. (Planning)

9:40 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

WATER AGENCY

By motion made, seconded (Hartman/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign Permits to Enter with Adam Del Foreman and Howard E. Lucas to allow monitoring of groundwater elevations in wells in the North Fork Battle Creek Basin near Shingletown. (Water Agency)

9:41 a.m.: The Shasta County Water Agency recessed, and the Board of Supervisors reconvened.

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 requesting the Board of Supervisors consider supporting CAL FIRE to take over stewardship of some of the lands involved in the PG&E bankruptcy property.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter to the Pacific Forest and Watershed Lands Stewardship Council supporting the transfer of certain lands to CAL FIRE.

Supervisor Kehoe suggested staff prepare for a future agenda correspondence to Boards of Supervisors in California counties, encouraging them to recognize and honor veterans in a visible fashion. By consensus, the Board of Supervisors directed staff to return at a future meeting to authorize the Chairman to sign letters to other counties who have not yet recognized veterans to do so.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES-RISK MANAGEMENT

WELLNESS TASK FORCE
EMPLOYEE TOBACCO CESSATION PROGRAM

Director of Support Services Michelle Schafer reviewed the on-site Employee Tobacco Cessation Pilot Program that operated from September 12, 2011 through October 19, 2011, which was provided to Shasta County employees and their family members.

Social Services Office Assistant Debby Bass, Social Services Social Worker Susan Davis, and Shasta County employee family member Doug Piazza told how the class and workbook assisted in their struggle to overcome tobacco addiction.

In response to questions by Supervisor Kehoe, Ms. Schafer stated costs directed to health care expenses and lost productivity are an average of \$3,856 per smoker per year, and she requested the continuation of the Employee Tobacco Cessation Program on a permanent basis.

County Administrative Officer Larry Lees stated the program would be reviewed annually.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors approved implementation of the Employee Tobacco Cessation Program on a permanent basis.

CLOSED SESSION ANNOUNCEMENT

Chairman Baugh 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 Alvarez 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. Anselmo, Reverage, Seven Hills Land and Cattle Co., LLC v. Russ Mull, et al.
 2. Baldwin, Gary David v. Shasta County, et al.
 3. Batten, Wesley v. Shasta County Jail, et al.
 4. Borg v. County of Shasta
 5. California Department of Transportation v. County of Shasta
 6. Christine W., by and through her Guardian ad Litem, Richard Bay v. County of Shasta, et al.
 7. Citizens for a Healthy Environment v. County of Shasta, Tullis, et al.
 8. County of Sacramento, et al. v. State of California
 9. County of Shasta v. Matt Payne
 10. County of Tehama v. State Controller, et al. (County of Shasta, Real Party in Interest)
 11. Dixon, Ron v. Mark Montgomery, et al.
 12. Eades v. Hat Creek, PG&E, County of Shasta
 13. Galea, Toni v. County of Shasta, et al.
 14. Gant, Tony v. Shasta County Jail
 15. Gardner, Joyce v. Shasta County; et al.
 16. Gasper, Larry and Jennifer v. Resource Management
 17. General Electric Capital Corporation, et al. v. Ten Forward Dining, Inc., et al.
 18. Gutierrez, James v. County of Shasta
 19. Hall, James v. County of Shasta

20. Jayne, Michael Aaron v. Tom Bosenko, et al.
 21. McLaughlin, Timothy v. Robert L. Davis, et al.
 22. Meyers, Terry v. Sheriff Jim Pope, et al.
 23. Painter, Brent Arthur v. John C. Ellery, County of Shasta, Sheriff's Office, et al.
 24. Palmer, Tracie, et al. v. Shasta County Department of Social Services, et al.
 25. Pacific Gas and Electric Company, FERC Project No. 606-027
 26. Pirritano, Denise vs. City of Redding, et al.
 27. Rule, Bonnie v. County of Shasta
 28. Sargent, Gary L. and Atterbury, Danny F. v. Paul Simoneta, et al.
 29. Smith, James v. Jerry Benito, Donna Daly, Sheriff's Office, et al.
 30. State Board of Equalization v. Sprint Telephony
 31. Towers, Roger and Catherine v. County of Shasta
 32. Tracy, Megan Vogel v. City of Redding, et al.
 33. Tri C Manufacturing v. County of Shasta Resource Management
3. Confer with its counsel to discuss one case of anticipated litigation, pursuant to Government Code section 54956.9, subdivision (c); 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.

Supervisor Hartman recused from the Closed Session item entitled Alvarez v. County of Shasta due to a conflict of interest under Government Code section 87100.

10:03 a.m.: The Board of Supervisors recessed to Closed Session.

10:48 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 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 and anticipated litigation.

In the matter concerning Initiation of Litigation, the Board of Supervisors, by a 5-0 vote, gave direction to initiate the action, and the action, defendants, and other particulars shall, once formally commenced, will be disclosed to any person upon inquiry, unless to do so would jeopardize the County's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

There was no other reportable action.

Supervisor Hartman was not present and did not participate in any discussions concerning the matter of Alvarez v. County of Shasta.

10:50 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy