

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, December 4, 2012

REGULAR MEETING

9:02 a.m.: Chairman Moty 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 Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg
Typist Clerk III - Confidential - Candice Martin

INVOCATION

Invocation was given by President Rajan Zed, Universal Society of Hinduism.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Pearl Harbor Survivor Mike Sotak.

PUBLIC COMMENT PERIOD - OPEN TIME

Randall Faulkner stated that he wants to see a more accountable County government.

REGULAR CALENDAR

BOARD MATTERS

DECEMBER 2012 EMPLOYEE OF THE MONTH

LIEUTENANT JANET BRESHEARS

RESOLUTION NO. 2012-129

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-129, which recognizes Lieutenant Janet Breshears as Shasta County's December 2012 Employee of the Month.

(See Resolution Book No. 53)

RUTH HUEY
CERTIFICATE OF RECOGNITION

A Certificate of Recognition was presented to Ruth Huey, expressing appreciation, for serving more than 22 years on the Shasta County Commission on Aging.

PROCLAMATION: PEARL HARBOR DAY

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates December 7, 2012 as Pearl Harbor Remembrance Day in Shasta County. Pearl Harbor survivors Mike Sotak and Mel Fisher accepted the proclamation on behalf of the Pearl Harbor Survivors Association.

PRESENTATIONS

VIETNAM VETERANS MONUMENT

Carl Turner gave a presentation regarding the Vietnam Veterans Monument to be located at the Northern California Veterans Cemetery in Igo, California. The 20-foot monument, entitled "HOPE," is a bullet-shaped cast bronze sculpture, depicting a dramatic action moment during the war, with cutout silhouettes featuring an inbound Medivac helicopter and two soldiers carrying a wounded comrade on a stretcher. Donations and sponsorships are being sought.

AB 109, PUBLIC SAFETY REALIGNMENT
DECEMBER 2012 MONTHLY UPDATE

Chief Probation Officer Wes Forman and Sheriff Tom Bosenko presented a monthly progress report on AB 109, Public Safety Realignment, focusing on offender impacts.

In response to questions by Supervisor Baugh, Chief Forman confirmed that the current elevated crime rate is partly attributable to AB 109. The work to be done on the Community Correction Center includes changes to make the facility useful for working with the offenders.

10:20 a.m.: The Board of Supervisors recessed.

10:30 a.m.: The Board of Supervisors reconvened.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Moty noted that the items regarding the County Claims List, an appointment to the Public Health Advisory Board, an amended agreement for consultation and management services for automated fingerprint identification, and a preliminary design study for a new Burney Library building have been pulled for discussion. The item regarding a revenue agreement with the California Department of Health Care Services was pulled by the department.

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, as amended:

Adopted Resolution No. 2012-130, which approves a short-term loan in the amount of \$150,000 to the Shasta Lake Fire Protection District from the County General Reserve which will be repaid from the District's tax apportionment. (Administrative Office)

(See Resolution Book No. 53)

Approved payments in the amounts of \$26,468.63 for the bankruptcy Settlement Agreement and Release, Case Number 09-46750-C-7, New Directions to Hope (NDTH), to John Reger, Chapter 7 Trustee, and \$26,468.63 to Health and Human Services Agency (HHS), Mental Health; approved budget amendments increasing appropriations by \$52,938 in the Victim Witness budget, to be offset with the use of the NDTH Child Abuse Treatment Program (CHAT) assigned fund balance, and increasing Other Financing Uses-Transfers Out in the Victim Witness budget and Other Financing Sources Transfers-In in the HHS Mental Health budget in the amount of \$26,469 to reimburse HHS for costs associated with the bankruptcy; and authorized the Auditor-Controller to work with affected departments to process the budget amendment. (Administrative Office/District Attorney/Health and Human Services Agency-Business and Support Services)

Adopted Resolution No. 2012-131, which reaffirms Resolution No. 75-213, transferring certain actions and duties from the Board of Supervisors to the Shasta County Board of Education, and updates references to the Education Code; declared a check signing machine as surplus property and not required for County use; and approved the donation of the machine to the Shasta County Office of Education, in accordance with Government Code section 25365(a). (Auditor-Controller)

(See Resolution Book No. 53)

Enacted Ordinance No. SCC 2012-10, which adds a section to the Shasta County Code to allow the expenditure of County funds for training and orientation of supervisors-elect, as introduced November 6, 2012. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Accepted the County Clerk's Canvass of the November 6, 2012 Presidential General Election. (County Clerk-Elections)

Approved and authorized the Chairman to sign a renewal agreement with Jackson & Coker Locumtenens, LLC in an amount not to exceed \$200,000 to provide temporary psychiatrist services from the date of signing through June 30, 2013. (HHS-Adult Services)

For the Shasta County Mental Health, Alcohol and Drug Advisory Board, appointed Sonny Stupek, Steve Smith, and Marcia Ramstrom to fill unexpired terms to December 31, 2013; and reappointed Dana Brooks, David Honey, Samuel Major, and Sandra Tary to terms to December 31, 2015. (HHS-Adult Services)

Approved and authorized the Chairman to sign a retroactive amendment to the agreement with Rocky Mountain Tox, d.b.a. Forensic Laboratories increasing compensation by \$59,500 (for a new total not to exceed \$100,000) reducing the cost of each EtG/EtS test from \$24.95 to \$20 for the period July 2, 2012 through June 30, 2015; and authorized the Auditor-Controller to pay claims associated with the agreement. (HHS-Public Health)

Approved a budget amendment to support costs related to a homeless management information system increasing appropriations by \$10,000 in the Community Action Agency budget, and decreasing appropriations by \$10,000 in the County's Reserve for Contingencies. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign a retroactive agreement with Nevada County in the amount of \$15,073.21 to reimburse Shasta County for five licenses, consultation, enhancements, and training through Allvest, Inc. and coordination services and training through Candor Consulting LLC for the period January 1, 2012 through January 31, 2013. (Probation)

Approved and authorized the Chairman to sign retroactive agreements with Plumas County to reimburse Shasta County in the amount of \$2,900.68 for six software licenses, customization costs, and consulting costs, plus \$120 per employee per day for staff training by Allvest, Inc. for the period January 1, 2012 through December 31, 2012; and in the amount of \$9,987.00 for coordination and consulting services, plus \$120 per employee per day for staff training by Sam Leach d.b.a. Condor Consulting LLC for the period January 1, 2012 through January 31, 2013. (Probation)

Adopted Resolution No. 2012-132, which authorizes Shasta County to recover its costs in the amount of \$2,858.12 to abate nuisance conditions on Assessor's Parcel No. 079-190-008-000, Jennifer Faler (Bella Vista area). (Building Division)
(See Resolution Book No. 53)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

COUNTY CLAIMS LIST

In response to questions by Supervisor Baugh, Sheriff Tom Bosenko explained that the invoice was for a medical transport of an inmate from Lassen County to Shasta County. The inmate, a Shasta County AB 109 offender, was incarcerated in Lassen County. The needed medical treatment was not covered by Lassen County insurance coverage, so the inmate was returned to Shasta County for medical treatment.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign the County claims list \$10,608.61, as submitted. (Auditor-Controller)

PUBLIC HEALTH ADVISORY BOARD **APPOINTMENT: RACHEL LEUCK**

Health and Human Services Agency Public Health Branch Director Terri Fields-Hosler stated the Public Health Advisory Board (PHAB) recommends the appointment of Rachel Leuck to replace a PHAB member who had to resign.

Charles Alexander questioned whether the PHAB would consider recommending the appointment of anyone that is not supportive of Health in All Policies.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors appointed Rachel Leuck (general member) to the Public Health Advisory Board to fill an unexpired term to March 31, 2015. (HHS-Health)

AGREEMENT: GORDON DECHMAN d.b.a. **FINGERPRINT USA, LLC.**

In response to questions by Supervisor Kehoe, Sheriff's Office Chief Fiscal Officer Mike Lindsey stated Shasta County will augment the agreement with consultant Gordon Dechman d.b.a. FingerPrint USA, LLC, as a separate contract with Cogent Systems, Inc. The consultant will implement the requirements for Automated Fingerprint Identification System (AFIS). County Counsel Rubin Cruse advised there are liquidated damages provisions in the Cogent agreement for issues that are not met in a particular time period.

Supervisor Moty stated that the automated fingerprint system is important in law enforcement matters.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a retroactive amendment to the agreement with Gordon Dechman d.b.a. FingerPrint USA, LLC., increasing compensation by

\$50,000 (for a new maximum compensation of \$190,636) for continued provision of consultation and management services in the procurement of an Automated Fingerprint Identification System (AFIS) and retaining the original term of the agreement; and approved a budget amendment increasing appropriations and making technical adjustments in the amount of \$723,259 in the Sheriff's budget for the AFIS project, to be offset by use of \$576,113 in prior year Restricted Department of Motor Vehicle Remote Access Network funds, with the balance of \$147,147 offset by a contribution from the County Fingerprint Automation Trust Fund. (Sheriff)

BUDGET AMENDMENT
PRELIMINARY DESIGN STUDY
NEW BURNEY LIBRARY BUILDING

Public Works Director Pat Minturn stated the current facility of the Burney Library is insufficient. On March 13, 2012, the Board of Supervisors directed staff to prepare a preliminary design study for a new Burney library with community fund benefit funds in an amount not to exceed \$40,000.

Supervisor Kehoe stated that he had not agreed to the previous action in order to support increased public safety in the area. Sheriff Tom Bosenko advised that Burney has not had 24-hour coverage for approximately 15 to 20 years. In response to questions by Supervisor Kehoe, County Executive Officer Larry Lees said it appears the cost of a new library would exceed the funds available. If that is correct, there will need to be a partnership with the Burney community pursuant to their ability to fund-raise a portion of the needed funds.

Supervisors Baugh and Moty agreed that if the funds are not available, it is needless to approve the request to prepare a preliminary design study for a new library.

Supervisor Hawes made a motion to approve a budget amendment increasing revenues and appropriations by \$30,000 each in the Library and Building budgets to prepare a preliminary design study for a new Burney Library building, to be offset by the use of Hatchet Community Benefit Agreement funds. Supervisor Hartman seconded the motion. The vote on the motion was 3 to 2 in favor of the motion (Supervisors Kehoe and Baugh voted no). As a result, the motion failed due to the lack of a 4/5 majority. (Public Works)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees had no legislative update.

Supervisor Baugh recently attended a Shasta Regional Transportation Agency meeting.

Supervisor Hawes recently attended California State Association of Counties (CSAC) and Shasta Regional Transportation Agency (SRTA) meetings.

Supervisor Moty recently attended Northern Sacramento Valley Integrated Regional Water Management Board (IRWM), California State Association of Counties (CSAC), Northern California Water Association (NCWA), and Shasta Regional Transportation Agency meetings.

Supervisors reported on issues of countywide interest.

Supervisors Moty recognized CEO Larry Lees of ten years of service in Shasta County.

Supervisors Moty recognized Supervisor Hawes – 15 years of service in Shasta County.

SCHEDULED HEARINGS

HEALTH AND HUMAN SERVICES

HOUSING AND COMMUNITY ACTION PROGRAMS

This was the time set to conduct a public hearing and consider approving a revision of the Community Development Block Grant (CDBG) Reuse Plan. Director of Housing and Community Actions Programs Richard Kuhns, Psy.D. presented the staff report and recommended approval of the plan. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

In response to questions by Supervisor Kehoe, Dr. Kuhns stated there will be no negative consequences.

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 (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-133, which approves an amendment to the Community Development Block Grant (CDBG) Program Income Reuse Plan; approved and authorized the Director of Housing and Community Action Programs to sign the CDBG Program Income Reuse Plan with Jurisdictional Certifications agreement and any additional documents necessary to administer the program; and approved the transfer of the CDBG Community Facilities Revolving Loan Account balance to the CDBG Housing Rehabilitation Revolving Loan Account.

(See Resolution Book No. 53)

CLOSED SESSION ANNOUNCEMENT

Chairman Moty 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. Anselmo, Reverage, Seven Hills Land and Cattle Co., LLC v. Russ Mull, et al.
 2. Anselmo, Reverage, Seven Hills Land and Cattle Co., LLC v. County of Shasta, et al.
 3. Borg v. County of Shasta
 4. Brooke, Jeremiah v. County of Shasta
 5. California Department of Transportation v. County of Shasta (Hawkins)
 6. County of Tehama v. State Controller, et al. (County of Shasta, Real Party in Interest)
 7. Estill, Renee v. County of Shasta, Tom Bosenko, et al.
 8. Gasper, Larry and Jennifer v. Resource Management
 9. Hall, James v. County of Shasta, et al.
 10. Jayne, Michael Aaron v. Tom Bosenko, et al.
 11. McLaughlin, Timothy v. Robert L. Davis, et al.
 12. Meyers, Terry v. Sheriff Jim Pope, et al.
 13. New Directions to Hope Bankruptcy
 14. Pacific Gas & Electric (Kilarc)

- 15. Raymond, Robert v. Cathy Darling Allen
 - 16. Roehrig, Mark v. Union Pacific Railroad, County of Shasta, et al.
 - 17. Sprint Telephony PCS, LP v. State Board of Equalization
 - 18. Towers, Roger and Catherine v. County of Shasta
 - 19. Westside Church of Redding v. County of Shasta, et al.
2. Confer with its Labor Negotiators, County Executive 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 Hawes stated he would recuse from the two matters concerning Reverage Anselmo in light of the Shasta County cross-complaint against the California Department of Fish and Game and the U.S. Army Corps of Engineers because of a conflict of interest due to his ownership interest in a corporation that has financial dealings with the California Department of Fish and Game and the U.S. Army Corps of Engineers.

11:26 a.m.: The Board of Supervisors recessed to Closed Session.

1:20 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Executive 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, as well as labor negotiations; however, no reportable action was taken.

1:21 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy