

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 13, 2012

REGULAR MEETING

9:00 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 Administrative Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda K. Tracy
Typist Clerk III - Suzie White

INVOCATION

Invocation was given by Pastor Perry Peterson, Crossroads Bible Fellowship.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Sheriff Tom Bosenko advised that Shasta County was a successful applicant for the AB 900 grant jail funding construction.

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: WOMEN'S HISTORY MONTH

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates March 2012 as Women's History Month in Shasta County. League of Women Voters member Janet Tyrrel was present to accept the proclamation.

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 or, when the Chairman is unavailable, the Vice Chairman to sign a retroactive agreement with CHW Medical Foundation in an amount not to exceed \$100,000 to provide psychiatric inpatient services at Woodland Memorial Hospital for the period July 1, 2011 through June 30, 2012; and approved and authorized the HHSA Director or his/her designee to Approved changes in the contractor's rates in an amount not to exceed 10 percent over the original rate so long as the rate increase does not increase the total compensation. (Health and Human Services Agency (HHSA)-Adult Services)

Approved and authorized the Chairman or, when the Chairman is unavailable, the Vice Chairman to sign a retroactive agreement with Triple P America, Inc. in an amount not to exceed \$61,215 to provide Positive Parenting Program (Triple P[®]) Provider Training Courses for the period January 18, 2012 through June 30, 2012. (HHSA-Children's Services)

Approved and authorized the Chairman or, when the Chairman is unavailable, the Vice Chairman to sign a retroactive amendment to the agreement (#10-95293-A01) and an amendment to the Memorandum of Understanding with the California Department of Public Health, Office of AIDS reducing compensation by \$2,214 (for a new total not to exceed \$48,102) to conduct HIV surveillance activities for the period July 1, 2010 through June 30, 2013; and approved and authorized the HHSA Director or his/her designee to sign amendments (including retroactive) to the agreement resulting in a change in compensation not to exceed \$5,000 (approximately 10 percent) and other minor, nonmonetary amendments. (HHSA-Public Health)

Approved a budget amendment increasing appropriations and revenues by \$57,044 in the Sheriff's Office of Emergency Services to recognize receipt of an Emergency Management Performance Grant administered through the California Emergency Management Agency (Cal-EMA); authorized the purchase of a specialty vehicle as a capital asset in an amount not to exceed \$49,000; and authorized the Auditor-Controller's Office to pay claims for expenses related to the grant program. (Sheriff)

Terminated the lease with Wendell Green for Hangar 7 at the Fall River Mills Airport effective March 31, 2012; approved and authorized the Public Works Director or his/her designee to sign a termination of the lease by mutual agreement; and approved and authorized the Chairman or, when the Chairman is unavailable, the Vice Chairman to sign an agreement with Chris Lowery in the amount of \$200 per month to lease an aircraft hangar at the Fall River Mills Airport for the period April 1, 2012 through March 31, 2013, contingent upon receipt of a termination of the lease with Wendell Green by mutual agreement. (Public Works)

Awarded to the low bidder, Harbert Roofing, Inc., on a lump-sum basis, the contract for the Public Works Roof Replacement Project in the amount of \$65,828. (Public Works)

For the Old Oregon Trail Turn Lane Project, approved and authorized the Chairman or, when the Chairman is unavailable, the Vice Chairman to sign a right-of-way contract with Torsten Rich-Wimmer (0.24 acres at \$8,700); and accepted one easement deed conveying one parcel of project right of way. (Public Works)

Awarded to the low bidder, American Alarm Company, Inc., the contract for construction of the Shasta County Adult Detention Facility Camera System Upgrade in the amount of \$260,245; and approved budget amendments increasing revenues and appropriations by \$100,000 in the Lands, Buildings, and Improvements budget and increasing revenues and appropriations by \$100,000 in the Sheriff's Jail budget, to be funded with revenue from the Criminal Justice Trust Fund. (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 report.

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

Supervisor Moty recently attended Sierra-Sacramento Valley Emergency Medical System Board and Northern California Water Association (NCWA) meetings.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

**REBUTTAL ARGUMENT SUPPORTING RESOLUTION NO. 2011-091
GENERAL PLAN AMENDMENT NO. 08-002
RESOLUTION NO. 2012-028**

In reference to the proposed development of the Knighton and Churn Creek Commons Retail Center in the Churn Creek Bottom area, CAO Lees said that on November 1, 2011, the Board of Supervisors adopted Resolution No. 2011-116, which places Resolution No. 2011-091 (General Plan Amendment No. 08-002) on the ballot for the June 5, 2012 Presidential Primary Election to enable voters to approve or reject the resolution. On February 28, 2012, the Board of Supervisors approved a written argument supporting Resolution No. 2011-091 to be included in the official ballot materials.

The Election Code authorizes the members of the Board of Supervisors to file a written argument supporting Resolution No. 2011-091 or to authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

Don Kirk opposed the development of the retail center.

By motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-028, which authorizes Bill Gregory (Cattleman and Churn Creek Bottom Land Owner), Bob Wood (Redding Businessman), Gloria Randall (Churn Creek Bottom Land Owner and Farmer), Daniel Corbin (Unemployed Construction Worker), and Jacob Meyers (Redding Engineering Contractor) to prepare, submit, and sign the rebuttal argument supporting Resolution No. 2011-091 (County General Plan Amendment No. 08-002).

(See Resolution Book No. 53)

**REBUTTAL ARGUMENT OPPOSING
CHURN CREEK BOTTOM AGRICULTURAL LANDS
GENERAL PLAN AMENDMENT INITIATIVE
RESOLUTION NO. 2012-029**

County Administrative Officer Larry Lees said on November 1, 2011, the Board of Supervisors adopted Resolution No. 2011-117, which places the Churn Creek Bottom Agricultural Lands General Plan Amendment Initiative (Initiative) on the ballot for the June 5, 2012 Presidential Primary Election to enable voters to approve or reject the Initiative. On February 28, 2012, the Board of Supervisors approved a written argument opposing the Initiative to be included in the official ballot materials.

The Election Code authorizes the members of the Board of Supervisors to file a written argument opposing the Initiative, or to authorize in writing any other person or persons to prepare, submit, or sign the rebuttal argument.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-029, which authorized Bill Gregory (Cattleman and Churn Creek Bottom Land Owner), Bob Wood (Redding Businessman), Gloria Randall (Churn Creek Bottom Land Owner and Farmer), Daniel Corbin (Unemployed Construction Worker), and Jacob Meyers (Redding Engineering Contractor) to prepare, submit, and sign the rebuttal argument opposing the Churn Creek Bottom Agricultural Lands General Plan Amendment Initiative.

(See Resolution Book No. 53)

SUPPORT SERVICES

MEMORANDUM OF UNDERSTANDING DEPUTY SHERIFFS ASSOCIATION-CORRECTIONAL OFFICERS BARGAINING UNIT RESOLUTION NO. 2012-030

At the recommendation of Director of Support Services Michelle Schafer and by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-030, which approves a successor comprehensive Memorandum of Understanding with the Deputy Sheriffs Association-Correctional Officers bargaining unit for the period January 1, 2012 through March 31, 2015.

(See Resolution Book No. 53)

9:47 a.m.: The Board of Supervisors recessed.

9:52 a.m.: The Board of Supervisors reconvened.

PUBLIC WORKS

INTERMOUNTAIN LIBRARY (BURNEY) PRELIMINARY DESIGN STUDY

Public Works Director Pat Minturn explained that the Burney Library is owned and funded by Shasta County. It is currently housed in a 2,172 square foot building. Friends of the Intermountain Library (FOIL) are seeking a larger and more functional facility with a large conference room. Public Works staff has used the existing 6,700-square-foot Anderson Library as a model for planning. The total cost for such a project would be approximately \$3,800,000. A preliminary design study prepared by architects would evaluate space needs and site requirements, prepare a preliminary floor plan and building envelope, and refine the budget.

FOIL President Cathy Coleman stated that the Burney library, which serves residents of eastern Shasta County, is a resource for the residents who choose to access books and computers. Over 1,500 signatures were collected on a petition requesting that the Burney library building needs to be replaced in a different location.

Ms. Coleman presented two possible options for a larger, relocated library in Burney. FOIL obtained an engineering report for use of the structure of the former Lyons Pharmacy building on Main Street, which is located in a flood plain. It is estimated that the building may be fully designed and engineered by a qualified contractor for less than \$30,000. The costs of furniture, fixtures, and equipment could be greatly reduced because of the funds FOIL has set aside from the memberships and fund raisers for this purpose. Therefore, it is anticipated that the property and new structure would cost less than \$1.5 million.

Tim McCannon and Evelee Nelson supported the need for improvements to the Burney Library.

Sheriff Tom Bosenko recognized the affects the budget cuts have had on many, including the necessary cuts in public safety, which related to loss of deputies in the Intermountain area.

Supervisor Hawes stated that he received an e-mail from Pat Thomason with suggestions for an additional proposal. However, CAO Lees advised that because the e-mail had not been agendized, it should not be discussed at this time but may be brought back on another agenda so all members of the public may have opportunity to review it.

CAO Lees advised that due to economic issues, no strategic plan was developed. The Community Benefit Fund is currently at \$1.2 million.

Supervisor Kehoe stated that everyone is supportive of public libraries. However, priorities must be set for the spending of discretionary funds, and a top priority for the community is the expenditure of discretionary funds for public safety.

Supervisor Kehoe moved that the community benefit fund balance be reserved for providing supplemental resources for public safety for the direct benefit of Burney residents and those of the Intermountain area. The motion died for lack of a second.

In response to questions by Supervisor Baugh, Mr. Minturn explained that a flood plain analysis was completed in 1989, determining that much of Burney is in a flood plain and a flood way.

The Burney area is vulnerable to flooding as a result of certain types of weather patterns. Downtown Burney is in a floodway, which prohibits many properties in Burney from being modified. The existing library is in a flood plain, and there are rules against substantial modification of an existing building in a flood plain.

In response to questions by Supervisor Baugh, Ms. Coleman stated the total of funds raised by FOIL is approximately \$75,000 to be used for additional books, furniture, and fixtures. She hopes Shasta County will provide \$800,000 for the Burney library project, and FOIL would then seek additional grants.

Supervisor Moty explained that the wind turbine revenue is set aside in the community benefit fund. All the members of the Board of Supervisors are supportive of library. It may be beneficial for \$35,000 to \$40,000 of the money to be used for the services of an architect to provide estimates of the needed size, the specific needs, and approximate cost. FOIL could do more fund-raising and seek grants.

Mr. Minturn noted that an architect will need to view a few sites in Burney to consider.

By motion made, seconded (Hawes/Baugh), and carried, the Board of Supervisors directed staff to prepare a preliminary design study for a new Burney library, fund the preliminary design study with community fund benefit funds in an amount not to exceed \$40,000. Supervisor Kehoe voted no in order to support increased public safety in the area.

CLOSED SESSION ANNOUNCEMENT

Chairman Moty 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 Shasta County Citizens for Justice, et al. v. City of Shasta Lake, et al., pursuant to Government Code section 54956.9, subdivision (a); and

2. Confer with its counsel to discuss two cases of initiation of litigation, pursuant to Government Code section 54956.9, subdivision (c).

Supervisor Hawes stated he will recuse on one of the cases of proposed initiation of litigation because of a conflict of interest under Government Code section 87100.

11:04 a.m.: The Board of Supervisors recessed to Closed Session.

12:32 p.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.

1. In the matter of the first initiation of litigation, one potential case, the Board of Supervisors, by a 5-0 vote, gave approval to its legal counsel to initiate legal action. The action, the defendants, and the other particulars shall, once formally commenced, 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 to do so would jeopardize the County's ability to conclude existing settlement negotiations to its advantage.
2. In the matter of the second initiation of litigation, one potential case, the Board of Supervisors, by a 4-0 vote (Supervisor Hawes recused), gave approval to its legal counsel to initiate legal action. The action, the defendants, and other particulars shall, once formally commenced, 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 to do so would jeopardize the County's ability to conclude existing settlement negotiations to its advantage.

Supervisor Hawes was not present during the discussion and decision concerning the second initiation of litigation item.

No additional reportable action was taken.

12:34 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy