

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, August 14, 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 Executive 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 Sister Maura Power, Our Lady of Mercy Catholic Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Dolores Lucero alleged that illegal activity has occurred in local government.

REGULAR CALENDAR

BOARD MATTERS

AUGUST 2012 EMPLOYEE OF THE MONTH
TAX SPECIALIST III LINDA KRTEK
RESOLUTION NO. 2012-093

At the recommendation of Treasurer-Tax Collector-Public Administrator Lori Scott and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-093, which recognizes Tax Specialist III Linda Krtek as Shasta County's August 2012 Employee of the Month.

(See Resolution Book No. 53)

PROCLAMATION: THINK BEFORE YOU DRINK SUGARY BEVERAGES MONTH

By motion made, seconded (Baugh/Kehoe), and carried, the Board of Supervisors adopted a proclamation which designates September 2012 as Think Before You Drink Sugary Beverages Month in Shasta County. Carol Barber of Anderson Partnership for Healthy Children accepted the proclamation. Supervisors Moty and Hartman voted no, stating that local government should not impose instruction as to specific foods or drinks for citizens.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Moty announced that the item regarding an agreement with Marvin Barton, Jr. has been pulled for discussion.

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign the response to the Final Report of the Fiscal Year 2011-12 Shasta County Grand Jury. (Administrative Office)

Adopted Resolution No. 2012-094, which approves a short-term loan in the amount of \$21,000 to the Castella 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 the minutes of the meeting held on July 17, 2012, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a renewal agreement with Sutter-Yuba Mental Health Services in an amount not to exceed \$200,000 to provide psychiatric inpatient services from the last date signed by all parties through June 30, 2014, with one automatic 90-day extension. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign a retroactive renewal agreement with St. Helena Hospital in an amount not to exceed \$100,000 per fiscal year to provide psychiatric inpatient hospital services from July 1, 2012 through June 30, 2013, with two automatic one-year renewals. (HHS-Adult and Children's Services)

Awarded the bid to Keller Group in the amount of \$93,656.96 for 42 workstations for the HHS Regional Services Customer Service Call Center; authorized the Purchasing Division to purchase the workstations; and authorized the Auditor-Controller to pay claims to purchase the workstations. (HHS-Regional Services)

Adopted Salary Resolution No. 1407, which deletes one Child Support Assistant I/II position and adds one Office Assistant I/II position in the Child Support Services budget effective August 26, 2012. (Child Support Services)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign a retroactive agreement with the County of Siskiyou to reimburse Shasta County in an amount not to exceed \$7,456.20 for 13 software licenses, customization and consulting costs, and staff training by Allvest, Inc. for the period January 1, 2012 through December 31, 2012. (Probation)

Approved and authorized the Chairman to sign a retroactive agreement with the County of Siskiyou to reimburse Shasta County in an amount not to exceed \$12,812.00 for coordination services, consulting services, and staff training by Sam Leach d.b.a. Candor Consulting LLC for the period February 1, 2012 through January 31, 2013. (Probation)

Approved a budget amendment in the amount of \$53,600 to purchase a capital asset vehicle, to be offset by Emergency Management Performance Grant funds and increasing appropriations in the Sheriff's Office of Emergency Services budget. (Sheriff)

For Parcel Map No. 09-025, Butterfield Lane EFER Permanent Road Division No. 2 (Happy Valley area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for October 2, 2012 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

Awarded to the low bidder, Darren Taylor Construction, on a unit-cost basis, the contract for construction on the Cove Road Slide Repair project in the amount of \$234,979. (Public Works)

Approved and authorized the Chairman to sign an agreement with Garrison Enterprises in an amount not to exceed \$69,400 to provide software and services for a web-based data management and electronic reporting program from the date of signing through three years from the date of acceptance of the implemented system; and approved a budget amendment in the amount of \$35,500 to re-budget appropriations and revenues in the Environmental Health Division budget. (Environmental Health)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

AGREEMENT: STEVE'S WRECKING PROPERTY PURCHASE AGREEMENT MARVIN BARTON, JR.

Public Works Director Pat Minturn stated that Shasta County proposes to purchase Steve's Wrecking (owned by Marvin Barton, Jr.), located on Old Oregon Trail in order to continue to widen Old Oregon Trail. The purchase price for the parcel and improvements is \$300,000, the inventory, personal property, and business is not to exceed \$325,000, and relocation assistance in-lieu payment is \$2,860. Existing inventory is to be sold at auction; the building will be demolished, and future widening or realignment will shift the roadway away from adjoining residences. All neighbors are appreciative of the proposed change.

In response to questions by Supervisor Kehoe, Assistant County Counsel Jim Ross confirmed the existence of an indemnification clause in the agreement. Mr. Minturn said Shaw & Associates appraised the property and the inventory. Supervisor Kehoe doubted that acquiring the inventory with the responsibility to sell it makes good business sense.

Lawrence & Associates completed an Environmental Site Assessment of the property, which showed no contamination of soil, water, and septic tank.

Marvin Barton, Jr. has owned property since 1963, and there has never been an environmental issue. There are no underground tanks and oil has been stored and disposed properly.

By motion made, seconded (Hartman/Baugh), and carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Marvin Barton, Jr. to purchase a 0.35-acre parcel (Assessor's Parcel No. 109-030-044) and improvements, inventory, personal property, and business on Old Oregon Trail in an amount not to exceed \$625,000, plus a relocation assistance in-lieu payment of \$2,860; accepted a grant deed for one parcel; and

declared that the personal property and inventory purchased is surplus property, it is not needed for County use, and the Public Works Director is authorized to sell, auction, or otherwise dispose of the surplus property in the manner he determines to be in the best interest of Shasta County. Supervisor Kehoe voted no. (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.

Supervisors Hawes and Baugh requested United States Forest Service and National Park Service staff to appear at a future Board of Supervisors meeting to provide information on the forest fire at Lassen National Forest.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES

PERSONNEL DIVISION

PUBLIC EMPLOYEES' RETIREMENT SYSTEM (PERS) **PEACE OFFICERS RETIREMENT BENEFITS**

Chairman Moty announced that the matter regarding peace officers retirement benefit was pulled by the department.

CLOSED SESSION ANNOUNCEMENT

Chairman Moty announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Dyer v. County of Shasta County, Reverge Anselmo, Seven Hills Land and Cattle Co., LLC v. County of Shasta, et al., and Reverge Anselmo, Seven Hills Land and Cattle Co., LLC v. Russ Mull, et al., pursuant to Government Code section 54956.9, subdivision (a).

Supervisor Hawes stated he would recuse from the two matters concerning Reverge Anselmo in light of the Shasta County cross-complaint against the State Department of Fish and Game and the Army Corps of Engineers because of a conflict of interest due to his ownership interest in a corporation that has financial dealings with Fish and Game and the Army Corps of Engineers.

10:08 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 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.

In the matter of Randy Dyer v. County of Shasta, a workers' compensation action, the Board of Supervisors, by a 5-0 vote, approved a Compromise and Release of Mr. Dyer's claim in the amount of \$145,000, less credit for previously paid permanent disability advances in the amount of \$39,580.74 or, in the event the Workers' Compensation Appeals Board judge does not approve the Compromise and Release, approved authorization to stipulate to permanent disability in the amount of 49 percent, or \$55,193.68.

There was no other reportable action. Supervisor Hawes was not present for the closed session discussion concerning the two Anselmo litigation matters.

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

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy