

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, August 21, 2012

REGULAR MEETING

9:11 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 Pastor Rod Brayfindley, First United Methodist Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Russ Wade discussed the negative effects of pollution on the earth.

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

Terry Rapoza and Sylvia Milligan expressed concern over possible new taxes and fire fees.

Cheri Beck stated that victims of recent fires need food, water, pet food, and finances.

Patricia Heinsohn requested consideration of posting video of the meetings of the Board of Supervisors on the Internet.

Chuck Knight said that harvesting of trees will create a healthy forest.

Richard Feiten stated there has been no increase in Social Security benefits.

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION; STATUS ON FIRES

CalFire Unit Chief, Shasta County Fire Warden Rick Kyle stated on August 17, 2012, sixteen fires were detected in CalFire protection area, all started by lightning. Several large fires in the area of Redding total over 250,000 acres.

CalFire Assistant Chief Shana Jones provided an update on the Ponderosa Fire, which was first reported at five to ten acres. The fire traveled rapidly and a mandatory evacuation and road closures were required. Several structures and two bridges were destroyed. The fire continues to burn in areas of Shasta and Tehama counties. Heavy ground and air equipment and 1,886 fire crews are fighting the fires.

Shasta-Trinity National Forest Supervisor Sharon Heywood provided information about the Salt Creek Fire and the Bagley Fire. The Salt Creek Fire burned 800 acres of public lands and 125 acres of private land. The Bagley Fire has affected over 3,000 acres.

PRESENTATION: UPDATE ON ACTIVITIES OF THE SHASTA COUNTY ECONOMIC DEVELOPMENT CORPORATION (EDC)

Economic Development Corporation (EDC) President Mark Lascelles stated that the role of EDC is to recruit companies to the Redding area. There is a need to attract manufacturing and technology companies to the area. It is anticipated that 80 percent of new jobs will be created locally in the next ten years. However, there is need to develop adequate airport services and an institute that provides more research. As the economy is rebuilt strong companies will be attracted to Shasta County.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Moty announced that the agreement with Redding Community Access and the County Claims List were pulled for discussion.

CONSENT CALENDAR

By motion made, seconded (Kehoe/Baugh), 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 an amendment to the agreement with KNN Public Finance, a Division of Zions National Bank for financial advisory services, increasing maximum compensation by \$70,000 (for a new total not to exceed \$200,000); assigning and defining a subsequent Consultant Project, Lease Revenue Refunding Bonds, 2003 Series A (Shasta County Administration Center Project); and retaining the term of December 14, 2010 through December 31, 2013. (Administrative Office)

Received a report on the Fiscal Year 2011-12 Real Estate Fraud Investigations Unit. (District Attorney)

Adopted Resolution No. 441 of Ordinance No. 413-1, which authorizes a stop sign on Black Ranch Road at its intersection with Clark Creek Road (Lake Britton area). (Public Works)
(See Stop Sign Ordinance Book)

Approved and authorized the Chairman to sign an amendment to the agreement with Cornerstone Environmental Group, increasing compensation by an amount not to exceed \$120,500 (for a new total not to exceed \$331,500) for additional landfill gas engineering services for the West Central Landfill; and extending the term to December 31, 2013. (Public Works)

Adopted Salary Resolution No. 1408, which deletes one Chief Fiscal Officer position, one Staff Services Manager position, and one Community Education Specialist I/II position and adds one Administration/Community Education Division Manager position in the Environmental Health budget, adds the Administration/Community Education Division Manager classification, and reclassifies one Chief Fiscal Officer position in the Environmental Health budget to an Administration/Community Education Division Manager position; approved job specifications for the Administration/Community Education Division Manager classification; approved an amendment to Appendix A of the memorandum of understanding with the Mid-Management bargaining unit to add the Administration/Community Education Division Manager; and introduced and waived the reading of an ordinance which amends Shasta County Code Section 8.02.020, *Department Structure*, to consolidate the oversight of the Resource Management Community Education Section with the department's fiscal and administrative function. (Resource Management Environmental Health Division)

(See Salary Resolution Book)

Approved a budget amendment increasing appropriations by \$66,246 and revenues by \$12,666 in the CSA #1-County Fire budget, to be offset with the use of fund balance in the amount of \$53,580, to purchase three thermoelectric generators and narrowband handheld radios; approved a new capital asset account in the amount of \$25,332 to purchase three thermoelectric generators; and authorized the Auditor-Controller to pay an invoice for the purchase of the generators. (County Fire)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

AGREEMENT: REDDING COMMUNITY ACCESS/KECT VIDEO PRODUCTION SERVICES

County Executive Officer (CEO) Larry Lees explained that the County Administrative Office is currently in a competitive procurement process for video production services, including having the meetings online so they are available to the public. The current agreement with Redding Community Access Corporation (RCAC) terminated June 30, 2012. The requested renewals of two separate agreements is to provide video production services and for the cablecasting of the Board of Supervisors meetings. The agreements allow the County the flexibility to terminate either agreement with 30-days written notice.

Gary Cadd and Charles Alexander requested consideration of online viewing of the Board of Supervisors meetings.

CEO Lees advised that the Board of Supervisors meetings are available for viewing online through an internet site located in Eastern Shasta County. The competitive procurement process will allow the selection of a firm that will handle the filming and bookmarks of the meeting. However, the Board of Supervisors meetings will continue to be shown on cable television. RCAC (Channel 11) has purchased the equipment to have the meetings online.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors approved retroactive agreements with Redding Community Access Corporation in an amount not to exceed \$6,000 to provide video production services of the Shasta County Board of Supervisors meetings for the period July 1, 2012 through June 30, 2013; and in an amount not to exceed \$8,000 to provide cablecasting of the Shasta County Board of Supervisors meetings for the period July 1, 2012 through June 30, 2013. (Administrative Office)

COUNTY CLAIMS LIST

Auditor-Controller Connie Regnell explained that claims submitted for payment are not within the policy procedures are brought before the Board of Supervisors for review and consideration.

In response to questions by Supervisor Kehoe, Chief Probation Officer Wes Forman stated gift certificates, given to AB 109 low level offenders, are provided as rewards and incentives for completion of programs, graduations, and drug free behavior. The gift certificate for Ross Store was for the purchase of clothing and the gift certificates for local hair salon was for two women's haircuts. These were given in recognition of graduation from a counseling program and focused on a need to present positively during employment interviews.

In response to questions by Supervisor Kehoe, Mr. Forman stated the reason the gift certificates for the haircuts were \$50 each is due to his knowledge that women's haircuts are costly. Supervisor Kehoe noted that the gift certificates were purchased by a County employee, made on a personal credit card instead of using the purchase order method. He directed Mr. Forman to work with CEO Lees for future purchases.

Supervisor Baugh mentioned the Good News Rescue Mission has clothing available and possibly provides haircuts at no charge.

In response to questions by Supervisor Moty, Mr. Forman advised that gift certificates are provided instead of cash to assure the purchases are made specific vendors' facilities. At this time, the Probation Department is not viewing the purchases.

Supervisors Hartman and Moty stated that it would be helpful to view the purchased items for accountability and to have opportunity to offer advice as to proper attire for employment opportunities.

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors approved and authorized the Chairman to sign the County claims list totaling \$652.50 requiring special board action. (Auditor-Controller) (Baugh voted no.)

11:09 a.m.: The Board of Supervisors recessed and convened as the Shasta Joint Powers Financing Authority.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR**SHASTA JOINT POWERS FINANCING AUTHORITY****AGREEMENT: HAWKINS DELAFIELD & WOOD LLP
BOND COUNSEL AND DISCLOSURE SERVICES**

By motion made, seconded (Hawes/Hartman) and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Hawkins Delafield & Wood LLP in an amount not to exceed \$81,000 to provide bond counsel and disclosure counsel services for refunding the Lease Revenue Bonds 2003 Series A (Shasta County Administration Building Project) from the date of signing through the completion of services or December 31, 2013, whichever is earlier..

(See Shasta Joint Powers Financing Authority Resolution Book)

11:10 a.m.: The Shasta Joint Powers Financing Authority adjourned, and the Board of Supervisors reconvened.

11:10 a.m.: The Shasta County Board of Supervisors recessed.

11:24 a.m.: The Shasta County Board of Supervisors reconvened.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees presented an update on specific legislation of importance to Shasta County, including the Controller's report of revenue received in the month of July 2012 was \$475 million below what was projected. The deficit gap at this time is approximately \$18 billion.

Supervisor Baugh recently attended the meeting of Rural County Representatives of California, formerly Regional Council of Rural Counties (RCRC).

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

**AUDITOR-CONTROLLER
PROCEDURE TO FILL VACANCY**

County Executive Officer (CEO) Larry Lees stated that the Auditor-Controller Connie Regnell has given notice of her retirement as of December 31, 2012, which will require the Board of Supervisors to pursue a recruitment to fill the position for the remainder of Ms. Regnell's term, until the first Monday after January 1, 2015.

Dolores Lucero alleged a vacant elected position should be filled by election.

County Counsel Ruben E. Cruse, Jr. stated the Government Code section 25304 provides the board of supervisors shall fill, by appointment, all vacancies of elective county officers, except Superior Court judges and Supervisors. The appointee shall hold office for the remainder of the unexpired term or until the first Monday after January 1 succeeding the next general election.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved the proposed procedure to fill the vacancy of the elected Auditor-Controller by appointment effective December 31, 2012:

1. The County Executive Officer will conduct a recruitment for the Auditor-Controller vacancy;
2. The minimum qualifications for the Auditor-Controller vacancy shall be those established by statute and County Ordinance;
3. Applications will be reviewed for meeting the minimum qualifications by the County Executive Officer; and
4. Those applicants who meet the minimum qualifications for the Office of Auditor-Controller will be scheduled for interviews, in open session, by the Board of Supervisors.

COUNTY COUNSEL

INTRODUCTION OF ORDINANCE SHASTA COUNTY AUDITOR-CONTROLLER QUALIFICATIONS AND EDUCATION REQUIREMENTS

County Counsel Rubin E. Cruse, Jr. stated Government Code section 26945 outlines qualifications and continuing education requirements of the Office of Auditor-Controller. In order to avoid any ambiguity or lack of clarity, it is recommended that Shasta County Code section 2.36.030, *County Auditor*, be amended to specifically state the provisions of Government Code sections 26945 and 26945.1, relating to the qualifications and continuing education requirements of the Office of Auditor-Controller, as those provisions now exist.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which amends Shasta County Code Section 2.36.030, *County Auditor*, regarding qualifications and continuing education requirements for the Shasta County Auditor-Controller.

SUPPORT SERVICES

RESOLUTION OF INTENT TO AMEND CONTRACT CALIFORNIA PUBLIC EMPLOYEES' (CALPERS) RETIREMENT SYSTEM RESOLUTION NO. 2012-096

By recommendation of Assistant Director of Support Services Angela Davis and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-096, which notifies the Public Employees' Retirement System (PERS) of the County's intention to provide retirement benefits (2% @ 55 Full formula) to county peace officers entering membership for the first time in the county peace officer classification after the effective date of the contract amendment; received the CalPERS actuary statement which includes future annual cost impacts of the amendment, in accordance with Government Code section 7507; and introduced and waived the reading of an ordinance which implements the changes provided for in the resolution.

(See Resolution Book No. 53)

LAW AND JUSTICE

SHERIFF/PUBLIC WORKS/ADMINISTRATIVE OFFICE

SHASTA COUNTY PUBLIC SAFETY REALIGNMENT (AB 900) PHASE II NEW ADDITIONAL JAIL PROJECT

Principal Administrative Analyst Julie Hope stated the proposed action is to consider accepting a \$33 million state conditional award in lease revenue bond financing program funds to build a new additional 232-bed medium security jail with a total estimated cost of \$35.4 million. This would be \$33 million from the state, and \$2.4 million from Shasta County Public Safety Fund General Purpose Funds. On January 3, 2012, Sheriff Bosenko was authorized to submit a financing application in the amount of \$33 million, in accordance with terms established by Assembly Bill 900 Phase II (Public Safety and Offender Rehabilitation Service Act of 2007), to construct a new 232-bed medium-security Jail Facility at the northwest corner of Court and Placer Streets, Redding.

Sheriff Tom Bosenko stated the need for more jail bed space has been made critical due to the enactment of Assembly Bill 109 (Realignment Plan), which is returning inmates serving multi-year commitments for low level crimes to county jail facilities to serve the remainder of their sentences.

Sheriff Bosenko read correspondence from Ed Rullman regarding his participation in Redding Business Crime Works, a group of merchants that are cognizant of crime-related matters. Mr. Rullman supported building a new jail facility to incarcerate criminals.

Burney Basin Little League President Keith Courtright, Linda Johnson, Nancy Bobo, Pat Thomason, and Joe Studenika oppose use of the Hatchet Ridge Wind Project Community Benefit Agreement Funds to be used for the construction of a new jail.

Chief Probation Officer Wes Forman, Court Executive Officer of Shasta County Superior Court Melissa Fowler-Bradley, Cheri Beck, and Holly Hoekstra support the need for a new jail facility for public safety and inmate accountability.

Dolores Lucero and Gary Cadd voiced concern of building a new jail at this time due to lack of funding.

County Executive Office (CEO) Larry Lees stated approximately \$35 million is the initial cost of the jail. Because of the economic climate, there are not available extra funds that may be needed for unforeseen future costs. Additionally, the state would own the jail for more than 30 years, subject to the guidelines of the state which often change.

Director of Public Works Pat Minturn advised the grant has an aggressive timeline, which would require rapidly beginning the California Environmental Quality Act (CEQA) process and hiring an architect. The required actions would be substantial investments.

Supervisors Kehoe, Baugh, Moty, Hartman, and Hawes confirmed that a new jail facility is needed; however, there are insufficient funds available at this time.

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors declined to accept state funding for the construction of a new jail under AB 900 Phase II.

Sheriff Bosenko thanked the Board of Supervisors for their consideration.

CLOSED SESSION ANNOUNCEMENT

Chairman Moty announced that the Board of Supervisors would recess to a Closed Session to Confer with its counsel to discuss one case of anticipated litigation, pursuant to Government Code section 54956.9, subdivision (c).

1:50 p.m.: The Board of Supervisors recessed to Closed Session.

1:57 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 one case of initiated litigation.

In the matter of the initiation of litigation, one potential case, the Board of Supervisors, by a 5-0 vote, gave approval to initiate legal action and 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 that to do so would jeopardize the County's ability to conclude existing settlement negotiations to its advantage.

There was no other reportable action.

1:59 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy