

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 23, 2012

REGULAR MEETING

9:03 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

MOMENT OF SILENCE

A moment of silence was observed.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Randall Faulkner stated the citizens should have been given the opportunity to elect the Auditor-Controller upon Connie Regnell's retirement. County Counsel Rubin E. Cruse, Jr. responded that since Auditor-Controller Connie Regnell decided to retire midterm, causing there to be a vacancy in an elected office, the law requires the Board of Supervisors to fill the position by appointment. The Attorney General has interpreted the statute to prohibit a county board of supervisors from conducting a special election.

Dolores Lucero questioned the legality of Supervisor Hartman serving as a member of the Board of Supervisors and working in an office representing the veterans. Mr. Cruse responded that elected officials may not hold two public offices. Supervisor Hartman currently holds a public office as a supervisor; however, her position with California Department of Veterans Affairs is an employment position.

Cheri Beck stated a meeting is scheduled to discuss the State Responsibility Area (SRA) Fire Prevention Benefit Fee.

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: RED RIBBON WEEK

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 23-31, 2012 as Red Ribbon Week in Shasta County. Two Enterprise High School Friday Night Live students discussed what Red Ribbon Week means to them.

PRESENTATIONS

**AB 109, PUBLIC SAFETY REALIGNMENT
OCTOBER 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 Kehoe, Chief Forman stated the offenders that are characterized as “high risk” are identified as those that are most likely to commit another crime.

In response to questions by Supervisor Baugh, Chief Forman advised that the current elevated crime rate is partly attributable to AB 109.

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 to sign an agreement with the Judicial Council of California, Administrative Office of the Courts (AOC) to provide additional space for use by the Superior Court at the Justice Center for a security screening vestibule; and approved and authorized the County Executive Officer to sign subsequent technical amendments to the agreement. (Administrative Office)

Approved the minutes of the meetings held on October 9 and 10, 2012, as submitted. (Clerk of the Board)

Adopted Policy Resolution No. 2012-06, which amends Administrative Policy 3-140, *County Utilization of Volunteers*. (Support Services)

(See Policy Resolution Book)

For the In-Home Supportive Services Advisory Committee, reappointed Shyrle De Haven for a term to expire March 2014; reappointed Evan LeVang for a term to expire March 2015; appointed Elizabeth Slosson and Sheri Henderson for terms to expire March 2014; and appointed Wayne Bruinsma and Craig Graham for terms to expire March 2015. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign the California Department of Health Services Children’s Medical Services Branch Certification Statements in support of program plans and budgets totaling \$2,070,394 (Child Health and Disability Prevention Program - \$494,916, California Children’s Services Program - \$1,308,056, and Health Care Program for

Children in Foster Care - \$267,422) for the period July 1, 2012 through June 30, 2013; approved and authorized the Director of Public Health or his/her designee to sign amendments to these program budget(s) (including retroactive) which result in a net change of no more than \$207,039 (10 percent of the total budget) and other minor, nonmonetary amendments as necessary; and authorized the Auditor-Controller to pay claims associated with the program plans and budgets. (HHSА-Public Health)

Approved and authorized the Chairman to sign a retroactive agreement (#EPO 12-45) with the California Department of Public Health (CDPH) for Shasta County to receive Centers for Disease Control and Prevention (CDC) funding in a total amount not to exceed \$710,364 for emergency preparedness and response activities for the period July 1, 2012 through June 30, 2013, in an amount not to exceed \$200,844 for the Public Health Emergency Preparedness base allocation, in an amount not to exceed \$260,246 for the laboratory allocation, in an amount not to exceed \$183,126 for the Hospital Preparedness Program allocation, and in an amount not to exceed \$66,148 for a pandemic influenza allocation, a "Non-Supplantation Certification" for receipt of emergency preparedness funding, and the "Certification Regarding Lobbying" form; approved and authorized the Health and Human Services Agency (HHSА) Director or his/her designee to sign amendments to the agreement (including retroactive) which result in a net change of no more than \$70,000 and other minor, nonmonetary amendments as necessary, and the Contractor's Release form associated with the agreement upon completion; and authorized the Auditor-Controller to pay claims related to the agreement. (HHSА-Public Health)

Approved the Fiscal Year 2011-12 Youthful Offender Block Grant annual expenditure report; and the Fiscal Year 2011-12 Juvenile Justice Crime Prevention Act of 2000 annual progress report. (Probation)

Approved and authorized the Chairman to sign retroactive agreements with the County of Del Norte to reimburse Shasta County in an amount not to exceed \$5,455.82 for 13 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 an amount not to exceed \$10,612 for coordination services and consulting services, plus \$120 per employee per day for staff training by Samuel Leach LLC d.b.a. Candor Consulting for the period February 1, 2012 through January 31, 2013. (Probation)

Approved a budget amendment in the Probation budget transferring \$24,000 from Services and Supplies to Capital Assets to complete the purchase of one vehicle for AB109, Public Safety Realignment purposes. (Probation)

For Tract Map No. 1999, Tudor Oaks Acres (north Palo Cedro area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and annual parcel charge report; and set a public hearing for December 11, 2012 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the 2012 Culvert Project and record it within 15 days of actual completion of the work. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with Hibser Yamauchi Architects, Inc. increasing compensation by \$52,000 (for a new total not to exceed \$164,866) for additional architectural design and construction review services for the Mental Health Facility Renovation project and retaining the original term to 30 days after filing a Notice of Completion but not later than December 31, 2013. (Public Works/HHSА)

Approved procedural updates to the Shasta County Fire Department Policy and Procedures Manual. (County Fire)

10:04 a.m.: The Board of Supervisors recessed.

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

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

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

Supervisor Baugh attended a Area Agency on Aging, PSA II, Executive Board telephone conference call meeting

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE/SUPPORT SERVICES/COUNTY COUNSEL

SHASTA COUNTY CODE CHAPTER 8.02
DEPARTMENT OF RESOURCE MANAGEMENT
SALARY RESOLUTION NO. 1413

At the recommendation of Assistant Director of Support Services Angela Davis and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which amends Shasta County Code Chapter 8.02, *Department of Resource Management*, regarding the appointment of the Air Pollution Control Officer, the appointment of the Building Official, the appointment of the Director of Environmental Health, and updating of various statutory references; approved revised job specifications effective November 18, 2012 for the Director of Resource Management classification, Building Division Manager classification, and Environmental Health Division Manager classification; and adopted Salary Resolution No. 1413, effective November 18, 2012, which adds footnotes regarding additional pay for employees designated as Building Official or Director of Environmental Health.

(See Salary Resolution Book)

ADMINISTRATIVE OFFICE

BRIAN MUIR
AUDITOR-CONTROLLER APPOINTMENT

County Executive Officer Larry Lees explained that background investigation has been conducted on Brian Muir and recommended appointing Mr. Muir to serve as Auditor-Controller subsequent to his establishing a residence and registering to vote in Shasta County.

Randall Faulkner noted that Mr. Muir's integrity is not a concern; however, he wants to see a more accountable County government. He questioned the selection process of the interviews and discussed his ideas of how the office of the Auditor-Controller should function.

Mr. Cruse stated there is no provision in the law to require an election of an elected department head when notice to retire is provided midterm.

County Executive Officer Lees stated the future vacancy of Auditor-Controller was advertised and announced it widely. Interviews were done in public, and a person with adequate experience was selected.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors appointed Brian Muir to fill the Auditor-Controller vacancy effective January 1, 2013.

CLOSED SESSION ANNOUNCEMENT

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

Supervisor Hawes stated he would recuse from the two matters concerning Reverage 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.

10:23 a.m.: The Board of Supervisors recessed to Closed Session.

12:02 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Moty, Hartman, and Baugh, 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; however, no reportable action was taken.

12:03 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy