

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 26, 2013

REGULAR MEETING

9:00 a.m.: Chairman Kehoe 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 Giacomini
District No. 4 - Supervisor Schappell
District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Typist Clerk III - Candice Martin

MOMENT OF SILENCE

A moment of silence was observed in memory of Ken Gifford.

INVOCATION

Invocation was given by Pastor Tom Winslow, Pentecostal Church of God.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Shasta County Chapter Order of the Military Purple Heart Commander Jim Berg announced an event to recognize a fallen soldier who died in Afghanistan and a soldier who will receive the Legion of Honor award.

Bob Byrger explained that a neighbor leaves a gate open which allows his cows to travel off of his property onto the roadway. The Board of Supervisors referred the matter to County Executive Officer Larry Lees to assist Mr. Berger.

Charles Alexander requested the Board of Supervisors consider posting video of meetings on the internet to allow public access.

REGULAR CALENDAR**BOARD MATTERS****PROCLAMATION: WEIGHTS & MEASURES WEEK**

At the recommendation of Sealer of Weights and Measures Mary Pfeiffer and by motion made, seconded (Baugh/Schappell), and unanimously carried, the Board of Supervisors adopted a proclamation which designates March 1-7, 2013 as Weights & Measures Week in Shasta County.

**APPOINTMENT: SIERRA NEVADA CONSERVANCY BOARD
SUPERVISOR PAM GIACOMINI**

By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors appointed District 3 Supervisor Pam Giacomini as a candidate to the Sierra Nevada Conservancy Board.

PRESENTATIONS**PRESENTATION: HAVEN HUMANE SOCIETY**

Dr. Ray John introduced the new Haven Humane Society, Inc. Chief Executive Officer Mark Storrey.

PRESENTATION: 2012 WINTER WALKING CHALLENGE

Director of Support Services Michelle Schafer discussed the 2012 Winter Walking Challenge winners. The 235 employees walked a total of 253,486 minutes during November 2012. The first-place team was from the Assessor's Office, the second-place team from the Auditor's Office, the third-place team from Support Services, and the fourth-place team from Child Support Services. Individual recognition went to first-place winner Debbie Alexander, second-place winner, Patti Wright, third-place winner Sunday Russell, and fourth-place winner Shawn O'Brien.

PRESENTATION: WHISKEYTOWN NATIONAL RECREATION AREA

Whiskeytown National Park Superintendent Jim Milestone provided an update on Whiskeytown National Park activities, including the upcoming Brandy Creek Beach Luau, the proceeds of which will benefit the Recreation Area. Various projects have been completed in the park, including Americans with Disabilities Act (ADA) compliant trails and a new foot bridge.

PRESENTATION: PATIENT PROTECTION AND AFFORDABLE CARE ACT

Health and Human Services Agency Director Donnell Ewert discussed the Patient Protection and Affordable Care Act (ACA), which will expand access to insurance coverage, increase consumer insurance protections, emphasize prevention and wellness, improve health quality and system performance, and curb rising health care costs. Less than 50 percent of Shasta County's population has health insurance coverage. Employers with 50 or more employees are required to insure employees or pay a penalty.

In response to questions by Supervisor Baugh, Mr. Ewert explained that, through a grant, the Nurse-Family Partnership provides assistance to low-income women who are first-time mothers. Home visits begin during the pregnancy and continue until the child is two years old.

In response to questions by Supervisor Schappell, Mr. Ewert confirmed that Medicare has achieved some savings through some of the revisions they have made, including changes to the manner in which hospitals are reimbursed.

10:22 a.m.: The Board of Supervisors recessed.

10:33 a.m.: The Board of Supervisors reconvened.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Kehoe announced that the items regarding an ordinance retaining the current documentary transfer tax rate, a donation from Dignity Health, and an agreement with Bell Data Systems, Inc. would be pulled for discussion.

CONSENT CALENDAR

By motion made, seconded (Moty/Schappell), 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 site lease agreement with New Cingular Wireless PCS, LLC for Shasta County to continue to provide rooftop space for an existing cell tower at 1500 Court Street, Redding to update contact information and extend the term of the lease from April 6, 2013 to July 5, 2013. (Administrative Office)

Approved and authorized the Chairman to sign a retroactive lease with Whitmore Union Elementary School District (District) at no cost for the property located at 30607 Whitmore Road, Whitmore for the period July 31, 2012 through July 31, 2015; and approved and authorized the Chairman to sign a retroactive amendment to the lease with the District maintaining compensation at \$1 per year through June 30, 2015, with no rent obligation thereafter, to modify various provisions for the District to use the building to provide library services to the public. (Administrative Office)

Introduced and waived the reading of an ordinance which amends Shasta County Code Chapter 2.40, *Department of Public Works*, to place the authority for managing the County's fleet of vehicles under the Department of Public Works (DPW), remove from DPW the responsibility of administering the functions of the metropolitan transportation planning organization, and update the functions and responsibilities of DPW to reflect current duties. (Administrative Office)

Adopted Resolution No. 2013-015, which, in accordance with the Local Agency Formation Commission (LAFCO) process, establishes a zero tax revenue exchange between the County of Shasta and the Anderson-Cottonwood Irrigation District (ACID) to allow for the annexation of properties into the ACID; and approves and authorizes the County Executive Officer to sign any documents related to the implementation of the resolution. (Administrative Office)

(See Resolution Book No. 54)

Approved and authorized the Chairman to sign the County Claims List totaling \$2,751.16 requiring special board action. (Auditor-Controller)

Adopted Resolution No. 2013-016, which repeals Resolution No. 99-118, and increases the capitalization threshold to \$5,000 or more for capital assets and maintains the capitalization for building and improvements at \$25,000 or more. (Auditor-Controller)

(See Resolution Book No. 54)

Approved the minutes of the meeting held on February 5, 2013, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-2025, which approves Zone Amendment No. 05-047, The Kennett Group (Cottonwood area), as introduced October 10, 2006. (Clerk of the Board)
(See Zoning Ordinance Book)

Appointed Janet Wright to the Commission on Aging for a term to expire January 2015. (Clerk of the Board)

Reappointed Phil Schoefer and Bob Moller to the Western Shasta Resource Conservation District Board of Directors for terms to expire November 2016. (Clerk of the Board)

Appointed Glenn Hawes to the Sacramento River Conservation Area Forum for a term to expire January 2015. (Clerk of the Board)

Approved a budget amendment transferring appropriations in the amount of \$54,000 within the Information Technology budget to purchase a capital asset network attached storage system. (Information Technology)

Adopted Resolution No. 2013-017, which repeals Resolution No. 2003-188, and terminates the Public Agency Retirement System (PARS) Accumulated Leave Conversion Plan (Plan); adopted Resolution No. 2013-018, which deletes Section 15.19, *Leave Balance Payout on Retirement - 401(A) Plan*, and Section 16.14, *401(a) Plan*, from the *Personnel Rules*; accepted a Letter of Understanding with the United Public Employees of California (UPEC) General Unit to delete Plan language in the General Unit Memorandum of Understanding for the term June 1, 2010 through April 30, 2012; and accepted a Letter of Understanding with the UPEC Professional Unit to delete Plan language in the Professional Unit Memorandum of Understanding for the term June 1, 2010 through April 30, 2012. (Support Services)
(See Resolution Book No. 54)

Adopted Salary Resolution No. 1418, which reclassifies nine positions in various Health and Human Services Agency (HHS) budgets, effective March 10, 2013; and approved job specifications for the Epidemiology and Evaluation Supervisor classification. (Health and Human Services Agency (HHS)-Business and Support Services/Support Services-Personnel)
(See Salary Resolution Book)

Approved and authorized the Chairman to sign a renewal agreement with Far Northern Regional Center (FNRC) to pay Shasta County an amount not to exceed \$669,921 to provide transportation to approximately 96 mutual Opportunity Center-FNRC clients for the period April 1, 2013 through March 30, 2016; and approved and authorized the HHS Director or his/her designee to sign amendments to the agreement (including retroactive) adding or deleting vehicles and other amendments provided they do not impact the General Fund and do not result in substantive changes to the original agreement. (HHS-Regional Services-Opportunity Center)

Approved a budget amendment increasing appropriations by \$1,000,000 in the Roads budget, to be offset by fund balance, in order to complete various right-of-way acquisitions. (Public Works)

To fund the Secure Rural Schools Title III Projects for Fiscal Year 2012-13, approved a budget amendment increasing appropriations in the amount of \$150,653, to be offset by Title III revenue; approved a budget amendment increasing appropriations in the amount of \$48,953 in the Sheriff's Office of Emergency Services (OES) budget to purchase a capital asset utility trailer in an amount not to exceed \$7,177, search-and-rescue training and 24-hour reserve packs for 12 OES members in an amount not to exceed \$34,776, and first-responder medical training for five Cadre personnel in an amount not to exceed \$7,000; approved a budget amendment increasing appropriations in the amount of \$80,000 in the County Fire budget toward the purchase of a capital asset water tender for the Old Station Volunteer Fire Company; approved a

budget transfer in the amount of \$19,000 to the Burney Fire Protection District for the purchase of 19 narrowband-compliant handheld radios; approved a payment to the Shasta County Search and Rescue 501(c)(3) to purchase medical response equipment in an amount not to exceed \$2,700; and authorized the Auditor-Controller to assign appropriate accounts to accommodate the Title III budget amendments and purchases. (Public Works)

For the Fall River Mills Airport Rotating Beacon and Security Lighting Installation Project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and direct the Public Works Director to advertise for bids; and authorized opening of bids on or after March 21, 2013 at 11:00 a.m. (Public Works)

Approved and authorized the Chairman to sign agreements in an amount not to exceed \$50,000 per undertaking with maximum compensation not to exceed \$300,000 per fiscal year to provide environmental and cultural resource consulting services from the date of signing through February 25, 2016 with North State Resources, Inc., and Randal J. Hauser d.b.a. ENPLAN. (Public Works)

For the Hawthorne Avenue Widening Project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved and authorized the Chairman to sign right-of-way contracts with Paul Hackney (0.13 acres at \$3,000), The Loop Declaration of Trust (0.15 acres at \$1,700), Jack Smith (0.01 acres at \$500), and Gordon D. Youmans and Audrey L. Youmans (0.28 acres at \$3,800 for two parcels); accepted four easement deeds conveying five parcels of project right of way; and approved and authorized the Chairman to sign a right-of-way contract for a temporary construction easement with Robyn Womeldorf (0.52 acres at \$3,000 for six months and \$500 for each additional 30 days). (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

INTRODUCTION OF ORDINANCE **DOCUMENTARY TRANSFER TAX RATE** **RECORDER**

Assessor-Recorder Leslie Morgan explained the current ordinance needs updating to add clarity due to changes in the legislation, reflecting amendments on partnerships, legal entities, and mobile homes on a foundation system. There will be no changes in taxes or charges.

By motion made, seconded (Baugh/Schappell), and unanimously carried, the Board of Supervisors allowed the introduction and waiver of the reading of an ordinance which repeals Ordinances No. 466 and 466-1; retains the current documentary transfer tax rate; and updates language to reflect current law. (Recorder)

DONATION FROM DIGNITY HEALTH **D.B.A. MERCY MEDICAL CENTER REDDING** **HHSA - PUBLIC HEALTH**

Health and Human Services Agency Branch Director of Business and Support Services Leanne Link stated that Dignity Health, d.b.a. Mercy Medical Center Redding will donate \$20,000 in order to support ongoing obesity prevention efforts.

Charles Alexander objected to accepting the donation.

By motion made, seconded (Giacomini/Moty), and unanimously carried, the Board of Supervisors accepted a donation in the amount of \$20,000 from Dignity Health d.b.a. Mercy Medical Center Redding to support the Healthy Shasta collaborative for the period

March 1, 2013 through June 30, 2013; and approved and authorized the HHSA Director or his/her designee to sign documents necessary to receive the donation. (HHSA-Public Health)

AGREEMENT: BELL DATA SYSTEMS, INC.
HOMELESS MANAGEMENT INFORMATION SYSTEM
HOUSING AND COMMUNITY ACTION PROGRAMS

Director of Housing and Community Action Programs Dr. Richard Kuhns explained the Homeless Management Information System (HMIS) will assist in tracking the of homeless individuals and families usage of services and immediate needs.

By motion made, seconded (Moty/Giacomini), and carried, the Board of Supervisors approved and authorized the County Executive Officer to sign an agreement with Bell Data Systems, Inc. in the amount of \$5,025 to purchase a homeless management information system annual software license for six users, set-up of the software and database, and for training from the date of signing by both parties until the agreement is terminated; authorized the Auditor-Controller to issue an advance payment in the amount of \$5,025; and authorized the Auditor-Controller to make advance payments to Bell Data Systems, Inc. on an annual basis for the user license fee for software use and ongoing technical support. (Supervisor Kehoe voted no on the agreement with Bell Data Systems, Inc. as he is opposed to advance payments.) (Housing and Community Action Programs)

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 Moty attended a California State Association of Counties (CSAC) meeting.

Supervisor Baugh attended an Oversight Board of the Successor Agency to the Anderson Redevelopment Agency meeting and a Northern Rural Training and Employment Consortium Governing Board (NoRTEC) meeting.

Supervisors Baugh and Kehoe attended a Local Agency Formation Commission (LAFCO) meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

FISCAL YEAR 2012-13 MID-YEAR BUDGET REPORT

Administrative Fiscal Chief Bebe Palin presented the Fiscal Year 2012-13 Mid-Year Budget Report. All department heads continue to have conservative budgets. Shasta County property owners continue to receive assistance with property tax issues from the Assessor's office. Shasta County continues to carefully control hiring or approval of new positions. The recent refinancing of the bonds on the Administrative Building will save approximately \$500,000 annually.

By motion made, seconded (Schappell/Giacomini), and unanimously carried, the Board of Supervisors directed departments to make spending adjustments to stay within approved net county cost contained in the Fiscal Year 2012-13 Budget, as adjusted; and approved the budget principles recommended for the Fiscal Year 2013-14 Proposed Budget.

SUPPORT SERVICES-PERSONNEL

MEMORANDUM OF UNDERSTANDING
UNITED PUBLIC EMPLOYEES OF CALIFORNIA (UPEC)
PROFESSIONAL UNIT
RESOLUTION NO. 2013-019

At the recommendation of Director of Support Services Michelle Schafer and by motion made, seconded (Baugh/Giacomini), and unanimously carried, the Board of Supervisors Consider adopted Resolution No. 2013-019, which approves a retroactive successor comprehensive memorandum of understanding with the United Public Employees of California (UPEC) for the Professional Unit for the period May 1, 2012 through April 30, 2015.

(See Resolution Book No. 54)

PUBLIC WORKS

AGREEMENT AMENDMENT: PACE ENGINEERING, INC.
ELK TRAIL WATER IMPROVEMENT PROJECT

Public Works Director Pat Minturn advised the functional testing of the system at Elk Trail Water Project has been completed with the exception of one issue at a tank located on a high ridge. During the design phase of the project, the applicable standard for residential meters increased from 20 pounds per square inch (psi) to 40 psi; seven properties do not meet the current standard. PACE Engineering has been consulted to provide some alternatives which will include a booster to provide higher pressure; however an amendment to the agreement with PACE Engineering will be required.

By motion made, seconded (Baugh/Schappell), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a retroactive amendment to the agreement with PACE Engineering, Inc. for the design, construction, and administration services on the Elk Trail Water Improvement Project, increasing compensation in an amount not to exceed \$50,000 (for a new total not to exceed \$1,198,400) to design and administer construction of a pressure boosting system for residents on Green Mountain Trail; and extending the term of the contract to February 26, 2014.

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to confer with legal counsel to discuss existing litigation entitled Guiducci v. County of Shasta, Rogers v. County of Shasta, Smith v. County of Shasta, Jesse James King v. Tom Bosenko, et al., Corey D. Speck v. Pat Kropholler, et al., Thomas T. Alford v. Stephen Carlton, County of Tehama v. State Controller, Department of Motor Vehicles, and County of Shasta, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1).

11:35 a.m.: The Board of Supervisors recessed to Closed Session.

12:07 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.

In the matter of Donna Smith v. County of Shasta, a workers' compensation matter, the Board of Supervisors, by a 5-0 vote, approved a compromise and release for Donna Smith in the amount of \$100,000.

In the matter of Raymond Rogers v. County of Shasta, a workers' compensation matter, the Board of Supervisors, by a 5-0 vote, approved an open medical compromise and release for Raymond Rogers in the amount of \$135,000, less credit for previously paid permanent disability advances in the amount of \$49,626.44, less the temporary disability overpayment in the amount of \$14,233.29, and less attorney fees.

In the matter of Nolan Guiducci v. County of Shasta, a workers' compensation matter, the Board of Supervisors, by a 5-0 vote, approved a compromise and release for Nolan Guiducci in the amount of \$70,000, less credit for previously paid permanent disability advances in the amount of \$13,032.55, and less attorney fees.

In the matter of Thomas Alford v. Stephen Carlton, a case involving the alleged deprivation of constitutional rights, the Board of Supervisors, by a 5-0 vote, gave approval to legal counsel to defend this action and authorized the County Counsel's Office to assign the defense in this case to James Wyatt, Esq.

In the matter of Jesse James King v. Tom Bosenko, et al., a case involving the alleged deprivation of constitutional rights, the Board of Supervisors, by a 5-0 vote, gave approval to legal counsel to defend this action as to all defendants and authorized the County Counsel's Office to assign the defense of all defendants in this case to Gary Brickwood, Esq.

In the matter of Corey D. Speck v. Pat Kropholler, et al., a case involving the alleged deprivation of constitutional rights, the Board of Supervisors, by a 5-0 vote, gave approval to legal counsel to defend this action as to all defendants and authorized the County Counsel's Office to assign the defense of all defendants in this case to Gary Brickwood, Esq.

No further reportable action was taken.

12:10 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy