

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, December 16, 2014

REGULAR MEETING

9:02 a.m.: Chairman Baugh 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.
Administrative Board Clerk - Linda Mekelburg
Typist Clerk - Jennifer Lange

INVOCATION

Invocation was given by Pastor Michael Johnson, Shasta Baptist Church.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

CERTIFICATE OF RECOGNITION

SENIOR VETERANS SERVICE REPRESENTATIVE ELIZABETH GALOS

The Board of Supervisors presented a certificate to Senior Veterans Service Representative Elizabeth "Libby" Galos on the occasion of her retirement after more than 14 years of service to Shasta County.

CERTIFICATE OF RECOGNITION

ASSISTANT PROGRAMMER ANALYST BRUCE SUTTON

The Board of Supervisors presented a plaque to Assistant Programmer Analyst Bruce Sutton on the occasion of his retirement after more than 36 years of service to Shasta County.

PRESENTATIONS

PRESENTATION: STATUS OF NEW COURTHOUSE

Superior Court Executive Officer Melissa Fowler-Bradley presented an update on the status of the new Courthouse. The preliminary design phase is expected to be completed by June 2015, with construction beginning in 2017. Construction cost is approximately \$78 million. The 165,296 square-foot building will house fourteen courtrooms, with space to add two additional courtrooms.

PRESENTATION: UPDATE ON ACTIVITIES AT WHISKEYTOWN NATIONAL RECREATION AREA

Whiskeytown National Park Superintendent Jim Milestone provided an update on Whiskeytown National Park activities. He mentioned that Park staff have been working with the Shasta County Public Works Department to prepare for construction on John F. Kennedy Memorial Drive, from the Visitors Center to Brandy Creek Beach. The \$7 million Federal Highways project will be coordinated with the National Park Service and Shasta County, and it should be completed by Memorial Day 2015. He also discussed plans to improve Muletown Road and the infrastructure at the Park.

PRESENTATION: SAFE CITY PROJECT

Safe City Project Chairman April LaFrance presented proposed solutions for issues being faced by Shasta County and the City of Redding, including three specific to the County of Shasta:

1. Collaborate with the City of Redding to provide seed money to open a privately funded sobering center to provide intoxicated individuals with a place to recover and resources for treatment.
2. Renovate and re-open the Shasta County Detention Annex to provide additional jail beds and provide more opportunities for rehabilitation; the cost to bring the existing building up to standards would be approximately \$1.35 million.
3. Create a work camp as a long-term solution to help reduce crime. Land has been donated for this purpose.

She also discussed a program which would be designed to reunite homeless persons with verified support systems, including families.

Sheriff Tom Bosenko thanked the Safe City Project for the efforts made in trying to find solutions for issues facing Shasta County. Implementing solutions will take additional funding. He also stated he plans to present a workshop in early 2015 regarding Sheriff's Office operations, the Jail facility, and various needs. Supervisor Baugh also proposed conducting a workshop to evaluate enhanced public safety options and to discuss potential services with the Sheriff, CEO Lees, and various county departments.

CEO Lees noted that he has met with the city managers to discuss a way to incorporate a strategic plan among the entities and work together.

By consensus, the Board of Supervisors directed staff to conduct a workshop during the first quarter of 2015 regarding a strategic plan for public safety issues.

PUBLIC COMMENT PERIOD - OPEN TIME

Dennis Patterson discussed a recent incident of theft on his property and asked the Board of Supervisors to re-evaluate their public safety funding.

Eric Cassano and Janice Powell opposed the proposed 3M Moody Flats Quarry.

Sheriff Tom Bosenko presented a certificate to Brandon Williams of Sunrise Excavating, recognizing his contribution of 48 tons of sand and 9,000 sandbags, as well as his staff's time, during the recent rainstorms.

Public Works Director Pat Minturn provided an update on the recent rainstorms and presented recent photographs of the flooding on Churn Creek at the Churn Creek Road bridge.

County Fire Warden Mike Hebrard thanked the Sheriff, the Public Works Director, and his volunteer and career staff for their efforts during the recent rainstorms.

California United Homecare Workers (CUHW) Second Statewide Chair Cassandra Carter requested the Board of Supervisors be fair in their upcoming negotiations with home healthcare providers.

CUHW representative Millie Martinez requested the Board of consider providers' requests in upcoming negotiations.

CONSENT CALENDAR

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

Receive the proposed additional follow-up response regarding the Fiscal Year 2013-14 Grand Jury Final Report as requested by Supervisor Baugh. (Administrative Office)

Adopted Resolution No. 2014-126, which approves and authorizes the Chairman to sign a joint powers agreement to allow Shasta County to participate in the California Electronic Recording Transaction Network Authority (CERTNA), authorizes the Assessor-Recorder or his/her designee to represent Shasta County on the CERTNA Board of Directors, participate in a multi-county Electronic Recording Delivery System (ERDS) for Type 1 and Type 2 instruments and, when applicable, the return functions of the state ERDS as established and operated by CERTNA, and in conjunction with the CERTNA Board of Directors, conduct all negotiations, execute, and submit all documents necessary to establish and maintain an ERDS, and participate in the management of CERTNA, and designates the Deputy Assessor-Recorder to issue payments to CERTNA for Shasta County's per-document membership fee as established annually by the CERTNA Board of Directors; approved and authorized the Assessor-Recorder to sign a memorandum of understanding with CERTNA to participate in the Government to Government electronic recording delivery system; approved and authorized the Assessor-Recorder to sign a memorandum of understanding with authorized submitters (such as title insurers, institutional lenders, and underwritten title companies as specified in the Electronic Recording Delivery Act of 2004) in the form of a CERTNA- and County-Counsel-approved memorandum of understanding; and approved and authorized the Assessor-Recorder to sign the RiiMS™ CERTNA Systems Interface Software Addendum to the Master Agreement dated December 8, 1998, including an installation fee of \$7,500 and an initial monthly fee of \$750. (Assessor-Recorder)

(See Resolution Book No. 55)

Approved the minutes of the meeting held on December 9, 2014, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign an amendment to the employment agreement with Lawrence G. Lees as County Executive Officer amending all references of "County Administrative Officer" to "County Executive Officer," extending the term to January 5, 2019, compensating the employee at "F" step, recognizing a three percent salary increase effective December 28, 2014, revising severance pay provisions to be consistent with state law, and confirming the employee's status as an exempt employee; and adopted Salary Resolution No. 1459, which implements a salary adjustment for the County Executive Officer position in the amount of three percent effective December 28, 2014. (Support Services-Personnel)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign a renewal agreement with Sutter-Yuba Mental Health Services in an amount not to exceed \$100,000 per fiscal year to provide psychiatric inpatient services from the last date of signing through June 30, 2016. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign an amendment to the agreement with Northern Valley Catholic Social Service, Inc. increasing compensation by \$542,854 (for a new total not to exceed \$669,520) to continue to provide mental health wellness and recovery services and extending the term to June 30, 2015, with two automatic one-year renewals. (HHS)-Adult Services)

Approved and authorized the Chairman to sign a retroactive agreement with the County of Plumas, acting as the Local Government Agency Host Entity, in an unspecified amount based on the percentage of revenue Shasta County receives from the California Department of Health Care Services (DHCS) in the prior fiscal year for payment of the next fiscal year to provide County-based Medi-Cal Administrative Activities/Targeted Case Management from July 1, 2014 through June 30, 2016. (HHS)-Business and Support Services)

Approved and authorized the Chairman to sign agreements for the cost of equipment purchases funded through and consistent with terms of the California Department of Public Health (CDPH) cooperative agreements for Fiscal Year 2013-14, Shasta County Hospital Preparedness Program (HPP) and Local Funding Agreement Number 13-48 (LFA 13-48), from the date of signing through June 30, 2025 with Hill Country Community Clinic, in an amount estimated not to exceed \$1,950, Mountain Valleys Health Centers, in an amount estimated not to exceed \$414, and Shasta Regional Medical Center, in an amount not to exceed \$6,894; approved and authorized the Chairman to sign a retroactive agreement with Shasta Community Health Center, in an amount not to exceed \$19,088 for the cost of an equipment purchase funded through and consistent with the terms of the CDPH cooperative agreement for Fiscal Year 2013-14, Shasta County Hospital Preparedness Program and LFA 13-48, for the period December 10, 2014 through June 30, 2025; approved and authorized the Chairman to sign an agreement with James D. Tate d.b.a. Patient's Hospital of Redding (Patient's) in an amount estimated not to exceed \$1,000 for the cost of an equipment purchase funded through and consistent with terms of the CDPH cooperative agreement for Fiscal Year 2013-14, Shasta County Hospital Preparedness Program and LFA 13-48, from date of signing through June 30, 2025, provided that the agreement language with Patient's is substantially similar to the proposed draft; and approved and authorized the Health and Human Services Agency (HHS) Director or HHS Branch Director to sign amendments (including retroactive) and other documents related to the agreements that do not result in a substantial or functional change to the original intent of the agreement and other non-monetary amendments as necessary, in compliance with Administrative Policy 6-101, *Shasta County Contracts Manual*. (HHS)-Public Health)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Opportunity Center Transit Shelter and record it within 15 days of actual completion of the work. (Public Works)

11:08 a.m.: The Board of Supervisors recessed.

11:20 a.m.: The Board of Supervisors reconvened.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

LETTER: GRAND JURORS' ASSOCIATION

County Executive Officer (CEO) Larry Lees had no legislative report.

At the recommendation of CEO Lees and by motion made, seconded (Moty/Schappell), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a courtesy response to the Shasta County Grand Jurors' Association correspondence dated November 14, 2014.

Supervisor Kehoe recently attended a Redding Area Bus Authority (RABA) meeting.

Supervisor Moty recently attended a Shasta Regional Transportation Authority (SRTA) meeting with Supervisor Kehoe, and he also attended a Sacramento River Conservation Area Forum meeting.

Supervisor Baugh recently attended a Rural County Representatives of California (RCRC) meeting and requested that letters supporting continued authorization and funding for the Secure Rural Schools and Community Self-Determination Act of 2000 and the Payment in Lieu of Taxes (PILT) program be added to a future agenda for consideration.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES-PERSONNEL

TRADES AND CRAFTS UNIT MEMORANDUM OF UNDERSTANDING

RESOLUTION NO. 2014-127

SALARY RESOLUTION NO. 1460

At the recommendation of Director of Support Services Angela Davis and by motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted Resolution No. 2014-127, which approves a successor comprehensive Memorandum of Understanding with the Shasta County General Teamsters Local #137 (Trades and Crafts Unit) for the period January 1, 2015 through December 31, 2016; and adopted Salary Resolution No. 1460, which implements salary adjustments for Trades and Crafts Unit classifications by three percent effective December 28, 2014 and by two percent effective December 27, 2015.

(See Resolution Book No. 55)

(See Salary Resolution Book)

HEALTH AND HUMAN SERVICES

HHS-A-PUBLIC HEALTH

COUNTY CODE CHAPTER 8.45, SMOKING IN WORKPLACES AND ENCLOSED PLACES
RESTRICTED USE AND SALE OF ELECTRONIC SMOKING
DEVICES IN SHASTA COUNTY
ORDINANCE NO. SCC 2014-06

The Administrative Board Clerk read the title of the proposed ordinance.

Anita Joseph, Shasta County Community Health Center Chief Operations Officer and Public Health Advisory Board member Robin Glasco, Sobering Choice Coalition Project Director Cathy Grindstaff, Public Health Advisory Board Chair Theresa Flynn Gasman, Shasta County Chemical People representatives Betty Cunningham, Sarah Hartley, and Cynthia Diezsi, Youth Violence Prevention Coordinating Council and Tobacco Education Coalition representative Aleta Carpenter, Delcie Strahan, and Tobacco Education Coalition member Beth Thompson supported enactment of the ordinance as introduced.

Smoke-Free Alternatives to Tobacco Board Northern California Chapter member and California Vaping Association member Kari Hess, Josh Jansen, Robin Parker, Jeff Hess, Sai Rose, Charles Zink, and certified addiction specialist John Murphy supported enactment of the ordinance with an exemption for use of electronic smoking devices (e-cigarettes) inside stores that sell e-cigarette supplies.

Charles Alexander urged the Board of Supervisors to rescind any actions regarding e-cigarettes.

At the request of Supervisor Kehoe, Public Health Officer Dr. Andrew Deckert provided a summary of the discussion, noting that information presented previously by County staff has been from reputable sources, independent, peer reviewed, and not funded by commercial interests. He noted that the Federal Drug Administration is considering rules to regulate e-cigarettes, including a requirement to register e-cigarette products and disclose ingredients.

In response to a question from Supervisor Kehoe, County Counsel Rubin E. Cruse, Jr. explained that, should the Board of Supervisors believe there is good reason to exempt vape shops from the ordinance but not tobacco shops, there must be a finding included in the ordinance.

By motion made, seconded (Moty/Giacomini), and unanimously carried, the Board of Supervisors enacted Ordinance No. SCC 2014-06, which amends Shasta County Code Chapter 8.45, *Smoking in Workplaces and Enclosed Places*, to restrict the use of electronic smoking devices in County buildings and vehicles, enclosed public places, stadiums, and enclosed places of employment; and prohibit the sale of electronic smoking devices in vending machines, as introduced December 2, 2014.

(See County Code Ordinance Book)

PUBLIC WORKS

POTENTIAL TRANSFER OF PROPERTY
(ASSESSOR'S PARCEL NO. 055-370-021)
TO PACHECO UNION SCHOOL DISTRICT

Public Works Director Pat Minturn provided a history of the parcel in question, located in front of Pacheco School along Knighton Road. The Pacheco Union School District (District) has

requested that the County give the parcel to the District. There are safety issues with parents dropping school children off on Knighton Road, thus causing the children to cross the road. The District has proposed constructing a barrier fence to prevent the current safety issue; the barrier fence would need to be maintained in perpetuity. However, the County would need to retain enough of the right of way for Knighton Road in case it needs to be widened in the future.

Pacheco Union School District Superintendent Jason Provence explained that a fence (either brick or wrought iron) would cost approximately \$100,000, but the District is willing to spend the money, whether or not the County sells or leases the land to the District. They would also create a fund to maintain and repair the fence. The District wishes to work with the County to insure the safety of its students.

Pacheco Union School District Board Member George Wold discussed efforts to make safety advancements for students.

In response to questions from Supervisor Kehoe, Mr. Minturn confirmed that parents drop their children off on Knighton Road, and then allow their children to cross the busy road. There is currently a fence along a portion of the frontage. There is a locked gate in the fence; however, vandals have broken the lock.

In response to a question from Supervisor Moty, Mr. Provence explained that only a few students in the immediate area walk to school.

In response to a question from Supervisor Schappell, County Counsel Rubin E. Cruse, Jr. clarified that, should the County express an interest in leasing the property, the lease would be drafted to provide the greatest amount of protection to the County.

By motion made, seconded (Giacomini/Schappell), and carried, the Board of Supervisors directed staff to explore options for the potential transfer of County property (Assessor's Parcel No. 055-370-021) to the Pacheco Union Elementary School District, such as keep the property, allow an easement on the property, lease the property, or sell the property, provided the County retains the ability to widen Knighton Road, should the necessity arise. Supervisor Kehoe voted no as he does not favor transferring the property to the school district.

CLOSED SESSION ANNOUNCEMENT

Chairman Baugh announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with legal counsel to discuss existing litigation entitled Gillespie v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1);
2. Conduct its annual review of pending civil cases, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1), as follows:
 - a. County of Shasta, et al. v. Anselmo, Reverage, Seven Hills Land and Cattle Co., LLC
 - b. Anselmo, Reverage, Seven Hills Land and Cattle Co., LLC v. County of Shasta, et al.
 - c. County of Tehama v. State Controller, DMV, State of California (County of Shasta, Real Party in Interest)
 - d. Estill, Renee v. County of Shasta, et al.
 - e. Gibbs, Robert Allan v. Edwards, et al.
 - f. Gleason, Gina v. Bowen, et al.
 - g. Harris, et al. v. Trinity County Child Support, et al.
 - h. Inwood Task Force, et al. v. County of Shasta, et al.
 - i. Jayne, Michael Aaron v. Bosenko, Tom, et al.

- j. Jewett, Everett v. California Forensic Medical Group, Inc., et al.
- k. Johnson, Bobby Darrell, et al. v. County of Shasta, et al.
- l. Medicine Man Collective Spiritual Center Corporation v. County of Shasta, et al.
- m. Myrtle, Alexis, et al. v. County of Shasta
- n. Pacific Gas & Electric–Kilarc–Cow Creek Project
- o. Webster, Daniel v. County of Shasta, et al.
- p. Williard, Corey v. McDaniels

1:21 p.m.: The Board of Supervisors recessed to Closed Session.

1:55 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 E. Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin E. Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss existing litigation; however, no reportable action was taken.

1:56 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy