

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, November 17, 2015

**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 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 - Jennifer Lange  
Administrative Board Clerk - Mary Hurton

**INVOCATION**

Invocation was given by Pastor Brian Mauldin, Beacon Missionary Baptist Church

**PLEDGE OF ALLEGIANCE**

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

**REGULAR CALENDAR**

**BOARD MATTERS**

**PROCLAMATION**

**PEARL HARBOR REMEMBRANCE DAY, DECEMBER 7, 2015**

By motion made, seconded (Kehoe/Giacomini), and unanimously carried, the Board of Supervisors adopted a proclamation which designates December 7, 2015 as Pearl Harbor Remembrance Day in Shasta County.

**PROCLAMATION**

**IMPAIRED DRIVING PREVENTION MONTH, DECEMBER 2015**

At the recommendation of Chief Deputy District Attorney Stephanie Bridgett and by motion made, seconded (Baugh/Giacomini), and unanimously carried, the Board of Supervisors adopted a proclamation which designates December 2015 as Impaired Driving Prevention Month in Shasta County.

## **PRESENTATIONS**

### **SHASTA COMMUNITY HEALTH CENTER**

Shasta Community Health Center Chief Executive Officer Dean Germano provided an update on the growth of Shasta Community Health Center since its inception.

### **PUBLIC COMMENT PERIOD - OPEN TIME**

Win Carpenter spoke on behalf of the State of Jefferson supporters and how they will move forward to Sacramento without the blessing of the Board of Supervisors.

Shirley Martineau and Millie Martinez requested support for increasing wages for in-home healthcare workers.

Peter Scales voiced his opposition to allowing refugees into Shasta County, concerns of increased homeless population, and advocating for more jobs.

## **CONSENT CALENDAR**

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

Approved the minutes of the meeting held on November 3, 2015, as submitted. (Clerk of the Board)

Enacted Ordinance No. SCC 2015-02 which: Amends the Shasta County Building Code to allow temporary occupancy of property; amends the Shasta County Zoning Plan to allow reconstruction or replacement of non-conforming uses and structures; and amends Board Resolution No. 96-133 to allow replacement of mobile and manufactured homes on foundations, on a temporary basis when the Board of Supervisors declares a local emergency due to disaster events. (Clerk of the Board)

(See County Code Ordinance Book)

Approved and authorized the Chairman to sign a retroactive renewal agreement with ShiningCare, Inc. with a maximum compensation not to exceed \$212,718 during the entire term of the agreement for the provision of an older adult gatekeeper program for Shasta County residents for the period July 1, 2015 through June 30, 2016, with two automatic one-year renewals. (Health and Human Services Agency (HHS)-Adult Services)

Reappointed Dana Brooks, Samuel Major, Janet Rudd, and Michele Wright to the Shasta County Mental Health, Alcohol and Drug Advisory Board for terms to expire December 31, 2018. (HHS-Adult Services/Children's Services)

Approved and authorized the Chairman to sign a retroactive renewal agreement with Restpadd, Inc. in an amount not to exceed \$6,205,000 during the entire term of the agreement to continue to provide psychiatric inpatient services for the period July 1, 2015 through June 30, 2016, with one automatic one-year renewal. (HHS-Adult Services/Children's Services)

Approved and authorized the Chairman to sign a retroactive second amendment to the agreement with Dr. John L. Schaeffer, Inc., d.b.a. American Telepsychiatrists, effective July 1, 2015, to increase compensation for Fiscal Year 2015-16 from \$188,500 to \$388,500 for a new overall contract maximum of \$633,625 during the entire term of the agreement, to provide psychiatry services via telepsychiatry for youth and adults, and which extends the term from February 11, 2014 through June 30, 2016. (HHS-Adult Services/Children's Services)

Approved and authorized the Chairman to sign a renewal revenue agreement with the City of Redding to provide Recyclable Material Sorting services: in the amount of \$32,332.30 for the period December 1, 2015 through December 31, 2015; and in the amount of \$35,112 per month for the period January 1, 2016 through December 31, 2016, with four optional one-year renewals that may contain mutually agreeable cost increases or decreases as determined by the annual San Francisco-Oakland Consumer Price Index for all Urban Consumers; and authorized the Health and Human Services Agency (HHSA) Director (Director) or any HHSA Branch Director as designated by the Director, to sign minor amendments that do not result in a substantial or functional change to the original intent of this contract and do not result in a decrease of more than 25 percent, or an increase of more than 10 percent, of the monthly total compensation during the agreement, including renewals. (HHSA-Regional Services/Opportunity Center)

Approved and authorized the Chairman to sign a retroactive renewal cooperative law enforcement agreement with the United States Department of Agriculture, Forest Service (USFS), Shasta-Trinity National Forest for the reimbursement of specified law enforcement services provided by the Sheriff's Office on National Forest Service lands for the period October 1, 2015 through September 30, 2020; approved and authorized the Chairman to sign a retroactive renewal law enforcement agreement with the USFS, Lassen National Forest for the reimbursement of specified law enforcement services provided by the Sheriff's Office on National Forest Service lands for the period October 1, 2015 through September 30, 2020; approved and authorized the Sheriff to sign all annual Operating and Financial Plans for each cooperative agreement, as well as any subsequent modifications (including retroactive), for the period October 1, 2015 through September 30, 2020; and approved a budget amendment in the Sheriff's Marijuana Investigative Team budget reducing appropriations and revenues by \$5,000. (Sheriff)

Approved and authorized the Chairman to sign a retroactive Law Enforcement Equipment grant program contract (No. C15L0620), and related certifications with the State of California Department of Boating and Waterways in an amount not to exceed \$80,000 toward the purchase of the replacement capital asset Remote Operated Vehicle (ROV), for the period October 1, 2015 through June 30, 2030; accepted the grant award; accepted a donation in the amount of \$5,000 from Rhonda Peek toward the purchase of the replacement capital asset ROV; approved a budget amendment in the Sheriff's Boating Safety budget establishing a capital asset account and capital asset appropriation in the amount of \$134,250, offset by new revenues of \$90,000, \$14,250 in General Fund revenues, and \$30,000 in previously budgeted appropriations offset by a \$30,000 transfer-in from Risk Management; authorized Purchasing to: issue a Request for Bid and/or other appropriate competitive procurement process for an ROV based on specifications provided by the Sheriff's Office, in accordance with the State of California procurement procedures and Administrative Policy 6-101, *Shasta County Contracts Manual*; awarded the bid for an ROV to the lowest cost bidder meeting all specifications; and authorized Purchasing to appropriately dispose of the current, not-fully functional ROV. (Sheriff-Boating Safety)

Waived the competitive procurement requirements in accordance with Administrative Policy 6-101, *Shasta County Contracts Manual*; approved the purchase and programming of 25 mobile vehicle radio repeaters (extenders) from Valley Industrial Communications, Inc. in an amount not to exceed \$112,898; and approved a budget amendment in the Sheriff's Patrol budget increasing appropriations and revenues by \$121,080 for acquisition, programming, and installation costs. (Sheriff-Office of Emergency Services)

Adopted Resolution No. 2015-133 which recognizes that the circumstances and factors that led to the May 6, 2014 proclamation of a local emergency due to drought conditions have not been resolved and that there is a need to continue the proclamation. (Public Works)

(See Resolution Book No. 56)

Adopted Resolution No. 2015-134 which recognizes that the circumstances and factors that led to the October 13, 2015 proclamation of a local emergency due to the closure of the Cassel-Fall River Road at Pit River Bridge have not been resolved and that there is a need to continue the proclamation. (Public Works)

(See Resolution Book No. 56)

Awarded the purchase of a portable asphalt recycler to Paving Maintenance Supply for a total price of \$80,460, including tax and delivery. (Public Works)

Adopted Resolution No. 2015-135 authorizing the Public Works Director to sign the Proposition 1 grant application, funding agreement, and related documents for a Subsidence Survey of the Redding Groundwater Basin, in an amount not to exceed \$250,000. (Public Works)

(See Resolution Book No. 56)

For Title III funding and projects: Increased revenue in the amount of \$27,558 in the County Fire budget; increased appropriations in the amount of \$27,558 in the Public Works-Title III budget, offset with use of Title III fund balance; and assigned \$75,673 in Title III funds to reimburse county departments for future emergency response activities on national forests. (Public Works/County Service Area (CSA) No. 1-County Fire)

Approved and authorized the Chairman to sign a personal services agreement with National Plant Services, Inc. in an amount not to exceed \$240,000 for the cleaning and inspection of the Cottonwood Sewer Collection System for a term of 90 days from the Notice to Proceed. (Public Works-CSA No. 17-Cottonwood Sewer)

## **REGULAR CALENDAR, CONTINUED**

### **GENERAL GOVERNMENT**

#### **ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

#### **LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

At the recommendation of County Executive Officer Larry Lees and by motion made, seconded (Giacomini/Schappell), and unanimously carried, the Board of Supervisors authorized the Chairman to sign a letter regarding Senate Bill 88 (Committee on Budget and Fiscal Review) *Water*.

Supervisor Moty recently attended a meeting for the Sustainable Forest Action Coalition.

Supervisor Kehoe recently attended a meeting for the Redding Area Bus Authority.

Supervisors reported on issues of countywide interest.

10:09 a.m.: The Board of Supervisors recessed.

10:15 a.m.: The Board of Supervisors reconvened.

**SCHEDULED HEARINGS**  
**RESOURCE MANAGEMENT**  
**PLANNING DIVISION**

**APPEAL OF USE PERMIT 15-004**  
**RESOLUTION NO. 2015-136**  
**BUCKEYE FIRE PROTECTION DISTRICT (NORTH REDDING AREA)**

This was the time set to conduct a public hearing to consider allowing a wireless communications facility. The Notice of Hearing and the Affidavit of Publication are on file with the Clerk of the Board.

County Counsel Rubin Cruse, Jr. summarized the Board of Supervisors restrictions on prohibiting the denial of a permit for a wireless communications facility stating that the permit cannot be denied on the basis of environmental and health effects from radio frequency emissions so long as the facility is in compliance with the Federal Communications Commission (FCC) regulations, and that the Board may not effectively prohibit personal wireless services.

Supervisor Kehoe read an ex-parte declaration of his response to correspondence received from Verizon Wireless on November 4, 2015 in which he declined the request for a personal meeting but offered to review any material that is made available with the understanding that it will be made part of the public record.

Resource Management Senior Planner Kent Hector presented the staff report and recommended approval of the project.

In response to questions by Supervisor Schappell, Mr. Hector stated that the parcel is zoned IR-Interim Residential for residential use. Mr. Hector also responded the height of the wall would be ten feet with the water tank located inside the perimeter of a lower height, and the white area on the graph presented indicates an area of no current coverage for cellular use.

In response to questions by Supervisors Kehoe, Mr. Hector confirmed that he has addressed the concerns of the Department of Fish and Wildlife in regards to Oleander plants citing he has changed the conditions to not allow that particular plant species and will promote a native species of plant instead.

The public hearing was opened at which time Kirsten Denney presented her case in filing the appeal of Use Permit 15-004, for the Buckeye Fire Protection District (North Redding area).

Verizon Wireless representative Jenny Blocker along with attorney Paul Albritton, explained the need for more coverage in the area of the proposed facility, based on consumer need and a deficit in the network which may impact emergency services, with the least intrusive means possible.

In response to questions by Supervisor Schappell, Mr. Albritton stated that the distance provided by this tower is approximately 3 miles in radius and is used to fill a gap of coverage that had not been previously provided and the new facility will combine with other facilities in the area to allow for better triangulation when sought by emergency services. He specified that the signals from Verizon Wireless do not use satellites but that the signal goes from the phone, to the tower, into a Plain Old Telephone System (POTS) which allows the reuse of signals from tower to tower and is unsure whether the radio frequencies being used are Frequency Modulation (FM) or Amplitude Modulation (AM). Mr. Albritton indicated the only noise heard from the facility would be those of the air conditioning units and the generator, which will run one day per week, during the day, for fifteen minutes, and that the decibels emitted fall below that of the County's requirement. Ms. Blocker clarified the reasoning for the water tank was for landscaping purposes as well as irrigation and sits on a 6x6 pad considerably lower than the ten foot wall.

In response to questions by Supervisor Giacomini, Mr. Albritton confirmed that the placement of the new facility will help with the capacity of the towers already in place by allowing for more coverage and higher data speeds.

In response to questions by Supervisor Moty, Mr. Albritton explained the programming for the generator will be setup to happen mid-week at mid-day to be timed with the highest level of ambient noise as to not disrupt the neighboring residences. He also stated the facility will always comply with the County noise compliance level, warning signs will be posted around the facility only for workers inside the facility, and potential increases in land values are not assessed by Verizon Wireless.

Philip Marquis spoke for the cellular tower as it will enhance calls for emergency services.

Ken Stevens, Stephen Denney, Dee Dee Ivie, James Quinn, Eddyslee Lawrimore, Lillian Rios-Lawrimore, Joel Carter, and Greg Gillis all spoke against the cellular tower being placed in the immediate vicinity of their neighborhood and requested that it be proposed on a new site in a commercial district.

Kirsten Denney expressed her concern as to why a super tower couldn't be placed in a commercial area instead of a residential area.

Verizon Wireless representative Jenny Blocker responded with the importance of the new facility being not only for recreational use but most importantly for emergency services stating 70 percent of 911 calls originate from a cell phone and the new facility will help to alleviate any issues that may prevent those calls from being placed. Attorney Paul Albritton confirmed that the area is centrally located as noted in previous discussions, but not for a fire department according to Buckeye Fire Protection District and the new facility is designed to best serve the community with the least impact.

In response to questions by Supervisor Schappell, Mr. Albritton clarified the facility is equally distant from the three other facilities in the Redding area, and in trying to stay with the minimum number of towers designed for the network, moving the facility to an area closer to a previously located facility would not provide the coverage required in the current area. Ms. Blocker described in detail how the determination of a feasible parcel is met for this particular facility. Mr. Albritton stated the tower does not emit any noise due to it being passive and the noise emitted from the air conditioning units and weekly generator runs from the facility will be very minimal.

In response to questions by Supervisor Moty, Mr. Albritton affirmed the noise level indicated in the study is a determined level after the surrounding wall for the facility has been installed and the facility will always comply with the County's noise ordinance and, if the facility were to exceed the noise level requirements, Verizon would be obligated to make the needed amendments to the facility to bring it back into compliance.

In response to questions by Supervisor Moty, Redding Deputy Fire Chief Gerry Gray explained how Redding Fire provides emergency services to the Buckeye Fire Protection District and the property in question does belong to the afore mentioned district.

No one else spoke for or against the item and the public hearing was closed.

In response to questions by Supervisor Baugh, Mr. Cruse stated that the Board of Supervisors has to establish whether the facility is providing the least intrusive means presented and explained the parameters set for approval or denial of the appeal.

In response to questions by Supervisor Kehoe, Mr. Cruse spoke that the Board of Supervisors would need to show there are potential available and technologically feasible alternatives to deny the wireless communications facility. Mr. Cruse also clarified that the County does have a choice in this particular matter but it is very limited.

Supervisor Giacomini remarked on the need for more coverage, especially when it is crucial to emergency services and public safety.

In response to questions by Supervisor Schappell, Mr. Cruse stated if the Board of Supervisors were to deny the application without the requisite showings as required by the Telecommunications Act, the County may be subject to legal action.

In response to questions by Supervisor Moty, Resource Management Director Rick Simon indicated it had been brought to their attention there had been clearing of the proposed site but was not aware of who may have completed it. Shasta County Fire Chief Mike Hebrard affirmed the clearing of the proposed site was cleared by inmate hand crews working for the Redding Fire Department clearing brush and annual grasses at the request of Buckeye Fire Protection District.

In response to questions by Supervisor Moty, Mr. Cruse clarified the questionably significant gap in coverage is determined by the provider not whether or not other providers are available to provide service in that area.

Supervisor Baugh expressed the Board of Supervisors is required to make the best decision possible based on the presentation they have received.

By motion made, seconded (Baugh/Giacomini), and unanimously carried the board of Supervisors took the following actions regarding Use Permit 15-004, Buckeye Fire Protection District (North Redding area);

Adopted Resolution No. 2015-136 which:

1. Adopts a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration;
2. Denies the appeal of Kirsten Denney;
3. Upholds the Planning Commission's approval of Use Permit 15-004 for the Buckeye Fire Protection District (North Redding area), based on the findings and conditions of approval as set forth in Planning Commission Resolution No. 2015-029.

(See Resolution Book No. 56)

### **CLOSED SESSION ANNOUNCEMENT**

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

1. Confer with legal counsel to discuss real property negotiations for property at 300 Park Marina Circle, Redding pursuant to Government Code section 54956.8;
2. Confer with legal counsel to discuss one case of anticipated litigation pursuant to Government Code section 54956.9(d)(4); and
3. Confer with legal counsel to discuss five cases of existing litigation entitled Chris Thompson v. County of Shasta, Robert Bennett v. County of Shasta, et al., Almanza et al. v. Stephen Carlton, et al., Journal Media Group v. City of Redding, et al., and Patricia Shaw v. County of Shasta pursuant to Government Code section 54956.9(d)(1).

12:20 p.m.: The Board of Supervisors recessed to Closed Session.

1:08 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 Cruse reported that the Board of Supervisors met in Closed Session to discuss property negotiations, and anticipated and existing litigations.

In the matter of initiation of litigation, one potential case, the Board of Supervisors, by a 5-0 vote, gave approval to legal counsel 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 its ability to conclude existing settlement negotiations to its advantage.

In the matter of *Robert Bennett v. County of Shasta, et al.*, a case involving various allegations including violations of due process, the Board of Supervisors, by a 5-0 vote, gave approval to legal counsel to defend the action and authorized the County Counsel's Office to assign the defense of the case to Gary Brickwood, Esq.

In the matter of *Almanza, et al. v. Stephen Carlton, et al.*, a case involving alleged wrongful non-judicial asset forfeitures, the Board of Supervisors, by a 5-0 vote, gave approval to legal counsel to defend the action and authorized the County Counsel's Office to assign the defense of the case to Gary Brickwood, Esq.

In the matter of *Journal Media Group v. City of Redding, et al.*, a case involving alleged violations of the Public Records Act, the Board of Supervisors, by a 4-1 vote (Supervisor Baugh dissenting), gave approval to legal counsel to defend the action.

There was no other reportable action.

1:10 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy