

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 4, 2005

REGULAR MEETING

9:01 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 Cibula
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Clarke

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Chief Deputy Clerk of the Board - Glenda Tracy
Deputy Clerk of the Board - Tazina Otis

INVOCATION

Invocation was given by Pastor Bill Randall, Risen King Community Church.

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS

Introductions of the Members of the Board, County staff, elected officials, and County department heads were made. County Administrative Latimer introduced Michael Chuchel, who will be appointed as the new Fire Warden and Chief of the Shasta County Fire Department.

PUBLIC COMMENT PERIOD - OPEN TIME

Don Pickells stated that the Buckeye landfill has a significant amount of solid/hazardous waste and that the City of Shasta Lake did not plan to make the area a park.

Curtis Brown stated the gas stations' actions during this time in Shasta County are price gouging.

9:20 a.m. There Board of Supervisors recessed.

9:24 a.m. The Board of Supervisors reconvened.

Ralph Barclay advised that speeding and passing on a double-yellow line on a road in Anderson continues to occur. Mr. Barclay requested that speed limit signs be posted in the area

to help resolve the problem. Supervisor Kehoe suggested that Mr. Barclay meet with Public Works Director Pat Minturn.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe announced that the minutes of the meeting held on September 27, 2005 were pulled at the request of the department.

CONSENT CALENDAR

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

Authorized the issuance of warrants totaling \$15,048.40, requiring special board action. (Auditor-Controller)

Approved and authorized the Chairman to sign an agreement with NSC Communications at no cost to the County to provide public pay telephone service at various locations for five years from the date of signing. (Information Technology)

Approved and authorized the Chairman to sign an agreement with PACE Civil, Inc. in the amount of \$34,300 to prepare a preliminary engineering report for County Service Areas No. 3 - Castella Water and No. 23 - Cragview Water from the date of signing through June 30, 2006. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign an agreement with the County Medical Services Program Governing Board and Chamberlin Edmonds and Associates, Inc. at no cost to the County to administer the Patient Advocacy Disability Conversion Pilot Project for the period October 4, 2005 through June 30, 2006. (Social Services)

Approved and authorized the Chairman to sign an amendment to the agreement with New Directions to Hope increasing compensation by \$11,888 (for a total not to exceed \$159,876) to provide therapy treatment services to children through the Child Abuse Treatment (CHAT) program for the period January 1, 2005 through September 30, 2005. (District Attorney)

Approved and authorized the Chairman to sign a renewal agreement with New Directions to Hope in an amount not to exceed \$149,070 to provide therapy treatment services to children through the Child Abuse Treatment (CHAT) program for the period October 1, 2005 through September 30, 2006. (District Attorney)

Authorized the Public Works Director to sign a Notice of Completion for the 2005 Chip Seal project and record it within ten days of actual completion of the work. (Public Works)

REGULAR CALENDAR

BOARD MATTERS

ASSEMBLYMAN DOUG LAMALFA **EMINENT DOMAIN FOR PRIVATE DEVELOPMENT** **RESOLUTION NO. 2005-131**

Assemblyman Doug LaMalfa spoke regarding the Homeowner and Property Protection Act, Assembly Constitutional Amendment (ACA) 22, legislation proposed to ban or restrict the

use of eminent domain for private development. Shasta County has not abused its authority to condemn private property through eminent domain in the past, and the Board of Supervisors wants to assure citizens their property will not be seized for the sole economic benefit and gain of any private party. By motion made and seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-131, which supports protecting the right to own private property, and supports amending the State of California Constitution Section 19 Article 1, as stated in SCA15 and ACA22, to further protect those rights from any further erosion.

(See Resolution Book No. 46)

OCTOBER 2005 EMPLOYEE OF THE MONTH

MICHAEL ASHMUN, SERGEANT

RESOLUTION NO. 2005-132

At the recommendation of Sheriff Jim Pope, and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-132, which recognizes Sergeant Michael Ashmun as Shasta County's October 2005 Employee of the Month.

(See Resolution Book No. 46)

PROCLAMATION: NATIONAL 4-H WEEK

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation designating October 2-8, 2005 as National 4-H Week in Shasta County.

PROCLAMATION: NATIONAL DISABILITIES EMPLOYMENT AWARENESS MONTH

Social Services Director Sher Huss and Director of Opportunity Center Jane Patterson spoke regarding the employees with disabilities and the able work that they do, and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation designating October 2005 as National Disabilities Employment Month in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on specific legislation of importance to Shasta County, including the California Bay Delta Authority Commission's consideration of possible allocation of Proposition 50 funds to be used for the Battle Creek Restoration Project. CAO Latimer stated that the Battle Creek Restoration Project would reduce the capacity and energy production of County powerhouses by a significant amount, and Shasta County taxing entities will lose an estimated \$117,000 per year in property taxes. Approximately \$36,000 of this revenue comes into the General Fund as discretionary funding to support law enforcement, health, social services, and other valuable County programs. By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors directed CAO Latimer to send a letter to California Bay Delta Authority Commission, stressing Shasta County's request that a portion of the funds be utilized to mitigate the financial impact on taxing entities adversely affected by this project.

Supervisors reported on issues of countywide interest.

HEALTH AND WELFARE

PUBLIC HEALTH

**AGREEMENT: SHASTA COMMUNITY HEALTH CENTER
OFFICE SPACE IN THE CITY OF SHASTA LAKE**

Public Health Director Marta McKenzie presented the staff report and recommended approval of the lease and lease agreement with Shasta Community Health Center in the City of Shasta Lake. Ms. McKenzie advised that the proposed cost for the new facility is \$1.50 per square foot. The existing facility in the City of Shasta Lake is not compliant with the American of Disability Act (ADA). The cost to continue in the current location and improve the facilities for ADA compliance would cost \$2.00 per square foot.

In answer to a question of Supervisor Cibula, CAO Latimer advised that when the County leases a building instead of owning it, it is allowed a write-off two percent of the cost over 50 years.

Supervisor Kehoe stated that he has a concern of making advance payments by prepaying rent for a five-year term. Ms. McKenzie advised that, due to current interest rates, it is fiscally advantageous to lease the new facility at \$1.50 per square foot in lieu of leasing the current facility at \$2.00 per square foot with the needed improvements for ADA compliance.

Supervisor Clarke stated it is important to have facilities in outlying areas.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors authorized the Chairman to sign a lease and lease improvement agreement with Shasta Community Health Center in the amount of \$225,000 to enable Public Health to continue and enhance services to the communities in and around the City of Shasta Lake for a period of five years for 2,736 square feet of clinical and office space (\$1.50/square foot), with three additional five-year options; approved a budget transfer of \$225,000 from Capital Projects to Rents and Leases of Structures to accurately budget the expense; and authorized the Auditor-Controller to make an advance payment in the amount of \$225,000.

LAW AND JUSTICE

DISTRICT ATTORNEY

**UNFAIR PRICING PRACTICES PROHIBITION
SHASTA COUNTY CODE CHAPTER 5.24**

District Attorney Jerry Benito presented the staff report and recommended approval of an ordinance prohibiting unfair pricing practices during states of emergency.

John Harris stated that to enact this ordinance is a form of price control.

Mr. Benito stated that Penal Code §396 is an existing code which provides current authority; however, in a recent matter elsewhere, the use of the Penal Code was found not to be sufficient without a local ordinance. The ordinance cannot be used on matters that have occurred in the past. Mr. Benito advised that the goods are for medical supplies, food, beverages, emergency supplies, gas, housing, and other needed items that have been effected due to an expressed need in other areas due to a hazard.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which enacts Chapter 5.24 of the Shasta County Code prohibiting unfair pricing practices during states of emergency.

SHERIFF

SHASTA COUNTY JAIL NEEDS ASSESSMENT REQUEST

Undersheriff Larry Schaller presented the staff report regarding a Request for Proposal to develop a comprehensive needs assessment to address the existing jail bed-space shortage and future trends in Shasta County, including but not limited to population growth and number of persons arrested by local law enforcement. Due to a shortage of facility space, the Shasta County jail has become primarily a pre-trial felony facility. Over 500 offenders that are on work programs and allowed to go home at night are unsupervised during those hours.

In response to a question from Supervisor Cibula, Captain Don Van Buskirk advised that a needs assessment is required by the Board of Corrections and that a feasibility study causes confusion; a needs assessment is needed first.

Supervisors Kehoe and Clarke stated that \$50,000 is too much for a needs assessment. Captain Van Buskirk advised that the needs assessment would advise of the needs and the anticipated costs.

Supervisor Hawes moved to authorize the Sheriff to proceed with a Request for Proposal to develop a comprehensive needs assessment and feasibility study to address the existing jail bed-space shortage and future trends in Shasta County, including but not limited to population growth and number of persons arrested by local law enforcement. Supervisor Hartman seconded the motion.

Under discussion, Chief of Redding Police Department Leonard Moty, Anderson Police Department Captain Dale Webb, and Chief Probation Officer Jim Kuhn spoke supporting a new facility.

Supervisor Kehoe expressed his confidence in the Sheriff's Office to determine their needs. Supervisor Clarke stated that the building of the structure is less important than the points the feasibility study will provide.

Undersheriff Schaller stated that he could provide more information at a later time. Supervisor Hawes withdrew his motion, and Supervisor Hartman withdrew her second of the motion. Undersheriff Schaller advised that he would return to the Board of Supervisors in two weeks to October 18, 2005.

PUBLIC WORKS

AGREEMENT: MEYERS EARTHWORK, INC. FALL RIVER MILLS AIRPORT EXPANSION PROJECT

At the recommendation of Deputy Public Works Director Daniel Kovacich and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors awarded to the low bidder, Meyers Earthwork, Inc., the contract for construction on the Fall River Mills Airport Expansion Project in the amount of \$3,426,583.

CLOSED SESSION ANNOUNCEMENT

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

1. Confer with its counsel to discuss existing litigation entitled Starks-Pasley v. State of California (Department of Transportation, et al.), pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its Labor Negotiators, County Administrative Officer Doug Latimer, Personnel Director Joann Davis, and Labor Consultant Becker and Bell, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code Section 54957.6.

11:25 a.m.: The Board of Supervisors recessed to Closed Session and convened as the In-Home Supportive Services (IHSS) Public Authority Governing Board.

IN-HOME SUPPORTIVE SERVICES

PUBLIC AUTHORITY GOVERNING BOARD

CLOSED SESSION ANNOUNCEMENT

Supervisor Kehoe announced that the In-Home Supportive Services Public Authority Governing Board would recess to a Closed Session to confer with its Labor Negotiators, County Administrative Officer Doug Latimer, and Labor Consultant Becker and Bell to discuss the United Domestic Workers of America.

11:25 a.m.: The IHSS Public Authority Governing Board recessed to Closed Session.

1:13 p.m.: The In-Home Supportive Services (IHSS) Public Authority Governing Board recessed from Closed Session.

1:13 p.m.: The In-Home Supportive Services (IHSS) Public Authority Governing Board reconvened in Open Session with all Supervisors, County Counsel Karen Jahr, and CAO Latimer present.

REPORT OF IN-HOME SUPPORTIVE SERVICES

PUBLIC AUTHORITY GOVERNING BOARD

CLOSED SESSION ACTIONS

Supervisor Kehoe reported that the IHSS Public Authority Governing Board met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

1:13 p.m.: The IHSS Public Authority Governing Board adjourned, and the Board of Supervisors reconvened.

REPORT OF BOARD OF SUPERVISORS

CLOSED SESSION ACTIONS

Supervisor Kehoe reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations; however, no reportable action was taken.

1:13 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy