

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, June 15, 2010

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 Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg

INVOCATION

Invocation was given by Pastor Dave Honey, Good News Rescue Mission.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Eric Cassano opposed the proposed Moody Flats Quarry project north of the City of Shasta Lake due to the damage that may be done to the area by the noise, air pollution, transport of high explosives, possible harm to Native American artifacts, and the devaluation to the area's natural beauty.

Charles Alexander spoke in opposition of Healthy Shasta.

REGULAR CALENDAR

BOARD MATTERS

JUNE 2010 EMPLOYEE OF THE MONTH
OCCUPATIONAL THERAPIST II JUDY REEDY
RESOLUTION NO. 2010-051

At the recommendation of Public Health Director Donnell Ewert and by motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted

Resolution No. 2010-051, which recognizes Occupational Therapist II Judy Reedy as Shasta County's June 2010 Employee of the Month.

(See Resolution Book No. 51)

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Kehoe pulled for discussion the proposed lease agreement with Parlay Investments, Inc. In response to questions by Supervisor Kehoe, HHSa Director of Business and Support Services Leanne Link stated that Perinatal Substance Abuse Prevention Program occupies the site of the lease at 1506 Market Street. When a recent expansion added 1518 Market Street, a non-ADA-compliant kitchen sink and counter were removed, and the County added two interior walls for rooms to accommodate client confidentiality. The new walls created an imbalance in the air flow, requiring the relocation of the Heating and Ventilating and Air Conditioning (HVAC) vents. Also, the removal of the non-compliant sink left the restroom as the only tap water supply, which was insufficient to meet the needs of numerous mothers with small children who attend the sessions. Supervisor Kehoe pointed out that the building owner allowed the County to erect the walls; as a consequence, the expense of \$1,362.11 is being charged for changes made by the landlord to correct the air flow. The changes were made with the owner's permission, and he does not feel that the County should be responsible for those costs.

Supervisor Moty pulled for discussion the East Redding Bike Lanes Project. Public Works Director Pat Minturn explained that the County negotiated and settled with each private property owner based upon the appraised value provided by an independent appraiser.

CONSENT CALENDAR

By motion made, seconded (Baugh/Hawes), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended. (Supervisor Kehoe voted no on the lease agreement with Parlay Investments, Inc.):

Approved and authorized the Chairman to sign the County Claims List totaling \$611.35 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on May 25 and June 4, 2010, as submitted. (Clerk of the Board)

Directed the Clerk of the Board to provide notice to the Shasta County Office of Education and Anderson Union High School District, Bella Vista Elementary School District, Black Butte Union Elementary School District, Cascade Union Elementary School District, Cottonwood Union Elementary School District, Fall River Joint Unified School District, Grant Elementary School District, Junction Elementary School District, and Pacheco Union Elementary School District that the Board of Supervisors will not authorize issuance of tax and revenue anticipation notes on behalf of the school districts so the Office of Education and the districts can issue notes independent of Shasta County. (County Counsel)

Approved and authorized the Chairman to sign a retroactive amendment to the lease agreement with Parlay Investments, Inc. for the premises located at 1506 and 1518 Market Street to provide a one-time payment of \$2,162.22 for minor tenant building modifications made by the landlord. (Health and Human Services Agency (HHSa))

Approved and authorized the Chairman to sign an amendment to the agreement with Willow Glen Care Center increasing compensation by \$76,200 (for a new total not to exceed \$170,000 in Fiscal Year 2009-10) to provide community residential treatment services for mentally disabled adults, retaining the original term, modifying the HIPAA Business Associate

Addendum, and modifying an exhibit to reflect current approved rates; and a renewal agreement with Willow Glen Care Center in an amount not to exceed \$473,040 per fiscal year to provide community residential treatment services for mentally disabled adults for the period July 1, 2010 through June 30, 2011, with two automatic one-year renewals. (HHS-Adult Services)

Approved and authorized the Chairman to sign a retroactive amendment to the Memorandum of Understanding (MOU) with the California Department of Social Services adding a criminal record clearance provision effective July 1, 2010 to the MOU for performing foster family home licensing functions. (HHS-Children's Services)

Approved and authorized the Chairman to sign a Memorandum of Understanding with the Shasta County Office of Education to allow the transfer of approximately \$80,209 in Federal Individuals with Disabilities Education Act funds to the Health and Human Services Agency for Fiscal Year 2010-11 to provide mental health services to special education students. (HHS-Children's Services)

Accepted a donation in the amount of \$30,000 from Mercy Medical Center Redding to provide ongoing support of the Healthy Shasta collaborative for the period July 1, 2010 through June 30, 2011; approved and authorized the Director of Public Health to sign documents as necessary to accomplish the donation provided by Mercy Medical Center as described; and approved and authorized the Chairman and the Director of Public Health to sign an agreement with the Shasta Children and Families First Commission in the amount of \$10,000 per fiscal year (for a total not to exceed \$50,000) for Shasta County to provide ongoing support of Healthy Shasta for the period July 1, 2010 through June 30, 2015. (HHS-Public Health)

Approved and authorized the Chairman to sign a retroactive Memorandum of Understanding with Catholic Healthcare West d.b.a. Mercy Medical Center Redding at no cost to provide work experience/community service to develop basic work habits and skills of eligible CalWORKs participants for the period January 6, 2010 through January 5, 2012; and approved and authorized the County Administrative Officer to approve additional retroactive CalWORKs work experience/community service MOUs. (HHS-Regional Services)

Adopted Resolution No. 2010-052, which authorizes the Chief Probation Officer to submit a program and budget modification for the Fiscal Year 2009-10 Juvenile Justice Crime Prevention Act to update the services provided by the County. (Probation)

(See Resolution Book No. 51)

Approved a budget amendment increasing appropriations by \$59,874 in the Sheriff's Coroner's Budget, to be offset by a decrease in appropriations of \$59,874 in the Sheriff's Patrol Budget. (Sheriff)

Awarded to the low bidder, Ford Construction Company, Inc., on a unit-cost basis, the contract for construction on the West Central Landfill Unit 4B Liner project. (Public Works)

For the 2010 Culvert 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 July 15, 2010 at 11:00 a.m. (Public Works)

For the East Redding Bike Lanes Project - Phase 2, approved and authorized the Chairman to sign right-of-way contracts with John Wyss (0.09 acres at \$4,800), Robert and Tammy Currey (0.17 acres at \$38,500), and Panorama Farms LLC (0.36 acres at \$8,000); accepted three easement deeds from these owners conveying parcels of project right of way; approved and authorized the Chairman to sign an agreement with Kenneth H. and Joan E. Doelker to purchase 1.0 acre of land at \$75,000; and accepted one grant deed conveying one parcel of real property. (Public Works)

Approved and authorized the Chairman to sign an agreement with Frederick Alexander Gabel d.b.a. Gabel's Hauling and Demolition in an amount not to exceed \$60,000 per fiscal year

to provide nuisance abatement cleanup services from July 1, 2010 through June 30, 2011, with two automatic one-year renewals. (Building Division)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

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

Supervisor Kehoe recently attended a Local Agency Formation Commission (LAFCO) meeting.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES – PERSONNEL DIVISION

PERSONNEL RULES SECTION 16.13, RETIREMENT RESOLUTION NO. 2010-053

At the recommendation of Assistant Director of Support Services Marty Bishop and by motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2010-053, which revises Personnel Rules Section 16.13, *Retirement* concerning pension contributions for Confidential Employees effective the pay period that includes July 1, 2010.

(See Resolution Book No. 51)

OTHER DEPARTMENTS

COUNTY FIRE

FUEL REDUCTION PLANS

NEW COMMUNITY WILDFIRE PROTECTION PLANS

2010 SHASTA-TRINITY UNIT FIRE MANAGEMENT PLAN

SHASTA COUNTY COMMUNITIES WILDFIRE PROTECTION PLAN

At the recommendation of Shasta-Trinity Fire Warden and Chief of the Shasta County Fire Department Doug Wenham and by motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors approved the addition of the updated Cottonwood Creek Watershed Strategic Fuels Reduction and Management Plan, Cow Creek Strategic Fuels Reduction Plan, French Gulch Area Fuels Reduction and Management Plan, Lakehead Strategic Fuels Reduction Plan, Lower Clear Creek Area Strategic Fuels Reduction Plan, Shasta West Watershed Strategic Fuels Management Plan, Shingletown/Manton Communities Fire Safe Plan, and the new Stillwater-Churn Creek Community Wildfire Protection Plan into the 2010 Shasta-Trinity Unit Fire Management Plan/Shasta County Communities Wildfire Protection Plan; and approved and authorized the Chairman to sign the certification and agreement signature pages for the seven fuel reduction plan updates, the new Stillwater-Churn Creek Community Wildfire Protection Plan, and the 2010 Shasta-Trinity Unit Fire Management Plan/Shasta County Communities Wildfire Protection Plan.

SCHEDULED HEARINGS**RESOURCE MANAGEMENT****PLANNING DIVISION****ZONE AMENDMENT NO. 07-002**
DON AND BEVERLY BANGHART
BELLA VISTA AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 07-002, Don and Beverly Banghart, which would rezone approximately 5.48 acres in the Bella Vista area from an Unclassified (U) zone district to a Rural Residential (R-R) District, and/or other appropriate district, to facilitate a parcel map resulting in a 2.04-acre parcel and a 3.44-acre parcel. Senior Planner Kent Hector presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-002, Don and Beverly Banghart, Bella Vista area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2010-018; and
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2010-018; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-002, as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman 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 a liability claim pursuant to Government Code section 54956.95:

Claimant:	Gonzalo Villarruel Garcia and Nathaniel Dowdchairez
Agency Claimed Against:	County of Shasta

2. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Michelle Schafer, 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.

9:45 a.m.: The Board of Supervisors recessed to Closed Session.

10:05 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, County Counsel Rubin Cruse, Jr., Chief Deputy Clerk of the Board Glenda Tracy, and Administrative Board Clerk Linda Mekelburg present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss liability claims, as well as labor negotiations. In the matter of the liability claim by Gonzalo Villarruel Garcia and Nathaniel Dowdchairez against the County of Shasta, Mr. Garcia and Mr. Dowdchairez filed a claim and an application for leave to present a late claim against the County of Shasta in connection with the circumstances surrounding their arrests in June 2009. By a unanimous vote of 5-0, the Board of Supervisors denied Mr. Garcia's and Mr. Dowdchairez's application for leave to present a late claim for (1) failure to present the application within a reasonable time not to exceed one year after the accrual of the cause of action; and (2) because the application is without merit. In addition, by a unanimous vote of 5-0, the Board of Supervisors denied Mr. Garcia's and Mr. Dowdchairez's claim.

No other reportable action was taken.

10:06 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy