

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, September 20, 2011

**REGULAR MEETING**

9:01 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 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 Amarjit Singh, Coordinator, The Sikh Center.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance to the Flag was led by Sergeant First Class (Retired) Jack Tolbert.

**PUBLIC COMMENT PERIOD - OPEN TIME**

Dana Anderson explained the Shasta Family Justice Center is a center offering many needed services for victims of domestic violence, sexual assault, child abuse, and elder abuse.

Wright Education Services co-owner Christine Wright advised that services are provided to individuals on parole and probation and urged services to be provided by local firms.

Matt Nimmo is a successful attendee of Wright Education Services and stated the importance of keeping these services to local firms.

Charles Alexander opposed a reentry facility on Breslauer and stated a downtown location would be more suitable.

**REGULAR CALENDAR**

**BOARD MATTERS**

**PROCLAMATION: SHASTA COUNTY - PURPLE HEART COUNTY**

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates Shasta County as a Purple Heart County. Military Order of the Purple Heart Chapter 2001 Commander Jim Berg accepted the proclamation.

**PROCLAMATION: CONSTITUTION WEEK**

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 17-23, 2011 as Constitution Week in Shasta County. Daughters of the American Revolution representative Barbara Rose accepted the proclamation.

**ITEMS PULLED FROM CONSENT CALENDAR**

Chairman Baugh announced the items regarding agreements to provide outpatient mental health services; an amendment to the lease with Bert and Karen Boothroyd; the purchase of equipment to host the Sierra Cascade Women, Infants, and Children (WIC) Regional Training Center; and an agreement with Pacific Gas & Electric are being pulled for discussion.

**CONSENT CALENDAR**

By motion made, seconded (Moty/Kehoe), 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 amendments to the Memoranda of Understanding with the Administrative Office of the Courts for court facility services in the various shared facilities, extending the terms for the Burney Court facility to December 31, 2016, with two optional three-year renewals; and for the Shasta Justice Center Court facility, Shasta Juvenile Center Court facility, and Main Courthouse and Courthouse Annex Court facility, to 120 days after the issuance of a Notice of Completion by the general contractor for the New Redding Courthouse. (Administrative Office)

Approved the minutes of the meetings held on August 9 and 16, 2011, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-2016, which approves Zone Amendment No. 08-001, Stillwater Ranch Development-Unit II (east Redding area), as introduced March 22, 2011. (Clerk of the Board)

(See Zoning Ordinance Book)

Approved and authorized the Chairman to sign a retroactive agreement with the California Department of Public Health (CDPH) to pay Shasta County an amount not to exceed \$138,384 for the period July 1, 2011 through June 30, 2014 to continue Childhood Lead Poisoning Prevention Program activities; approved and authorized the HHSA Director or his/her designee to sign prospective and retroactive amendments to the agreement resulting in a net change not to exceed \$30,000 and other minor, non-monetary amendments; approved and authorized the HHSA Director or his/her designee to sign the CDPH Contractor's Release form associated with the agreement; and authorized the Auditor-Controller to pay claims related to the agreement. (HHSA-Public Health)

Adopted Resolution No. 2011-104, which designates authorized agents for the purpose of obtaining funding through the Homeland Security Grant Programs for Federal Fiscal Year 2011 (October 1, 2010 through September 30, 2011) and subsequent years. (HHSA-Public Health)

(See Resolution Book No. 52)

Approved and authorized the Chairman to sign an amendment to the agreement with the Shasta County Regional Transportation Planning Agency to provide Safe Routes to Schools non-infrastructure activities, extending the term three months through December 31, 2011, with no change in compensation. (HHSA-Public Health)

Approved and authorized the Public Works Director to sign a Notice of Completion for the West Central Landfill Gas Collection and Control System Project and record it within 10 days of actual completion of the work. (Public Works)

### **ACTION ON ITEMS PULLED FROM CONSENT CALENDAR**

#### **AGREEMENT: MOUNTAIN VALLEYS HEALTH CENTERS**

#### **AGREEMENT: SHINGLETOWN MEDICAL CENTER**

#### **MENTAL HEALTH SERVICES IN EASTERN SHASTA COUNTY**

In reply to questions by Supervisor Kehoe, Health and Human Services Agency Director of Adult Services Dr. Mark Montgomery explained the proposed agreements are to provide additional mental health services in Eastern Shasta County.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign the following agreements to provide outpatient mental health services from the date of signing through June 30, 2012, with one automatic one-year renewal, with Mountain Valleys Health Centers in an amount not to exceed \$105,920 in Fiscal Year 2011-12 and \$113,775 in Fiscal Year 2012-13; and with Shingletown Medical Center in an amount not to exceed \$105,446 in Fiscal Year 2011-12 and \$112,740 in Fiscal Year 2012-13. (Health and Human Services Agency (HHSA)-Adult Services)

#### **LEASE: BERT AND KAREN BOOTHROYD**

#### **1220 SACRAMENTO STREET, REDDING**

Supervisor Kehoe thanked Health and Human Services Agency Branch Director of Business and Support Services Leanne Link for the reduction in lease costs and the elimination of escalator clauses in the agreement.

By motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an amendment to the lease with Bert and Karen Boothroyd for County-leased space at 1220 Sacramento Street to retain the current term of July 1, 2007 through June 30, 2012, with two optional two-year renewals; retroactively eliminate a 2 percent annual increase to the monthly rent effective July 1, 2011, decreasing the monthly rent from \$6,371.07 per month (\$1.06/square foot) to \$6,246.14 per month (\$1.04/square foot); increase the square footage leased from 6,006 square feet to 8,000 square feet, increasing the monthly rent to \$8,297.30 (\$1.04/square foot) for the period

September 20, 2011 through June 13, 2014 and decreasing the monthly rent for 8,000 square feet to \$7,764.89 (\$0.97/square foot) for the period July 1, 2014 through June 30, 2016; increase the proportionate share of utility payments to align with the increased square footage; and update Section 7, *Alterations*, update Section 14, *Notices*, and add Section 20, *Property Taxes*, consistent with County policy. (HHS-A-Business and Support Services)

BUDGET AMENDMENT

SIERRA CASCADE WOMEN, INFANTS, AND CHILDREN (WIC)

REGIONAL TRAINING CENTER

In response to questions by Supervisor Kehoe, Health and Human Services Agency Director of Public Health and Regional Services Donnell Ewert explained that the purchase of video conferencing equipment is to establish the ability to allow Shasta County staff and staff of nearby counties to participate in trainings, to save on transportation and travel expenses related to required training. The State of California Women-Infant-Children (WIC) representatives contacted Shasta County on September 7, 2011 to fund by September 30, 2011. The vendor was recommended by Information Technology. Because of the short timeline, a Request for Quotes did not take place.

In response to questions by supervisors, County Counsel Rubin Cruse confirmed that making contacts to vendors by telephone calls would not be illegal; however, in this case there is the necessity to have funds invoiced to the State by September 30, 2011.

By motion made, seconded (Moty/Hawes), and carried, the Board of Supervisors to allow for the purchase of equipment to host the Sierra Cascade Women, Infants, and Children (WIC) Regional Training Center, approved a budget amendment increasing appropriations in capital assets and decreasing appropriations in Services and Supplies by \$85,000 to purchase video-conferencing equipment; authorized the Auditor-Controller to prepare and process the budget amendment to record the capital asset acquisition; and authorized the Auditor-Controller to pay claims for the equipment. Supervisors Kehoe voted no due to the lack of competition for local vendors to participate. (HHS-A-Regional Services)

AGREEMENT: PACIFIC GAS & ELECTRIC

ADDITIONAL BAYS AT WHITMORE FIRE STATION PROJECT

In response to questions by Supervisor Kehoe, Public Works Director Pat Minturn stated that during construction of a garage bay at Whitmore Fire Station, it was necessary to remove the Pacific Gas & Electric (PG&E) electrical service line and operate with a temporary service. The contractor installed a new underground service conduit and meter panel. Now that the project is complete, it is necessary to have PG&E activate the new panel.

In response to questions by Supervisor Kehoe, Assistant County Counsel James Ross explained that the hold harmless clause in the agreement has an exception should PG&E act negligently or display willful misconduct.

By motion made, seconded (Hawes/Moty), and carried, the Board of Supervisors approved and authorized the Public Works Director to sign an agreement with Pacific Gas & Electric in the amount of \$8,014.30 for work related to the Additional Bays at Whitmore Fire Station Project. Supervisors Kehoe voted no. (Public Works)

**REGULAR CALENDAR, CONTINUED****GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

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

Supervisors reported on issues of countywide interest.

**ADMINISTRATIVE OFFICE****AGREEMENT: HAVEN HUMANE SOCIETY, INC.  
ANIMAL CARE, ADOPTIONS, SHELTERING, AND LICENSING SERVICES**

Principal Administrative Analyst Julie Hope explained that the proposed agreement with Haven Humane Society, Inc. (HHS) is a 25-year agreement for animal care, adoptions, sheltering, and licensing services. Shasta County will continue to maintain enforcement duties. The agreement will become effective January 1, 2013. The \$2.8 million advance payment is to be paid in three increments before the services begin. After the services begin, there will be an annual payment of \$99,320, adjusted by the Consumer Price Index (CPI), not to exceed 2 percent every five years. Shasta County will retain some revenues and will save approximately \$54,000 in the annual animal control operating budget.

Haven Humane Society, Inc. Chief Executive Officer Dr. Ray John provided information about HHS, advising that HHS has been in business for 60 years, has 38 employees, has adoption, foster care, rescue services, and spay and neuter services.

Sheriff Tom Bosenko advised the Shasta County shelter is over 50 years old. Two feasibility studies and Grand Jury reports have recommended new shelters or contracting with an outside agency. The Animal Control Facility Blue Ribbon Citizen's Committee, appointed by the Board of Supervisors, recommended a new shelter, so \$3 million was set aside in a capital improvement fund for a County animal shelter facility. The cost of building a facility would exceed \$3 million. He recommended entering into the agreement with HHS.

In response to questions of Supervisor Kehoe, Ms. Hope stated the advance payment is to pay for services in advance at a locked-in rate. The \$2.8 million is for services over 25 years, not subject to increases. The \$99,320 per fiscal year is subject to the CPI increases. It is not the intention of HHS to use the \$2.8 million for construction of the facility. Mr. Lees explained that the agreement clearly states that should HHS choose to use the funds to invest in a new capital project, HHS will have to comply with all laws associated with prevailing wage. Ms. Hope explained that currently animal services are approximately \$215,000 per year. The \$2.8 million annualized over 25 years, plus the \$99,320 per year equals approximately \$211,000 per year, which is more cost effective.

Janis Hill, Jenn Bulmer, Jill Dinsmore, and Patricia Heinsohn opposed contracting with an outside agency for animal control services.

City of Redding Mayor Missy McArthur stated that the City of Redding has experienced positive results with HHS, and the convenience for the public is outstanding.

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Haven Humane Society, Inc. in the amount of \$99,320 per fiscal year plus \$2.8 million in advance payment to

provide animal care, adoptions, sheltering, and licensing services in the unincorporated area of Shasta County for the period September 20, 2011 through June 30, 2037.

11:30 a.m.: The Board of Supervisors recessed.

11:37 a.m.: The Board of Supervisors reconvened.

## **WORKSHOP**

### **PUBLIC WORKS**

#### **SHASTA-TRINITY NATIONAL FOREST MAINTENANCE LEVEL 3 ROADS**

Public Works Director Pat Minturn presented an engineering report for the Shasta-Trinity National Forest (STNF) within Shasta County. The Motorized Travel Management Plan (Plan) for STNF was adopted by the U.S. Forest Service (USFS).

USFS implemented the Plan for the STNF, which impacts the use of Off-Highway Vehicles (OHV) on USFS lands. Many OHVs are not permitted on public highways. USFS roads are designated with Maintenance Levels (ML). ML-2 roads are used with four-wheel drive vehicles; ML-4 roads are paved roads and are described as highways; and ML-3 roads are often paved but not to state highway standards. There are 176 miles of ML-3 roads in Shasta County, of which 107 miles are unpaved. These roads will be unavailable to OHVs if the Plan is implemented as proposed.

Recreation Outdoors Coalition chair Sylvia Milligan, Patricia Heinsohn, Greg Mann, Rob Krikorian, Mike Reed, Elizabeth Woodward, Ken Mills, Stuart Hellmer, Mark Kent, Ken Colley, and Ralph Pettis requested that the USFS allow OHVs access to all unpaved roads.

Shasta-Trinity National Forest Supervisor Sharon Heywood explained that the Plan is mandated by a national travel management rule.

In response to questions by Supervisor Moty, Ms. Heywood stated some concerns relate to some areas where the presence of OHVs would be considered detrimental to wildlife, to sediment into the streams, and noise issues that affect wildlife. Supervisor Moty requested that careful consideration be made as to how changes may affect the Platina area.

In response to questions by Supervisor Kehoe, Ms. Heywood noted that a project analysis for individual areas may be considered separately from the Plan of the STNF, with public input.

County Counsel Rubin Cruse explained that coordination is where two parties work together to attempt to reach a common goal.

Ms. Heywood stated that it is possible that she may return to the Board of Supervisors by November 2011 to provide information that may be considered for possible road changes. The National Environmental Policy Act requires an assessment to change the management level of roads, which would take up to one year.

**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 its counsel to discuss existing litigation entitled California Department of Transportation v. County of Shasta, Painter v. Ellery, and Borg v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (a); and
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.

1:20 p.m.: The Board of Supervisors recessed to Closed Session and convened as the In-Home Supportive Services Public Authority Governing Board.

**IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD**

**CLOSED SESSION ANNOUNCEMENT**

Chairman Baugh announced that In-Home Supportive Services (IHSS) Public Authority Governing Board would recess to a Closed Session to confer with its Labor Negotiators, County Administrative Officer Larry Lees, Health and Human Services Agency Branch Director Leanne Link, IHSS Public Authority Senior Staff Services Analyst Tim Brendler, IHSS Social Worker Supervisor Deborah Martin, Labor Consultant Becker and Bell, and Employee Organization: California United Homecare Workers of America, pursuant to Government Code section 54957.6.

1:20 p.m.: The IHSS Public Authority Governing Board recessed to Closed Session.

2:25 p.m.: The IHSS Public Authority Governing Board recessed and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

**IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD**

**REPORT OF CLOSED SESSION ACTIONS**

County Counsel Rubin Cruse, Jr. reported that the IHSS Public Authority Governing Board met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

2:27 p.m.: The IHSS Public Authority Governing Board adjourned, and the Shasta County Board of Supervisors reconvened.

**REPORT OF CLOSED SESSION ACTIONS**

2:28 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations.

In the matter of Borg, et al. v. County of Shasta, a case that involves allegations of a dangerous condition of public property, the Board of Supervisors, by a 5-0 vote, gave approval to defend this action and authorized the County Counsel’s office to assign this case to Gary Brickwood, Esq.

In the matter of California Department of Transportation v. County of Shasta, a case that involves allegations of California Environmental Quality Act (CEQA) violations, the Board of Supervisors, by a 5-0 vote, gave approval to defend this action and authorized the County Counsel’s office to assign this case to the law firm of Abbott & Kindermann.

In the matter of Painter v. Ellery, a case involving the seizure of horses, the Board of Supervisors, by a 4-0 vote (with Supervisor Hawes having recused), gave approval to the County Counsel’s office to defend the appeal filed in this matter on behalf of the County of Shasta and Dr. John Ellery. Supervisor Hawes’ recusal was because of a conflict of interest under Government Code section 87100. Supervisor Hawes was not present for the discussion of this matter in closed session.

No further reportable action was taken.

2:30 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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