

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, December 11, 2012

REGULAR MEETING

9:09 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 Hawes
 District No. 4 - Supervisor Hartman
 District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees
 County Counsel - Rubin E. Cruse, Jr.
 Administrative Board Clerk - Linda Mekelburg
 Typist Clerk III - Candice Martin

MOMENT OF SILENCE

The Board of Supervisors observed a moment of silence.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

RETIREMENT PLAQUE

AUDITOR-CONTROLLER CONNIE REGNELL

The Board of Supervisors presented a plaque expressing appreciation to Auditor-Controller Connie Regnell on the occasion of her retirement from the Auditor-Controller's Office after 16 years of service.

CERTIFICATES OF RECOGNITION

PLANNING COMMISSIONER JOHN CORNELIUS

PLANNING COMMISSIONER RICHARD FRANKS

The Board of Supervisors presented a plaque expressing appreciation to Planning Commissioner John Cornelius on the occasion of his retirement from the Shasta County Planning Commission after 16 years of service.

Supervisor Moty noted that Richard Franks was unable to attend today's Board of Supervisors meeting, and his plaque will be presented at a later time.

PROCLAMATION: BILL OF RIGHTS DAY

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates December 15, 2012 as Bill of Rights Day in Shasta County. Donna Ellis accepted the proclamation on behalf of the Daughters of the American Revolution.

PRESENTATIONS**PRESENTATION: EMPLOYEE TOBACCO CESSATION PROGRAM**

Director of Support Services Michelle Schafer explained that several employees and family members have recently completed smoking cessation classes, three of whom completed courses through their County employment, and one of whom completed a course through Mercy Medical Center. The employees were Matt Shuman and Steve Suske, and the family members were Barbara Plodeck and Susan Rasmussen.

PUBLIC COMMENT PERIOD - OPEN TIME

Randall Faulkner noted that it is important for citizens to be involved with their government and speak out when it is necessary to do so.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Moty announced that the items regarding the Shasta Lake Fire Protection District appointments, the social media policy, the memorandum of understanding with the Trades and Crafts bargaining unit, and the agreement with AECOM Consulting were pulled for further discussion.

Supervisor Hartman thanked Public Works Director Patrick Minturn for his work on the East Redding Bike Lanes-Phase II Project.

CONSENT CALENDAR

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended (Supervisor Baugh disclosed that, for the SHASCOM Joint Powers Agreement, his wife, Suzie Baugh, is a member of the Anderson City Council, she receives a salary of \$50 per month as a member of the Anderson City Council, and that neither he nor his wife have any financial interest in the agreement):

Approved and authorized the Chairman to sign an amendment to the Shasta Area Safety Communications Agency (SHASCOM) Joint Powers Agreement to clarify that each participating agency may locate its individually owned equipment at SHASCOM's facility under certain conditions; authorize the Anderson Chief of Police to serve as an Alternate Representative on the SHASCOM Board of Directors in the absence of the Anderson City Manager; and change the title of the "County Administrative Officer" to "County Executive Officer." (Administrative Office)

Approved and authorized the Chairman to sign the Certification Statement for the State Department of Education which appoints and reappoints members to the Shasta County Local

Child Care Planning Council for the period January 1, 2013 through December 31, 2013. (Administrative Office)

Approved a budget amendment appropriating revenues and expenditures in the amount of \$251,053, to be offset with the proceeds of the 2013 bonds refunding, in the County Administration Center Bonds budget. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$182.18 requiring special board action. (Auditor-Controller)

Reappointed James Holdridge, Charles Byard, and Wes Reynolds to the Employee Appeals Board for terms to expire January 5, 2015; and reappointed Shawn Watts as an alternate to the Employee Appeals Board for a term to expire January 5, 2015. (Clerk of the Board)

Reappointed Glenn Aldridge to the Grazing Advisory Board for a three-year term to January 2016. (Clerk of the Board)

Reappointed Dr. Andrew Deckert, Dr. Jennifer Moranda, Barbara Lapp, Jane Wilson, Judie Englesby-Smith, and Maxine Wayda to the Shasta Children and Families First Commission for one-year terms to January 2014. (Clerk of the Board)

Reappointed Dick Franks to the Shasta County Planning Commission (District 2) for a four-year term to January 2017. (Clerk of the Board)

Enacted Ordinance No. SCC 2012-11, which amends Shasta County Code Chapter 8.32, *Refuse Collection and Disposal*, as introduced November 13, 2012. (Clerk of the Board)
(See County Code Ordinance Book)

Approved and authorized the Chairman to sign a renewal agreement with ACI Enterprises, Inc. in an amount not to exceed \$40,000 per year to provide a comprehensive employee assistance program and other requested services for the period January 1, 2013 through December 31, 2013, with two automatic one-year renewals; and authorized the Auditor-Controller to pay related claims, including advance quarterly payments. (Support Services-Personnel)

Approved and authorized the Chairman to sign an amendment to the agreement with RESTPADD, Inc. to pay Shasta County \$2,244 per month plus \$4 per meal for the short-term use of a portion of the County's facility at 2640 Breslauer Way, Redding, extending the term of the agreement for three additional months through March 31, 2013. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign an agreement with Northern Valley Catholic Social Service, Inc. in an amount not to exceed \$1,180,000 to provide mental health wellness and recovery services for the period January 1, 2013 through December 31, 2013, with one automatic one-year renewal. (HHS-Adult Services)

Adopted Resolution No. 2012-134, which repeals Resolution No. 2012-065 and designates professional persons who may take (or cause to be taken) individuals into custody who are, as a result of a mental disorder, a danger to themselves or to others or are gravely disabled in accordance with Welfare and Institutions Code sections 5150 and 5585.50. (HHS-Adult and Children's Services)

(See Resolution Book No. 53)

To facilitate the transfer of seven replacement vehicles from Support Services-Fleet Management to the Health and Human Services Agency (HHS), approved a budget amendment in the Social Services Administration and the HHS Administration budgets increasing appropriations in Transfers Out by \$15,960 and \$13,620 respectively and decreasing appropriations in Services and Supplies and in Salaries and Benefits respectively in commensurate amounts, and increasing Transfers In in the Support Services Fleet Management

budget by \$29,580; and authorized the Auditor-Controller to prepare and process the budget amendments to record the capital asset transfers, and process journal entries for associated vehicle transfers. (HHS-A-Business and Support Services)

Approved and authorized the Chairman to sign an agreement with PACE Engineering, Inc. in an amount not to exceed \$115,000 to complete a 20-year sewer master plan for County Service Area No. 17-Cottonwood Sewer from the date of signing through November 30, 2013. (Housing and Community Action Programs)

Adopted Salary Resolution No. 1414, which reclassifies one Typist Clerk I/II position in the Veterans Service Office budget to a Clerk I/II position effective January 13, 2013. (Veterans Services Office)

(See Salary Resolution Book)

For the East Redding Bike Lanes-Phase II Project, awarded to the low bidder, Tullis, Inc., on a unit-cost basis, the contract for construction in the amount of \$2,167,519; and approved and authorized the County Executive Officer to sign two utility agreements with Pacific Gas & Electric in a total amount not to exceed \$854,000 to relocate transmission and distribution poles. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the 2012 Mental Health Main Passenger Elevator Renovation Project and record it within 15 days of actual completion of the work. (Public Works)

Released the security guaranteeing maintenance of public improvements in the amount of \$23,400 for Tract Map No. 1978, Nunez Ranch (Shingletown area). (Public Works)

Received a written report regarding the status of the Shasta County Facility Impact Fees implemented on July 1, 2008. (Resource Management-Planning Division)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

APPOINTMENTS: SHASTA LAKE FIRE PROTECTION DISTRICT

In response to questions from Supervisor Kehoe, County Counsel Rubin Cruse noted that the Shasta Lake Fire Protection District had three vacant positions. One person filed a statement of candidacy and was appointed in lieu of election, leaving two remaining vacancies. The Shasta Lake Fire Protection District has recommended Mr. Kern and Mr. Wilson to fill the vacancies. Supervisor Kehoe noted that an email has been received from Gracious Palmer regarding the proposed appointments.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors appointed Richard Kern and Jim Wilson to the Shasta Lake Fire Protection District Board of Directors in lieu of election for four-year terms to expire December 2016. (Clerk of the Board)

ADMINISTRATIVE POLICY REGARDING USE OF SOCIAL MEDIA POLICY RESOLUTION NO. 2012-08

In response to questions from Supervisor Kehoe, Interim Chief Technology Officer Tom Schreiber explained that the costs involved pertain to the labor needed to create, maintain, and monitor any social media site for any potential misuse, such as misinformation being disseminated or questionable comments. County Executive Officer (CEO) Larry Lees added that the intent of the policy is to provide parameters for departments that may have a business need to utilize social media websites.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Policy Resolution No. 2012-08, which adds a policy to the Administrative Manual regarding social media use. (Information Technology)

(See Policy Resolution Book)

MEMORANDUM OF UNDERSTANDING: TEAMSTERS LOCAL 137-SHASTA COUNTY TRADES AND CRAFTS BARGAINING UNIT

Director of Support Services Michelle Schafer noted that a typographical error was found in the proposed agreement and has been corrected.

In response to questions from Supervisor Kehoe, Ms. Schafer explained that the memorandum of understanding with the bargaining unit does not include any raises, but it does include a change in the health care benefit.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-135, which approves a memorandum of understanding with the Teamsters Local 137-Shasta County Trades and Crafts bargaining unit for the period January 1, 2013 through December 31, 2014. (Support Services-Personnel)

(See Resolution Book No. 53)

AGREEMENT: AECOM CONSULTING GENERAL PLAN UPDATE, HOUSING ELEMENT UPDATE, AND ENVIRONMENTAL IMPACT REPORT

Assistant Director of Resources Management Rick Simon explained that a page was missing from the Study Plan, which was an attachment to the information received by the Board of Supervisors, and he distributed the page.

Charles Alexander discussed the Climate Action Plan and said that the County needs to integrate a regional climate action plan into the General Plan. Mr. Simon explained that he anticipates that portions of the climate action plan will be integrated into the General Plan, although he does not anticipate it will be integrated verbatim.

By motion made, seconded, (Baugh/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with AECOM Consulting in an amount not to exceed \$361,200 to prepare an overall General Plan update, a Housing Element update, and the associated Environmental Impact Report pursuant to their Study Plan from the date of signing through December 31, 2015. (Resource Management-Planning Division)

10:01 a.m.: The Board of Supervisors recessed.

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

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

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

Supervisor Baugh recently attended a Rural County Representatives of California (RCRC) meeting, and he, along with Supervisor Kehoe, recently attended a Local Agency Formation Commission (LAFCO) meeting.

Supervisor Kehoe recently attended a Community Action Agency meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

ANDERSON-COTTONWOOD IRRIGATION DISTRICT ANNEXATION RESOLUTION NO. 2012-136

At the recommendation of Administrative Analyst Megan Dorney and by motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-136, which, in accordance with the Local Agency Formation Commission (LAFCO) process, establishes a zero tax revenue exchange between the County of Shasta and the Anderson-Cottonwood Irrigation District (ACID) to allow for the annexation of properties into the ACID; and approves and authorizes the County Executive Officer to sign any documents related to the implementation of the resolution.

(See Resolution Book No. 53)

MAYERS MEMORIAL HOSPITAL DISTRICT ANNEXATION RESOLUTION NO. 2012-137

Administrative Analyst Megan Dorney presented the staff report and recommended approval of the request. CEO Lees added that the Lassen County Board of Supervisors has failed to approve the requested action; however, the Local Agency Formation Commission (LAFCO) process can still proceed.

Mayers Memorial Hospital Chief Executive Officer Matt Rees added that the Modoc ambulance service recently closed, so the County of Lassen is looking for a possible tax exchange to help maintain that service. There is a meeting scheduled for January 14, 2013 to discuss possible solutions to the problem.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-137, which, in accordance with the LAFCO process, establishes a zero tax revenue exchange between the County of Shasta and the Mayers Memorial Hospital District to allow for the annexation of properties into the Mayers Memorial Hospital District; and approves and authorizes the County Executive Officer to sign any documents related to the implementation of the resolution.

(See Resolution Book No. 53)

LAW AND JUSTICE

PROBATION DEPARTMENT

AGREEMENT: BI INCORPORATED DAY REPORTING CENTER

Chief Probation Officer Wes Forman presented the staff report and recommended approval of the request. He noted that an error in the contract regarding use of space has been corrected, deleting a section regarding computer and telephone service.

In response to questions from Supervisor Baugh, County Counsel Rubin E. Cruse, Jr. clarified that there is a provision in the contract that a delay in occupying the leased space will delay the commencement of the agreement.

Supervisors also expressed concern that no bid information was included in the staff report. Mr. Forman said that bids were received from Sentinel, Wright Education Services, Behavioral Interventions (BI), and Community Education Centers; although BI was not the lowest bidder, they had the most experience.

Supervisor Kehoe expressed his concern that no hard targets for results were included in the agreement, and he will not support agreements without hard targets.

By motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with BI Incorporated in an amount not to exceed \$554,450 to provide a day reporting center from the date of signing through June 30, 2013, with two optional one-year renewals in annual amounts of \$1,080,000. Supervisor Kehoe voted no.

OTHER DEPARTMENTS

COUNTY FIRE

AMENDMENT TO SHASTA COUNTY FIRE DEPARTMENT PROCEDURE 5.10, VOLUNTEER RESPONSE STIPEND

County Fire Warden Rick Kyle presented the staff report and recommended approval of the proposed change to Procedure 5.10, which would increase the stipend for volunteer firefighters from \$6 per call to \$10 per call. Additionally, response stipends are now considered income under Internal Revenue Service rules. Fire Warden Kyle introduced Keswick Volunteer Fire Company Chief Sandy Young, who said that he has noticed a lack of response from his volunteers; when he questioned them, the reason given was often financial.

Supervisor Hawes questioned whether an increase to \$10 per call is sufficient. Supervisor Moty suggested that perhaps \$12 per call would be more appropriate. Mr. Cruse requested that staff be directed to research the matter and bring it back to the Board of Supervisors at a later date; there are some potential legal ramifications with increasing the stipend, and he would like to research to ensure the proposed increase fits within the restrictions of the Fair Labor Standards Act.

In response to questions by Supervisors, CEO Lees noted that any change would not be effective until the beginning of the next fiscal year on July 1, 2013.

By consensus, the Board of Supervisors directed staff to return to the Board of Supervisors on January 8, 2013 with a suggested \$12 stipend.

SCHEDULED HEARINGS

PUBLIC WORKS

TRACT MAP NO. 1999 TUDOR OAKS PERMANENT ROAD DIVISION NORTH PALO CEDRO AREA

This was the time set to conduct a public hearing and consider formation of the Tudor Oaks Permanent Road Division in the north Palo Cedro area. Supervising Engineer Al Cathey

presented the staff report. 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 formation of the permanent road division, and the public hearing was closed.

Administrative Board Clerk Linda Mekelburg provided the results of the tabulation of the ballots, as required by Proposition 218. One ballot was received in favor.

By consensus, the Board of Supervisors continued the matter to a future Board of Supervisors meeting to consider formation of the Permanent Road Division.

WONDERLAND BOULEVARD
ABANDONMENT OF PORTION OF PUBLIC EASEMENT
RESOLUTION NO. 2012-138

This was the time set to conduct a public hearing and consider abandonment of a portion of a public easement along Wonderland Boulevard in the Mountain Gate area. Public Works Director Pat Minturn presented the staff report and recommended approval of the request, noting that a previous request had an incorrect legal correction which has now been corrected. 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 matter, and the public hearing was closed.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-138, which amends a property description contained in Resolution No. 2009-026, and orders the abandonment of a 30-foot strip of public easement along Wonderland Boulevard (Mountain Gate area).

(See Resolution Book No. 53)

RESOURCE MANAGEMENT

ENVIRONMENTAL HEALTH DIVISION

COTTAGE FOOT OPERATIONS FEES
SAFE BODY ART PROGRAM LANGUAGE AND FEES
INTRODUCTION OF ORDINANCE

This was the time set to conduct a public hearing to consider adopting revisions to the fee schedule for the Environmental Health Division. Environmental Health Division Manager Carla Serio presented the staff report and recommended adoption of the revised fees. 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 matter, and the public hearing was closed.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which repeals Ordinance No. 606; and amends Ordinance No. 603 to establish Cottage Food Operations fees, revise language for the Safe Body Art Program and adopt annual fees for the program, and maintain an existing exception for Hazardous Material Business Plans.

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 existing litigation entitled James Bradley Hall v. County of Shasta, et al., pursuant to Government Code section 54956.9, subdivision (a);
2. Consider public employee performance evaluations (County Administrative Officer and County Counsel), pursuant to Government Code section 54957; and
3. Confer with its Labor Negotiators, County Executive 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.

11:33 a.m.: The Board of Supervisors recessed to Closed Session.

1:19 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Moty, Hartman, and Baugh, 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 and public employee evaluations, as well as labor negotiations; however, no reportable action was taken.

1:20 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy