

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, April 24, 2012

REGULAR MEETING

9:03 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 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 tor Eric Madsen, Cottonwood Bible Baptist Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Randall Faulkner advised that the Grand Jury reports may be viewed online at the Shasta County website.

REGULAR CALENDAR

BOARD MATTERS

CERTIFICATE OF RETIREMENT

EMPLOYMENT SERVICES SUPERVISOR PEGGY RICKMAN

At the recommendation of Health and Human Services Agency Branch Director Melissa Janulewicz, the Board of Supervisors recognized Employment Services Supervisor Peggy Rickman on the occasion of her retirement after more than 28 years of service to Shasta County.

TAX-SHARING AGREEMENT
WITH CITIES OF REDDING, ANDERSON, AND SHASTA LAKE

County Administrative Officer Larry Lees stated that following direction from the Board of Supervisors at the August 16, 2011 meeting, contact was made with the cities of Anderson, Redding, and Shasta Lake, and they have agreed that they would be willing to participate in an equitable tax-sharing discussion. Two members of the Board of Supervisors need to be selected to participate in the meetings.

By motion made, seconded (Baugh/Hartman), and unanimously carried, the Board of Supervisors appointed Supervisors Moty and Kehoe to represent the Shasta County Board of Supervisors in meetings with the cities concerning a tax-sharing agreement for a period not to exceed one year.

CAO Lees advised that he will contact the cities and will determine the next available dates to schedule the meeting.

PRESENTATIONS

SIERRA-SACRAMENTO VALLEY EMERGENCY MEDICAL SERVICES

Sierra-Sacramento Valley Emergency Medical Services (EMS) Executive Director Vickie Pinette advised that the role of an EMS agency is to ensure the best possible care to patients in the pre-hospital setting. Licensed and certified personnel are to be familiar with the policies and treatment protocols and meet education and background requirements to assure patients receive appropriate resources and are transported to the most appropriate facility.

AB 109, PUBLIC SAFETY REALIGNMENT
MARCH 2012 REPORT

Chief Probation Officer Wesley Forman provided a monthly progress update regarding AB 109, Public Safety Realignment. As of March 31, 2012, 258 realignment offenders are being supervised by Shasta County Probation Department; 96 percent have reported to Probation, and 2 percent have reoffended.

In response to questions from Supervisor Baugh, Mr. Forman explained that after investigation as to the residence location of the 4 percent of offenders that did not report as required, a warrant is issued and after arrest, the offenders are returned to the court system, and possibly sent to Shasta County Jail.

In response to questions by Supervisor Kehoe, Mr. Forman confirmed that the Compliance Team is a group of law enforcement individuals. The Oversight Committee consists of the Chief Probation Officer, Shasta County Sheriff, District Attorney, Public Defender, Presiding Judge, and Health and Human Services Agency Director. Supervisor Kehoe requested members of the Oversight Committee be available for future monthly presentations.

In response to questions by Supervisor Baugh, Mr. Forman agreed to provide a list of the responsibilities of staff and hired agencies that will work at the Assessment Center.

In response to questions by Supervisor Kehoe, Mr. Forman stated he will obtain the information and provide the number of individuals in Shasta County that are currently on Parole.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Moty advised that the item regarding the enactment of an ordinance which amends Shasta County Code Chapter 2.12 and a contract with the California Department of Boating and Waterways have been pulled for discussion.

CONSENT CALENDAR

By motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Baugh abstained from the Ordinances to be enacted as he was not in attendance at the April 10, 2012 meeting where they were introduced):

Approved and authorized the Chairman to sign an amendment to the agreement with Bond Logistix LLC to provide bond arbitrage rebate compliance services from the date of signing until terminated by either party to change the scope of services; increased maximum compensation by \$75,000 (for a new total not to exceed \$100,000); changed notices; and reflected the change of name of the consultant to BLX Group LLC. (Administrative Office)

Approved a budget amendment in the amount of \$54,000 recognizing additional unanticipated revenue and increasing appropriations in the Agriculture/Weights and Measures Budget; authorized the Fleet Management Division to purchase two replacement vehicles and set appropriations in the corresponding fixed asset accounts; and authorized the Auditor-Controller to pay associated claims. (Agricultural Commissioner/Sealer of Weights and Measures)

Approved the minutes of the meetings held on March 27, April 3, and April 10, 2012, as submitted. (Clerk of the Board)

Enacted Ordinance No. SCC 2012-01, which amends Shasta County Code Chapter 2.08, *Clerk of the Board of Supervisors*, to clarify that the County Administrative Officer also serves as the Clerk of the Board, as introduced April 10, 2012. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Enacted Ordinance No. SCC 2012-02, which adds Shasta County Code Chapter 2.42, *Veterans Service Department*, to establish the Veterans Service Department, as introduced April 10, 2012. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Enacted Ordinance No. SCC 2012-03, which amends Shasta County Code Chapter 2.68, *Administration of Federal Programs*, to allow appointment of the Director of Housing and Community Action by the County Executive Officer, as introduced April 10, 2012. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Appointed Richard Gover to the Sacramento River Conservation Area Forum for a three-year term to January 2015. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with West Publishing Corporation d.b.a. Westlaw in an estimated amount of \$54,238 to provide online legal research services for three years from the date of signing. (County Counsel)

Approved and authorized the Chairman to sign a master agreement with AT&T to set forth terms and conditions for the provision of telecommunication and data communication services effective the date of signing by both parties; and a pricing schedule in the amount of \$675 per month plus taxes and fees and a one-time installation charge of \$70 to provide one

10 megabit-per-second data circuit at 2889 East Center Street, Anderson for five years from the date of installation and on a month-to-month basis thereafter. (Information Technology)

Adopted Salary Resolution No. 1404, which reclassifies one Data Entry Operator III position to an Agency Staff Services Analyst I/II position in the Auditor-Controller budget; one Administrative Secretary II position to an Accounting Technician position in the Public Works-CSA budget; and one Administrative Secretary I position to an Administrative Secretary II position in the Sheriff-Coroner budget as part of the Fiscal Year 2011-12 Classification Maintenance Program effective May 7, 2012. (Support Services)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign an amendment to the agreement with Redding Transformation d.b.a. Compass Care to provide an older adult gatekeeper program for Shasta County residents to change the name to SHININGCARE, Inc.; extended the term of the agreement for three additional one-year terms to June 30, 2015; and increased maximum compensation by \$60,000 per fiscal year (for a new total not to exceed \$322,313.20). (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign a retroactive agreement with The Regents of the University of California on behalf of the Institute for Social, Behavioral, and Economic Research at its Santa Barbara campus in the amount of \$600 per year (for a total not to exceed \$3,000) for a nonexclusive and nontransferable license to use the Automated Vital Statistics System for the period January 1, 2012 through December 31, 2016; and approved and authorized the HHS Director or his/her designee to sign amendments (including retroactive) to the agreement and documents resulting in a change in compensation not to exceed \$1,000 and other minor, nonmonetary amendments. (HHS-Public Health)

Approved a budget amendment in the amount of \$44,500 transferring funds within the Probation budget to complete the purchase of four vehicles for Community Corrections Partnership AB 109 Plan services. (Probation)

Adopted Resolution No. 2012-039, which makes appointments to the Juvenile Justice Coordinating Council; and makes assurances that the County of Shasta will adhere to the reporting and investment requirements of the Juvenile Justice Crime Prevention Act. (Probation)

(See Resolution Book No. 53)

Approved and authorized the County Administrative Officer to sign an interagency agreement with the Shasta County Regional Transportation Planning Agency (RTPA) in the amount of \$38,475 to transfer assets from the RTPA to Shasta County. (Public Works)

Adopted Resolution No. 2012-040, which certifies that the County maintains 1,191.189 miles of road. (Public Works)

(See Resolution Book No. 53)

Introduced and waived the reading of an ordinance which establishes a "No Parking" zone on both sides of Swasey Drive in front of Grant School in the west Redding area. (Public Works)

For the administration of the California Department of Resources Recycling and Recovery (CalRecycle) Household Hazardous Waste Grant, approved a budget amendment increasing revenue and appropriations in the amount of \$83,000 in the Environmental Health Budget; and adopted Resolution No. 2012-041, which appoints the Director of Resource Management as the agent of Shasta County to sign all necessary grant-related documents, including the grant agreement and payment requests, and authorizes program expenditures and the Auditor-Controller to pay claims for expenditures. (Community Education Section)

(See Resolution Book No. 53)

For the administration of the California Environmental Protection Agency Electronic Reporting Transition Plan Grant, approved a budget amendment increasing revenue and

appropriations in the amount of \$35,500 in the Environmental Health Budget; and adopted Resolution No. 2012-042, which appoints the Director of Resource Management as the agent of Shasta County to sign all necessary grant-related documents, including the grant agreement and payment requests, and authorizes program expenditures and the Auditor-Controller to pay claims for expenditures. (Community Education Section)

(See Resolution Book No. 53)

Adopted Resolution No. 2012-043, which approves and authorizes the Chairman to sign an agreement with the McConnell Foundation, the Loring Family Trust Dated February 18, 2003, Mark R. and Wendy M. Loring, Chester H. and Jennifer A. Sunde, Larry L. and Kerry Scott, Brent and Roberta Owen, and Brent Owen, Inc. to terminate the Maintenance Agreement with Gene Snow for Tract Map No. 1699, Record Heights Subdivision (west Redding area) and release the obligations therein. (Planning Division)

(See Resolution Book No. 53)

Approved and authorized the Chairman to sign agreements with Shasta Red, LLC in the amount of \$282,800 for the preparation by RBF Consulting of an Environmental Impact Report (EIR), a Mitigation Monitoring and Reporting Plan (MMRP), and an additional deposit of \$20,000 for administrative and staff costs related to processing of related land use permits for the Tierra Robles development project; and RBF Consulting in the amount of \$282,800 for a period beginning the date of signing through final certification of the EIR and acceptance of the MMRP or June 30, 2015, whichever occurs first. (Planning Division)

Adopted Resolution No. 2012-044, which approves and authorizes the Chairman to sign an agreement with the California Department of Forestry and Fire Protection in an amount not to exceed \$15,024 to accept a grant to purchase three thermal generators to use as auxiliary power-generating units at radio repeater sites. (County Fire)

(See Resolution Book No. 53)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

SHASTA COUNTY CODE CHAPTER 2.12

COUNTY EXECUTIVE OFFICER

ORDINANCE NO. SCC 2012-04

Gary Cadd stated a League of Women Voters of California guide to local county government provides information that there is a legal distinction between a County Administrative Officer (CAO), County Manager, or County Executive Officer (CEO), asserting that only charter counties may establish the change of a CAO to CEO.

County Counsel Rubin E. Cruse, Jr. advised that Shasta County is a general law county; pursuant to Government Code, the Board of Supervisor has authority to change the title of the position of CAO to CEO and to delegate the authority of appointment of specified staff. The suggested actions in the agenda item are appropriate under a general law county.

By motion made, seconded (Kehoe/Hawes), and carried, the Board of Supervisors enacted Ordinance No. SCC 2012-04, which amends Shasta County Code Chapter 2.12, *County Executive Officer*, to change the title from County Administrative Officer to County Executive Officer, identify the appointing authority, and update language regarding the provision of financial status reports to the Board of Supervisors, as introduced April 10, 2012. Supervisor Baugh abstained as he was not in attendance at the April 10, 2012 meeting where the ordinance was introduced. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

**CONTRACT: CALIFORNIA DEPARTMENT OF BOATING AND WATERWAYS
BOATING AND ENFORCEMENT ACTIVITIES ON SHASTA COUNTY WATERWAYS**

In response to questions by Supervisor Kehoe, Mr. Lees stated that Shasta County has accepted the grants from the State Department of Boating and Waterways, making Shasta County responsible for the waterways safety throughout Shasta County. It may be appropriate for the cities of Redding and Anderson to share in the costs, as most of the income that is received from the use of the Sacramento River flows directly to the cities. This will become part of the tax-sharing discussions with the cities in Shasta County.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a contract with the California Department of Boating and Waterways in the amount of \$584,990 for Shasta County to perform boating and enforcement activities on Shasta County waterways (excluding Whiskeytown Lake) for the period July 1, 2012 through June 30, 2013; and approved and authorized the Auditor-Controller or his/her designee to sign quarterly reimbursement request forms processed by the Sheriff's Department for the term of the agreement.

10:26 a.m.: The Shasta County Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR

WATER AGENCY

REGULAR CALENDAR

At the recommendation of Public Works Director/Water Agency Chief Engineer Pat Minturn and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Shasta County Water Agency approved and authorized the Chairman to sign a contract with Mercer Fraser Company in the amount of \$42.05 for the Water Agency to provide up to one acre-foot of water for the period April 24, 2012 through April 23, 2013.

10:32a.m.: The Shasta County Water Agency adjourned, and the Shasta County Board of Supervisors reconvened.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees presented an update on specific legislation of importance to Shasta County, including sending a letter to Governor Brown in support of Senate Bill 1131 (LaMalfa), Public Cemetery Districts; Interments which would permit Cottonwood Cemetery District and Anderson Cemetery District to provide burial services for individuals that live outside the district.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter to Governor Jerry Brown which supports Senate Bill 1131 (LaMalfa), Public Cemetery Districts; Interments.

Supervisors reported on issues of countywide interest.

PUBLIC WORKS

NORTHERN SACRAMENTO VALLEY INTEGRATED REGIONAL WATER MANAGEMENT

Public Works Director Pat Minturn advised the Redding Area Water Council (RAWC) was formed during the 1987-92 drought. It includes Shasta County, the cities, and water districts in the Redding Basin. RAWC prepared an Integrated Water Resource Plan. Local purveyors are to use the surface water or ground water, whichever is available to them. Those that do not have access to surface water or ground water need to plan to accommodate future needs. The Shasta County Water Agency has been the umbrella for RAWC.

Due to legislative involvement, regional water planning has become more complicated and elaborate. The Northern California Water Association (NCWA), of which RAWC is a member, became focused on other issues, so RAWC searched for another group to assist with regional water planning. The Northern Sacramento Valley Integrated Regional Water Management Planning Group (NSVIRWMPG) consists of Butte, Colusa, Glenn, and Tehama Counties and was willing to allow Shasta County to join.

Several actions to facilitate membership in the NSVIRWMPG were taken by the Water Agency. The NSVIRWMPG has requested that those actions be ratified by the Board of Supervisors.

Gary Cadd, Don Kirk, Terry Rapoza, Sally Rapoza, and Patricia Heinzen opposed Shasta County taking part in the NSVIRWMPG because Shasta County participated previously as the Water Agency and Mr. Cadd was unable to locate a copy of the Memorandum of Understanding (MOU) with signatures of all member counties.

Mr. Minturn advised that the MOU has been signed by all five counties. The agreement was signed previously by the Shasta County Water Agency.

In response to questions by Supervisor Moty, County Counsel Rubin Cruse confirmed that the action requested is ratification by the Board of Supervisors of previous action by the Shasta County Water Agency.

Supervisor Baugh suggested a possible workshop to have further discussion.

In response to questions by Supervisor Baugh, Mr. Minturn stated the goal is to provide future supply of water to Shasta County residents. By participation, the supply of water in Shasta County will not be limited. Previous involvement inadvertently was made through the Shasta County Water Agency as the representative instead of the Shasta County Board of Supervisors.

Mr. Cruse stated that pursuant to California Water Code section 10549, the NSVIRWMPG may not define or otherwise determine water rights of any person.

Supervisor Moty emphasized that the item before the Board of Supervisors is not to adopt any plans, but to ratify what the Shasta County Water Agency has done in the past.

Supervisor Kehoe stated he was supportive to conducting a workshop to hear and address specific concerns regarding the participation in the NSVIRWMPG.

Gary Cadd stated that prior to applying for a grant, a form is to be signed that Proposition 84 guidelines are understood.

By motion made, seconded (Hartman/Kehoe), and unanimously carried, the Board of Supervisors ratified the following actions previously taken by the Shasta County Water Agency, retroactive to the date of their approval by the Water Agency, the April 27, 2010 action to approve and authorizes the Chairman to sign an addendum to the Four County Memorandum of Understanding to allow Shasta County to join the Four County Group for integrated regional water management; the June 22, 2010 action adopt the Northern Sacramento Valley Integrated Regional Water Management (NSVIRWM) ad hoc steering committee's recommendation of three appointees plus three alternates from each county, appoint Supervisor Moty as a member and Supervisor Baugh as an alternate to the governance group, and direct staff to publicly solicit applications for the remaining positions and return with a staff recommendation; the October 12, 2010 action to appoint Shasta Lake City Council Member Larry Farr and Anderson-Cottonwood Irrigation District General Manager Stan Wangberg as members to the governance group, and request the City of Redding designate a specific individual as an additional alternate after its Council is seated following the November 2010 election; the March 22, 2011 action adopt the NSVIRWM Board recommendation of two appointees from each county, three at-large members appoint by the NSVIRWM Board, and representation by the Northern California Water Association and Department of Water Resources to a Technical Advisory Committee (TAC), appoint Supervising Engineer Eric Wedemeyer to the TAC, and direct staff to publicly solicit applications for the remaining positions and return with a staff recommendation; and the June 14, 2011 action to appoint Gerald M. Cupp to the TAC.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors directed staff to set a time and establish a platform for community workshop regarding the subject of water management in Shasta County.

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 its counsel to discuss existing litigation entitled *Reverge Anselmo, et al. v. Russ Mull, et al.* and related cross-action (state court), *Reverge Anselmo, et al. v. County of Shasta, et al.* (federal court), and *Estate of Jean Lysek*, 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.

Supervisor Hawes stated he will recuse from the following matters: (1) *Reverge Anselmo, et al. v. Russ Mull, et al.* and related cross-action (state action) and (2) *Reverge Anselmo, et al. v. County of Shasta, et al.* (federal court action) in light of the Shasta County cross-complaint against the State Department of Fish and Game and the Army Corps of Engineers because of a conflict of interest due to his ownership interest in a corporation that has financial dealings with Fish and Game and the Army Corps of Engineers.

11:36 a.m.: The Board of Supervisors recessed to Closed Session.

1:20 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.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. 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. Supervisor Hawes was not present for the closed session discussion concerning the two Anselmo litigation matters.

1:21 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy