

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, May 8, 2012

REGULAR MEETING

9:00 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 Pastor Dayton Phillips, Hope Baptist Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

American Legion Auxiliary representative Judy Gama stated that May 12 - 18, 2012 is Poppy Week, when Americans wear red poppies on Memorial Day to honor both American veterans who have died and those that continue to serve today.

REGULAR CALENDAR

BOARD MATTERS

MAY 2012 EMPLOYEE OF THE MONTH
COMMUNITY ORGANIZER CHRISTINE HAGGARD
RESOLUTION NO. 2012-046

At the recommendation of Health and Human Services Agency (HHSA) Director of Public Health and Regional Services Donnell Ewert and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-046, which recognizes Community Organizer Christine Haggard as Shasta County's May 2012 Employee of the Month.

(See Resolution Book No. 53)

CERTIFICATE OF RECOGNITION
MARCY CALDWELL
SHASTA COORDINATING COUNCIL VOLUNTEER

The Board of Supervisors presented a Certificate of Recognition expressing appreciation of Marcy Caldwell on the occasion of her retirement after more than 25 years of volunteer service to the Shasta County Coordinating Council.

PROCLAMATION: EMPLOYEE WELLNESS AND APPRECIATION DAY

At the recommendation of Director of Support Services Michelle Schafer, and by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 15, 2012 as Employee Wellness and Appreciation Day in Shasta County. Congressman Wally Herger Field Representative Todd Jones presented a statement from Congressman Herger commending the Shasta County Wellness Task Force and the employees of Shasta County. Ms. Schafer presented Community Education Specialist II Sherrie Brookes with an award for her contributions for the success of the Wellness Task Force.

PROCLAMATION: POLICE OFFICERS MEMORIAL WEEK
PEACE OFFICERS MEMORIAL DAY

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates the week of May 13-19, 2012 as Police Officers Memorial Week and Thursday, May 10, 2012 as Peace Officers Memorial Day in Shasta County and directs that the Courthouse flag be flown at half-staff on May 10, 2012. Sheriff Bosenko noted that retired Marshal Dennis Boatner researched law enforcement officers who were killed in the line of duty from 1885 through 1907. As a result of his research, the names of Deputy Sheriff-Constable James Greeley, Constable James Campbell, Deputy Sheriff-Constable Charles Cummins, and Deputy Sheriff-Constable John Jack Hewett will be added to the State and National Peace Officers Memorials.

PROCLAMATION: WATERSHED AWARENESS MONTH

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 2012 as Watershed Awareness Month in Shasta County. Western Shasta Resource Conservation District Watershed Coordinator Leslie Bryan gave an update advising Watershed Awareness Month began 2005 to raise the awareness of the importance of Shasta County watersheds through watershed education and awareness activities throughout the month of May. Ms. Bryan explained that local watersheds are areas of land where water flows from the hilltops to the creeks as it makes its way to the Sacramento River. Watershed groups participate in field trips and meetings to discuss and develop ways to identify water quality issues and develop objectives and projects that are important to watersheds.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Moty advised that the items regarding the application to Caltrans and the Juvenile Justice Coordinating Council bylaws have been pulled for discussion.

CONSENT CALENDAR

By motion made, seconded (Hartman/Hawes), 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 the County claims list totaling \$7,640.00 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on May 1, 2012, as submitted. (Clerk of the Board)

Enacted Ordinance No. 462-119, which establishes a “No Parking” zone on both sides of Swasey Drive in front of Grant School (west Redding area). (Clerk of the Board)
(See No Parking Ordinance Book)

Adopted Resolution No. 2012-047, which approves the Conflict of Interest Code for the Rocky Point Charter School. (Clerk of the Board)
(See Resolution Book No. 53)

Directed the Clerk of the Board to provide notice to the Shasta-Tehama-Trinity Joint Community College District that the Board of Supervisors will not authorize issuance of tax and revenue anticipation notes on behalf of the District so the District can issue notes independent of Shasta County. (County Counsel)

Approved a budget amendment increasing appropriations by \$28,797 in the Public Health budget to purchase three emergency medical communications base units and upgrade one repeater with Homeland Security grant funds and authorized the Auditor-Controller to prepare and process the resulting budget amendment to record the capital asset acquisition and to pay associated claims. (Health and Human Services Agency (HHS)-Business and Support Services (Public Health))

Approved and authorized the Chairman to sign a renewal cooperative fire protection agreement with the California Department of Forestry and Fire Protection (CAL FIRE) in an amount not to exceed \$3,397,410 to administer and operate the Shasta County Fire Department for the period July 1, 2012 through June 30, 2013. (County Fire)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

**FTA SECTION 5316 JOB ACCESS AND REVERSE COMMUTE
GRANT PROGRAM APPLICATION
RESOLUTION NO. 2012-048**

In response to questions by Supervisor Kehoe, Health and Human Services Agency-Regional Services Branch Director Melissa Janulewicz explained the term “useful life of the structure,” used within the grant refers to reporting requirements to the funding source on the maintenance of the structure for five years. The construction of the project will be cement, steel frame, and steel roof and is expected to last much longer than five years.

In response to questions by Supervisor Baugh, Ms. Janulewicz advised Shasta County’s \$40,000 share of costs would come from Opportunity Center revenue. The lease at the current Opportunity Center location expires December 31, 2013, with an option for a 5-year extension.

In response to questions by Supervisor Moty, Ms. Janulewicz confirmed that the application due date requires immediate action.

Mr. Lees stated as the tenant in the building, Shasta County will be the beneficiary of the upgrades. The changes to the facility will provide safety for the clients due to the relocation of the pick-up point to the parking lot.

Supervisors Baugh and Kehoe voiced their objections to the minimal amount of time available for Supervisors to adequately review board reports and attached documents when presented in a time-sensitive matter, and they requested future matters be presented to the Board of Supervisors in advance of the due date.

By motion made, seconded (Hawes/Baugh), and unanimously carried the Board of Supervisors adopted Resolution No. 2012-048, which approves and authorizes the Chairman to sign an application to Caltrans for Federal Transit Administration (FTA) Section 5316 Job Access and Reverse Commute (JARC) Grant Program funding in the amount of \$199,500 to add a transit shelter at the transfer station located at the Opportunity Center office at 1265 Redwood Boulevard, Redding, and the General Certifications and Assurances associated with the application, and approves and authorizes the Health and Human Services Agency (HHS) Director or his/her designee to sign and file certifications of assurances, agreements (including retroactive), or other documents required to receive funding under the program, and submit and approve requests for reimbursement of funds from Caltrans for the project; and authorized the Auditor-Controller to allow the Opportunity Center cash balance to become negative as necessary during the project (but not beyond June 30, 2013) to provide necessary cash flow to make expenditures in anticipation of grant reimbursement, with negative cash subject to interest at the pooled treasury rate. (HHS-Regional Services)

(See Resolution Book No. 53)

JUVENILE JUSTICE COORDINATING COUNCIL BYLAWS

In response to questions by Supervisor Kehoe, County Counsel Rubin Cruse confirmed that the Juvenile Justice Coordinating Council (JJCC) is required by statute to meet according to the Ralph M. Brown Act; therefore it is not a requirement to have listed in the bylaws. The bylaws were based on the JJCC bylaws used in Monterey County; however, the Board of Supervisors may amend the JJCC bylaws to include the termination of a JJCC member must be approved by the Board of Supervisors. The JJCC Chairman must fill the vacated position as soon as possible following the process pursuant to Number 2 in the proposed bylaws.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved the bylaws of the Juvenile Justice Coordinating Council, amended Article V, Section 3 to read, "The Chairman may recommend to the Board of Supervisors the termination of a Juvenile Justice Coordinating Council (JJCC) member upon a motion by any member of the JJCC. When this occurs, upon approval of the Board of Supervisors of the recommendation, the Chairman must fill the vacated position as soon as possible following the process pursuant to Number 2 of this section." (Probation)

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 the information that the April 2012 receipts for the State of California show a \$2.44 billion revenue shortfall.

Supervisor Kehoe recently attended a Mental Health, Alcohol and Drug Advisory Board meeting.

Supervisor Baugh recently attended an Area Agency on Aging, PSA II meeting.

Supervisor Moty recently attended a Northern Sacramento Valley Integrated Regional Water Management Board meeting.

Supervisors reported on issues of countywide interest.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 11-006 **BOYD AND SHARRIN WILSON** **CENTERVILLE AREA**

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 11-006, Boyd and Sharrin Wilson, which would rezone approximately 24.1 acres in the Centerville area from a Planned Development (PD) District to a Rural Residential with a 10-Acre Minimum (R-R-BA-10) District and approximately 52 acres from Planned Development (PD) District to a Rural Residential with a 20-Acre Minimum (R-R-BA-20) District. Senior Planner Kent Hector presented the staff report and recommended approval of the project. The Notice of Hearing and the Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time civil engineer Bruce Alexander stated he was available to answer any questions.

No one else spoke for or against the proposal and the public hearing was closed.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors took the following actions on Zone Amendment No. 11-006, Boyd and Sharrin Wilson, Centerville area:

1. Found that revised Mitigation Measure No. 2 (VI., Geology and Soils) is equivalent or more effective in reducing or avoiding potential effects than the original measure and does not in itself cause any effect on the environment;
2. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as set forth in Planning Commission Resolution No. 2012-011;
3. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2012-011; and
4. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 11-006, as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman Moty announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Perron v. County of Shasta, Reverage Anselmo, et al. v. Russ Mull, et al. and related cross-action (state court), and

Reverge Anselmo, et al. v. County of Shasta, et al. (federal court), pursuant to Government Code section 54956.9, subdivision (a).

Supervisor Hawes stated he will recuse from the two matters concerning Reverge Anselmo 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.

10:32 a.m.: The Board of Supervisors recessed to Closed Session.

11:55 a.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. In the matter of Perron v. County of Shasta, a workers' compensation claim, the Board of Supervisors, by a unanimous 5-0 vote, approved a Compromise and Release for Danielle Perron in the amount of \$120,000, less permanent disability advances of \$2,323.

No other reportable action was taken. Supervisor Hawes was not present for the closed session discussion concerning the two Anselmo litigation matters.

11:56 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy