

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, May 22, 2012

**REGULAR MEETING**

9:02 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.  
Administrative Board Clerk - Linda Mekelburg  
Typist Clerk III - Suzie White

**INVOCATION**

Invocation was given by Pastor David Th. Stark, Grace Presbyterian Church.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Wallace Martins recounted problems he has encountered while attempting to obtain permits to open an internet-based automobile sales business.

Gary Cadd noted that Northern Sacramento Valley Integrated Regional Water Management group needs to be wary of the California Department of Water Resources and Proposition 84 requirements.

Don Kirk informed the Board of Supervisors that he is moving to Oregon.

Mark Samet, Linda Vu, and Wes Van Der Scahf discussed and supported the North American Water and Power Alliance XXI (NAWAPA XXI) plan, which is an infrastructure proposal to divert floodwater runoff from Alaska, Yukon, and British Columbia for use in the western United States.

**REGULAR CALENDAR****PRESENTATIONS****PRESENTATION: NORTHERN CALIFORNIA WATER ASSOCIATION (NCWA)  
ACTIVITIES UPDATE**

Northern California Water Association (NCWA) President David Guy presented an update on water challenges facing the Sacramento Valley. He noted that the State Water Resources Control Board favors a “natural hydrodynamic” water flow of the Sacramento River into the Bay-Delta area; NCWA’s position is that this approach will reduce carryover storage in Northern California reservoirs and increase groundwater extractions, which would debilitate California’s ability to prepare for and serve water during a drought.

**PRESENTATION: ADULT PAROLE OPERATIONS**

Department of Corrections and Rehabilitation Division of Adult Parole Regional Director Dave Nichols gave a presentation regarding the status of adult parole operations in the North State. From July 2011 to May 2012, the number of participants in the State parole system has decreased by 26 percent since the enactment of realignment; it is estimated that the number of participants will decrease by approximately 66 percent by 2014-15.

Supervisors expressed their concerns regarding past relationships between the County of Shasta and the Division of Adult Parole Operations. Mr. Nichols explained that he has been working to improve them.

Chief Probation Officer Wesley Forman noted that, since Mr. Nichols has been Director, he has been very responsive.

**PRESENTATION: AB 109, PUBLIC SAFETY REALIGNMENT  
APRIL 2012 REPORT**

Chief Probation Officer Wesley Forman provided a monthly progress update regarding AB 109, Public Safety Realignment. As of the end of April, 238 realignment offenders were under the supervision of Shasta County; 79 percent of them are in compliance, and 3.78 percent have been convicted of new crimes. There are currently 42 participants in the Home Electronic Confinement program.

Sheriff Bosenko noted that there approximately 40 people in the Jail serving one- to eight-year sentences; six people are serving time for parole violations. He is working toward re-opening the third floor of the Jail.

Charles Alexander opposed the siting of the proposed Day Reporting Center in the Breslauer area; he suggested locating it in the downtown area instead.

In response to questions from Supervisors, HHSA Director Marta McKenzie explained that mental health services must be provided to a targeted population. To date, only four parolees have met that criteria, and their information was received directly from the State.

Supervisor Kehoe made a motion to charge County Administrative Officer (CAO) Larry Lees and the analysts with the responsibility of providing an independent analysis on how the County is progressing with AB 109, including discussions with the oversight committee, members of the community, and other agencies. Supervisor Baugh seconded the motion. CAO Lees clarified that Supervisor Kehoe’s motion was that he lead a team to interview, analyze, and determine progress to date and goals to accomplish, making sure the

process in place is sufficient. He noted he may also enlist the aid of the Auditor-Controller's Office to accomplish the requested task. Supervisors Kehoe and Moty also expressed their concern whether progress is being made fast enough. The motion carried unanimously.

### **BOARD MATTERS**

#### **PROCLAMATION: AIRPORT DAY**

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates June 3, 2012 as Airport Day in Shasta County.

### **ITEMS PULLED FROM CONSENT CALENDAR**

Chairman Moty noted the items regarding the drug and alcohol testing services, the proposed customer service call center, the Cal-Fresh Program outreach program, and the Marijuana Eradication Team funding were being pulled for further discussion.

10:58 a.m.: The Board of Supervisors recessed.

11:06 a.m.: The Board of Supervisors reconvened.

### **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 Kehoe voted no on the agreements with IBM as he is opposed to advance payments):

Approved and authorized the Chairman to sign the Annual Work and Financial Plan with the U.S. Department of Agriculture, Animal and Plant Health Inspection Services to provide wildlife services in the amount of \$101,962.80 for the period July 1, 2012 through June 30, 2013. (Agricultural Commissioner/Sealer of Weights and Measures)

Approved and authorized the Chairman to sign the County claims list totaling \$10,196.83 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on May 15, 2012, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a Customer Agreement which sets terms and conditions for the acquisition of International Business Machine (IBM) products and services, with no expiration date, and a Change Authorization for ServiceElite, which contains signature blocks for a Master Services Attachment for ServiceElite which sets terms and conditions specific to IBM hardware and software support, with no expiration date, a Schedule for ServiceElite Acquired from an IBM Business Partner which identifies specific hardware and software services purchased for the period May 30, 2012 through May 29, 2013, and a Change Authorization for ServiceElite which amends the Master Services Attachment and provides extended support service for the AIX operating system related to the County's financial system for the period May 30, 2012 through May 29, 2013; approved and authorized the County Administrative Officer to sign amendments (including retroactive) to the agreements resulting in

a change in compensation not to exceed \$2,300 (approximately 20 percent) and other minor, nonmonetary amendments; and authorized the Auditor-Controller to approve a purchase order and issue an advance payment in the amount of \$11,391.95 for IBM hardware and software support for the period May 30, 2012 through May 29, 2013. (Information Technology)

Adopted Resolution No. 2012-050, which finds that various personal computers, printers, and a projector are not required for County use and approves the transfer of the equipment to the Shasta County Regional Transportation Planning Agency (RTPA) in accordance with Government Code section 25365(a). (Information Technology)

(See Resolution Book No. 53)

Approved and authorized the Chairman to sign a retroactive agreement with Anthem Blue Cross to receive reimbursement for outpatient mental health and substance abuse services provided to County Medical Services Program (CMSP)/Path2Health clients effective April 1, 2012; authorized the Health and Human Services Agency (HHSA) Director or his/her designee to designate clinicians to complete, sign, and submit the CMSP/Path2Health application; approved and authorized the HHSA Director or his/her designee to object in writing to amendments presented by Anthem Blue Cross in accordance with Section 13.8 of the agreement; and approved and authorized the HHSA Director to sign or reject amendments (including retroactive) to the agreement which increase or decrease the compensation rates by no more than 10 percent and other minor amendments or documents related to the agreement. (Health and Human Services Agency (HHSA)-Adult Services)

Adopted Resolution No. 2012-051, which authorizes the District Attorney to continue as the agent for Shasta County to conduct negotiations, sign agreements and amendments, and submit documents necessary for continuation of Crime Victims' Assistance Center programs regarding unreimbursed financial losses of victims of crimes for the period July 1, 2012 through June 30, 2013; and adopted Resolution No. 2012-052, which authorizes the District Attorney to continue as the agent for Shasta County to conduct negotiations, sign agreements and amendments, and submit documents necessary for continuation of Crime Victims' Assistance Center programs regarding restitution fines and orders administration for the period July 1, 2012 through June 30, 2013. (District Attorney)

(See Resolution Book No. 53)

Adopted Resolution No. 2012-053, which authorizes the District Attorney to continue as the agent for Shasta County to conduct negotiations and submit documents necessary for the Workers' Compensation Fraud program for the period July 1, 2012 through June 30, 2015. (District Attorney)

(See Resolution Book No. 53)

Approved and authorized the Chairman to sign an amendment to the agreement with Gordon Dechman d.b.a. FingerPrint USA, LLC at no additional compensation to provide consulting services to procure an automated fingerprint information system, extending the term by one year through May 24, 2013. (Sheriff)

For Tract Map No. 1969, Scenic Oak Court Permanent Road Division (north Anderson area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and annual parcel charge report; and set a public hearing for July 17, 2012 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

For the Whitmore Road Widening project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and directed the Public Works Director to advertise for bids; and authorized the opening of bids on or after June 28, 2012 at 11:00 a.m. (Public Works)

For the Mental Health Elevator Renovation project, sustained the protest of JH Mack Construction, Inc. to award the contract to Shufelberger Construction, Inc. (Shufelberger), and found that the bid submitted by Shufelberger is nonresponsive because it failed to submit its subcontractor list in a separate sealed envelope as required by the bid documents; found that the bid submitted by Shufelberger is also nonresponsive because it failed to submit an executed copy of the Certification Concerning Workers' Compensation Form as required by the bid documents; and awarded to JH Mack Construction, Inc., on a lump-sum basis, the contract for construction (including Additive Alternates No. 1 and No. 2) in the amount of \$127,655. (Public Works)

Adopted Resolution No. 2012-054, which adopts the Shasta County and City of Anderson Multi-Jurisdictional Hazard Mitigation Plan. (Public Works)

(See Resolution Book No. 53)

Introduced and waived the reading of an ordinance which establishes a 25-mile-per-hour speed zone on Ritts Mill Road from 200 feet south of Philipian Way to 200 feet north of Nehemiah Drive. (Public Works)

Adopted Resolution No. 2012-055, which authorizes the Public Works Director to approve temporary partial closure of various roads in the Main Street area in Fall River Mills for the purpose of holding various community special events. (Public Works)

(See Resolution Book No. 53)

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

#### **AGREEMENT: CALIFORNIA STATE ASSOCIATION OF COUNTIES**

#### **EXCESS INSURANCE AUTHORITY**

#### **DRUG AND ALCOHOL TESTING SERVICES**

Deputy Director of Support Services Angela Richardson presented the report and recommended approval of the requested actions. She disclosed that Director of Support Services Michelle Schafer occasionally receives reimbursement for expenses from the California State Association of Counties Excess Insurance Authority (CSAC EIA).

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors terminated the existing agreement with the California State Association of Counties Excess Insurance Authority (CSAC EIA) for drug testing services effective April 18, 2012; and approved and authorized the Chairman to sign a retroactive agreement with CSAC EIA to continue to provide drug and alcohol testing services effective April 19, 2012. (Support Services-Risk Management)

#### **FUTURE HHS-REGIONAL SERVICES CUSTOMER SERVICE CALL CENTER**

#### **BUDGET AMENDMENT**

In response to a question from Supervisor Moty, HHS-Regional Services Branch Director Melissa Janulewicz explained that the department plans to install a streamlined, automated telephone system for eligibility services similar to those in use by many businesses and government agencies to provide better delivery of services.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved a budget amendment increasing and decreasing appropriations by \$25,000 within the Social Services budget and increasing appropriations in the Information Technology budget to allow the purchase of two capital asset servers to allow development of an interface between a future HHS-Regional Services Customer Service Call Center and the County's network; and authorized the Auditor-Controller to prepare and process the resulting budget

amendment to record the capital asset acquisition and to pay associated claims. (HHSABusiness and Support Services (Social Services))

**AGREEMENT: SHASTA GROWERS ASSOCIATION  
CAL-FRESH PROGRAM OUTREACH**

In response to questions from Supervisor Kehoe, HHSARegional Services Branch Director Melissa Janulewicz noted that, because the Shasta Growers Association is a relatively small organization and does not have the resources to front the funding used for the outreach program, a \$25,000 retainer is paid to Shasta Growers Association to allow the program to operate. Eligible recipients are provided with tokens to purchase produce at the farmers' markets, and the tokens are then reconciled against receipts. Cal-Fresh recipients are not allowed to trade tokens for cash, only for produce.

By motion made, seconded (Baugh/Hartman), and carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal agreement with the Shasta Growers Association in an amount not to exceed \$100,000 to provide Cal-Fresh Program outreach to encourage eligible recipients to purchase fresh, local produce at the Redding, Anderson, and Burney Certified Farmers' Markets for the period June 1, 2012 through October 31, 2012. Supervisor Kehoe voted no as he is not supportive of the approach of government subsidizing private business. (HHSARegional Services)

**AGREEMENT: U.S. DRUG ENFORCEMENT ADMINISTRATION  
MARIJUANA ERADICATION TEAM FUNDING  
BUDGET AMENDMENT**

In response to questions from Supervisors, Sheriff Tom Bosenko pointed out that the marijuana eradication funds are primarily for enforcement of marijuana operations on public land as opposed to private lands, but he will research the matter to determine the possibility of using funds on private lands and will provide information to the Board of Supervisors. Supervisors Baugh and Kehoe expressed their concern with enforcement of marijuana operations on private lands. CAO Lees noted that the Resource Management Department and the Sheriff's Office have been working on a memorandum of understanding to allow the Sheriff's Office to work on some Resource Management code enforcement issues regarding marijuana.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors Approved and authorized the Chairman to sign a retroactive renewal agreement with the U.S. Drug Enforcement Administration to provide funding in the amount of \$195,000 for the Sheriff's Office Marijuana Eradication Team (MET) for the period January 1, 2012 through December 31, 2012; approved and authorized the Sheriff to sign any certifications, assurances, pertinent related documents, and any subsequent amendments to the 2012 Letter of Agreement, including any amendments that may increase compensation up to \$15,000; and approved a budget amendment increasing revenues and appropriations by \$49,514 in the Sheriff's MET budget. (Sheriff)

**REGULAR CALENDAR, CONTINUED**

**GENERAL GOVERNMENT**

**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

**LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

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

At the recommendation of CAO Lees and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter which opposes Senate Bill 1221 (Lieu), Mammals: Use of Dogs to Pursue Bears and Bobcats.

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

Supervisors reported on issues of countywide interest.

### **ADMINISTRATIVE OFFICE**

#### **PUBLIC FACILITY FEES (IMPACT FEES)** **ANNUAL INCREASE**

Supervisor Moty explained that he requested CAO Lees to bring to the Board of Supervisors the matter of possibly suspending the scheduled annual increase in public facility impact fees. In response to a question from Supervisor Kehoe, CAO Lees confirmed that the staff recommendation have the Board of Supervisors direct the Administrative Office to provide a report stating the advantages and disadvantages of postponing the scheduled increase.

Shasta Voices Executive Director Mary Machado requested the Board of Supervisors consider waiving the proposed increase in public facility fees due to the continued economic downturn, especially in the construction industry.

Supervisor Kehoe made a motion to direct staff to prepare a report exploring the possibility of postponing the scheduled increase in public facility fees. Supervisor Hartman seconded the motion. Supervisor Baugh requested that the report include positive impacts to the building industry that might be projected; possible negative impacts (if there would be any), such as reduction in infrastructure or whether the County has overestimated; and a side-by-side comparison of existing fees for the County and the three cities. Supervisor Moty also requested that Mr. Lees have staff explore the legal ramifications on any existing projects if the fee increase is suspended or the fees changed. The motion passed unanimously.

### **PUBLIC WORKS**

#### **PUBLIC WORKS/SHERIFF**

#### **BUDGET AMENDMENTS, JAIL BUDGET** **SOIL EXPLORATION** **PROPOSED NEW JAIL SITE**

Sheriff Tom Bosenko and Public Works Director Pat Minturn presented the report and requested approval of the recommendation. Sheriff Bosenko noted that the California Environmental Quality Act (CEQA) process for the new jail project must be started by June 6, 2012, and Mr. Minturn also noted that the Real Estate Due Diligence portion of the project must be completed by July 12, 2012.

Charles Alexander supported the actions requested by staff.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations by \$50,000 in the Jail budget, to be offset by the use of public safety fund balance; approved a budget amendment increasing appropriations and revenue by \$50,000 in the Public Works-Roads budget; and approved and authorized the Public Works Director to sign agreements in a total amount not to exceed \$50,000 for soil exploration at the proposed new jail site for terms to December 31, 2014 to begin Real Estate Due Diligence and California Environmental Quality Act (CEQA) requirements.

## **SCHEDULED HEARINGS**

### **HEALTH AND HUMAN SERVICES**

#### **HHS-PUBLIC HEALTH**

#### **RELOCATION OF IMMUNIZATION SERVICES**

This was the time set to conduct a Beilenson public hearing to consider the relocation of immunization services. Public Health and Regional Services Director Donnell Ewert presented the staff report and recommended the approval of the request. The Notice of Hearing is on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Kehoe)), and unanimously carried, the Board of Supervisors approved the relocation of immunization services from the Downtown Regional Office at 1220 Sacramento Street, Redding to the Enterprise Regional Office at 2757 Churn Creek Road, Redding.

## **LAW AND JUSTICE**

### **SHERIFF**

#### **EDWARD BYRNE MEMORIAL JUSTICE ASSISTANCE GRANT**

This was the time set to conduct a public hearing and consider the use of Edward Byrne Memorial Justice Assistance Grant funds from the U.S. Department of Justice, Bureau of Justice Assistance. Chief Fiscal Officer presented the report and recommended approval of the grant. The Affidavit of Publication and Notice of Hearing 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 (Hartman/Hawes), and unanimously carried, the Board of Supervisors approved the use of \$39,401 in Edward Byrne Memorial Justice Assistance Grant funds from the U.S. Department of Justice, Bureau of Justice Assistance for the grant period October 1, 2011 through September 15, 2015; ratified the Chief Fiscal Officer's electronic signature, as the Sheriff's designee, on the Fiscal Year 2012 Assurances and Certifications, as submitted May 14, 2012; and directed staff to return to the Board of Supervisors on or after June 12, 2012 for final approval of the proposed use of the funds.

**CLOSED SESSION**

Chairman Moty announced that the proposed Closed Session had been canceled.

12:02 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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