

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, June 19, 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 Executive 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 Coordinator Amarjit Singh, The Sikh Center.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Gary Cadd, Valerie Winterberg, Sally Rapoza, and Patricia Heinsohn requested consideration of posting video of the meetings of the Board of Supervisors and Planning Commission on the Internet.

Russ Wade and Joy Wade discussed the negative effects of pollution on the earth.

Patrick Moriarty, Lynn Erickson, Diane Lahey, Kim Davis, Cleo Smith, and Lynn Dorroh thanked the members of the Board of Supervisors for approving the renewal agreement with Hill Country Community Clinic to provide mental health wellness and recovery services and to provide for the Circle of Friends program.

Dolores Lucero stated that there is a law which prohibits a union negotiator from running for election to the Board of Supervisors.

REGULAR CALENDAR

PRESENTATIONS

**CENTER FOR ECONOMIC DEVELOPMENT (CED)
CED BROADBAND PROJECT**

Center for Economic Development (CED) Project Manager Cathy Emerson advised the CED Broadband Project is to develop and facilitate the implementation of a broadband infrastructure plan that provides access for individuals in Northern California.

**AB 109, PUBLIC SAFETY REALIGNMENT
JUNE 2012 MONTHLY UPDATE**

Chief Probation Officer Wes Forman presented a monthly progress report on AB 109, Public Safety Realignment, focusing on offender impacts. The amount of released inmates has been higher than projected, due to the number of parolees serving time in prison on a revocation hearing prior to the start of realignment, October 1, 2011, and released after November 1, 2011. At that time, the State was allowed to reevaluate them and transfer the inmates to the County for supervision. This number was not included in the original projections.

Recidivism has occurred in 10 out of the 254 individuals that are under Shasta County supervision. 439 individuals have failed to appear to an assigned court date during the period of October 1, 2011 through April 30, 2012. Three Probation Officers have been hired since October 2011.

Sheriff Tom Bosenko advised the third floor of the jail, currently vacant, will house approximately 128 inmates; however, in less than a month after opening, it will probably be full. The work release program is currently being operated from the jail, with a 50 percent failure to appear primarily due to the lack of offender accountability because of a lack of jail bed space.

In response to questions by Supervisor Hawes, Mr. Forman advised that a site is currently being considered for a reporting facility located on Court Street.

Court Executive Officer Melissa Fowler-Bradley noted there is a significant problem with offenders failing to appear at Superior Court. Warrants are issued for the offenders who are subsequently arrested; if booked into the jail, they are released on their own recognizance and are given a court date. They may fail to appear at the court date, and the process starts again. A significant problem is the lack of jail space, and crime in the community continues to increase.

Redding Police Department Chief Robert Paoletti stated that there is no ramification for the negative action of the offenders. The crime rate in the community continues to rise due to the lack of jail space.

Director of Health and Human Services Agency (HHSA) Marta McKenzie expressed frustration with the progress in the AB 109 program, and it is difficult to assure accountability due to insufficient jail space.

In response to questions by Supervisor Moty, County Executive Officer (CEO) Larry Lees explained that when the State completes their final figures of the budget, cuts will be balanced by projects which the Counties will be required to fund.

10:42 a.m.: The Board of Supervisors recessed.

10:50 a.m.: The Board of Supervisors reconvened.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Moty noted that the items regarding the County Claims List and an amended agreement for alcohol and drug prevention have been pulled for discussion.

CONSENT CALENDAR

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended:

Adopted Resolution No. 2012-062, which repeals Resolution No. 2011-106 and extends to June 30, 2013 the authority of the Chief Probation Officer and the Assistant Chief Probation Officer to purchase goods and services, except for capital assets, in an amount not to exceed \$5,000 per purchase, and within existing budget authority, when necessary to respond quickly to address low-level offenders' needs and to maintain public safety; and authorized the Auditor-Controller to make fiscal year-end technical adjustments to budgets and funds as approved by the Community Corrections Partnership Executive Committee. (Administrative Office/Probation)

(See Resolution Book No. 53)

Approved and authorized the Chairman to sign a lease with New Cingular Wireless PCS, LLC in the amount of \$2,000 per month with three percent annual increases to lease rooftop and ground space at 1655 West Street, Redding (Shasta County Main Jail) from the date of signing through June 18, 2017, with three automatic five-year extensions. (Administrative Office/Sheriff-Jail/Public Works-Facilities Management)

Designated the Shasta County Department of Agriculture as the local public entity in Shasta County to receive funds allocated by the California Department of Food and Agriculture for local assistance regarding Pierce's Disease; and approved and authorized the Chairman to sign an agreement with the California Department of Food and Agriculture to provide continuous funding in the amount of \$115,738 (\$57,869 for each fiscal year) for the Pierce's Disease Program for the period July 1, 2012 through June 30, 2014. (Agricultural Commissioner/Sealer of Weights and Measures)

Approved the minutes of the meeting held on June 5, 2012, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-2023, which approves Zone Amendment No. 11-006, Wilson (Centerville area), as introduced May 8, 2012. (Clerk of the Board)

(See Zoning Ordinance Book)

Approved and authorized the Chairman to sign a renewal agreement with CPS HR Consulting at various listed rates to use Corrections Standards Authority Examinations for the period July 1, 2012 through June 30, 2013. (Support Services-Personnel)

Approved and authorized the Chairman to sign a renewal agreement with The Sail House, Inc. in an amount not to exceed \$43,800 per fiscal year to provide enhanced residential care home services for the period July 1, 2012 through June 30, 2013, with two automatic one-year renewals; and approved and authorized the HHSA Director or his/her designee to approve, in writing and in advance, changes to the rates not exceeding 10 percent over the original rate and not increasing total compensation payable. (Health and Human Services Agency (HHSA)-Adult Services)

To allow for reimbursement for funds expected to be invoiced to and received from the California Emergency Management Agency, approved budget amendments increasing appropriations by \$24,000 in the Probation budget, to be offset by a transfer-in from Public

Health, increasing Transfer In from Public Health by \$145,000 in the County Fire budget; in the Public Health Bio-Terrorism Preparedness budget, increasing appropriations by \$243,600 in Other Charges for payments to non-county government agencies, to be offset by a decrease in Services and Supplies in the amount of \$46,500 and an increase in Federal Emergency Management Agency (FEMA) revenues in the amount of \$197,100, and increasing appropriations in Transfer-Out accounts to the Probation and County Fire budgets, to be offset by an increase to FEMA revenues; and authorized the Auditor-Controller to prepare and process the budget amendments. (HHS-A-Business and Support Services (Probation/County Fire/Public Health))

To maintain mental health services delivery, approved Health and Human Services Agency use of Shasta County's Mental Health Services Act Local Prudent Reserve funds; and authorized the Auditor-Controller to prepare and process the transfer of \$1,085,015 from Reserve Fund Balance to Available Fund Balance for Fiscal Year 2011-12. (HHS-A-Mental Health Services Act)

Approved a budget amendment increasing revenue and appropriations by \$7,723 in the Veterans Services budget due to higher-than-expected revenue from the State of California for the Subvention and Medi-Cal Cost programs. (Veterans Services Office)

Adopted Resolution No. 2012-063, which approves and authorizes the Chief Probation Officer to sign and submit a Juvenile Accountability Block Grant application, agreement, and any subsequent amendments to provide funding in the amount of \$16,887 for Fiscal Year 2012-13 and agrees that the County of Shasta will provide matching funds required for the grant and will not supplant related expenditures. (Probation)

(See Resolution Book No. 53)

Approved and authorized the Chairman to sign retroactive agreements in an amount not to exceed \$5,612 each for the period February 1, 2012 through January 31, 2013 with Glenn County to reimburse Shasta County for consulting services and Glenn County staff training by Candor Consulting LLC; and with Mendocino County to reimburse Shasta County for consulting services and Mendocino County staff training by Candor Consulting LLC. (Probation)

Approved and authorized the Chairman to sign a retroactive property use agreement with Coram Ranch in the amount of \$2,800 for the period June 12-14, 2012; and authorized the Auditor-Controller to pay the associated claim. (Sheriff)

Ratified the signature of the Sheriff on an agreement with Siskiyou County for Shasta County to provide Coroner services to Siskiyou County not to exceed \$3,000 per fiscal year for the period July 1, 2009 through June 30, 2012; ratified the signature of the Sheriff on an amendment to the agreement increasing compensation by \$2,000 per fiscal year; and approved and authorized the Chairman to sign an amendment to the agreement changing the compensation to an amount not to exceed that appropriated each fiscal year by the Siskiyou County Board of Supervisors and extending the term to June 30, 2017. (Sheriff-Coroner)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Private Industry Council d.b.a. Smart Business Resource Center in an amount not to exceed \$61,560 to provide computerized inmate education services in the Shasta County Main Jail for the period July 1, 2012 through June 30, 2013, with two automatic one-year renewals. (Sheriff-Jail)

Approved and authorized the Chairman to sign an agreement with Caltrans authorizing the exchange of \$672,168 in Federal Regional Surface Transportation Funds for an equal amount of State Highway Account funds in Fiscal Year 2011-12. (Public Works)

For the 2012 Culvert 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 July 12, 2012 at 11:00 a.m. (Public Works)

Released the securities guaranteeing faithful performance in the amount of \$5,350 and guaranteeing payment in the amount of \$2,675 of the public improvements for Parcel Map No. 07-113, Banghart (east Bella Vista area). (Public Works)

Adopted Resolution No. 2012-064, which authorizes Resource Management to apply for the Used Oil Payment Program - Third Cycle in an estimated amount of \$29,839 on behalf of the County of Shasta and the City of Anderson and the City of Shasta Lake (Cities) for Fiscal Year 2012-13; authorizes the County of Shasta to act as the lead agency on its own behalf and on behalf of the Cities for the purpose of the grant; authorizes the Auditor-Controller to pay claims for program expenditures incurred in the course of the grant; and approves and authorizes the Director of Resource Management to sign and submit the application, agreement, and other grant-related documents. (Resource Management-Community Education Section)

(See Resolution Book No. 53)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

COUNTY CLAIMS LIST

In response to questions by Supervisor Kehoe, Auditor-Controller Connie Regnell explained that items appear on the Claims List because they are not viewed as normal and customary, or they do not comply with the approved policies and procedures. Chief Probation Officer Wes Forman said that when the Probation Department is working with youth, the family involvement is important. Often, family members need assistance with gasoline to travel to participate in visitation, which assists in the process of reuniting. The gas cards made available can only be used to purchase gas.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign the County claims list totaling \$26,987.68 requiring special board action. (Auditor-Controller)

AGREEMENT: STATE OF CALIFORNIA ALCOHOL AND DRUG TREATMENT AND PREVENTION SERVICES

In response to questions by Supervisor Kehoe, Director of Health and Human Services Agency (HHS) Marta McKenzie stated there were eight drug and alcohol programs realigned in HHS in Fiscal Year 2011-12. The funding for Drug/Medi-Cal services is changing from a contracted responsibility to a continuous appropriation through the 2011 realignment process.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an amendment (V.1 for FY 2011-12) to the agreement (10-NNA45) with the State of California decreasing compensation to Shasta County by \$826,817 (for a new total not to exceed \$4,923,403) to provide alcohol and other drug treatment and prevention services and retaining the term of July 1, 2010 through June 30, 2013. (HHS-Adult Services)

10:59 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES**WATER AGENCY****REGULAR CALENDAR****LOCAL GROUNDWATER ASSISTANCE GRANT
GROUNDWATER MONITORING AND MANAGEMENT PLAN
NORTH FORK BATTLE CREEK GROUNDWATER BASIN
WATER AGENCY RESOLUTION NO. 2012-01**

Water Agency Chief Engineer Pat Minturn explained that there are ten groundwater basins in Shasta County. In 2011, the governor enacted a bill which requires local agencies to develop groundwater management plans for each basin before 2014. The Local Groundwater Assistance Grant request is to develop of a plan for groundwater monitoring and management for the North Fork Battle Creek Groundwater Basin.

Patricia Heinsohn, Gary Cadd, and Charles Alexander spoke in opposition to approval of the resolution.

In response to questions by Supervisor Kehoe, Mr. Minturn stated that Lassen Pines Water Company provides water to local residents. Letters were sent to property owners seeking voluntary participation in the monitoring.

By motion made, seconded (Baugh/Hawes), and unanimously carried the Shasta County Water Agency adopted Water Agency Resolution No. 2012-01, which approves and authorizes the Chairman to sign and submit a grant application for a local groundwater assistance grant in an amount up to \$75,000 from the California Department of Water Resources to develop a groundwater monitoring and management plan for the North Fork Battle Creek Groundwater Basin; directed the Chief Engineer to negotiate a proposed grant contract; and directed the Chief Engineer to return the proposed grant contract to the Board of Directors for final approval.

(See Water Agency Resolution Book)

11:14 a.m.: The Shasta County Water Agency adjourned and reconvened as the Board of Supervisors.

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 Regional Council of Rural Counties (RCRC) meeting.

Supervisor Kehoe recently attended a Redding Area Bus Authority (RABA) meeting.

Supervisors reported on issues of countywide interest.

HEALTH AND HUMAN SERVICES**HHS-ADULT SERVICES****AGREEMENT: RESTPADD, INC.
CRISIS ASSESSMENT, EVALUATION, AND REFERRAL
PSYCHIATRIC HOSPITAL PLACEMENT AND INPATIENT SERVICES
RESOLUTION NO. 2012-065**

Health and Human Services Agency (HHS) Director Marta McKenzie advised the Board of Supervisors that Restpadd, Inc. was selected to provide crisis services and psychiatric inpatient services in Shasta County.

Shasta Regional Medical Center Chief Executive Officer Randall Hempling confirmed the impact on the hospital receiving patients that are in need of psychiatric care.

HHS Director of Public Health and Regional Services Donnell Ewert noted that Dr. Okechukwu Nwangburuka is the principal owner of Restpadd, Inc., and he proposes to begin providing crisis stabilization services commencing July 1, 2012.

Becky Kale urged the approval of a local crisis stabilization facility.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Restpadd, Inc. in an amount not to exceed \$3,427,807 per fiscal year to provide crisis assessment, evaluation and referral, acute psychiatric hospital placement, and psychiatric inpatient services for the period July 1, 2012 through June 30, 2015; approved and authorized the Chairman to sign an agreement with Restpadd, Inc. to pay Shasta County \$2,244 per month plus \$4 per meal provided to use a portion of the Breslauer Way facility to provide crisis assessment, evaluation, referral, and placement functions for the period July 1, 2012 through December 31, 2012; and adopted Resolution No. 2012-065, which repeals Resolution No. 2011-131 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.

(See Resolution Book No. 53)

HHS-CHILDREN'S SERVICES**AGREEMENT: NURSE-FAMILY PARTNERSHIP (NFP)
TRAINING/IMPLEMENTATION OF NFP PROGRAM**

Health and Human Services Agency (HHS)-Regional Services Branch Director Melissa Janulewicz presented the staff report and recommended approval of the agreement. The Nurse-Family Partnership (NFP) is a program serving first-time, low-income mothers.

In response to questions by Supervisor Kehoe, Ms. Janulewicz advised that the vendor was unwilling to change the requirement of HHS to develop a Community Advisory Board and the use of the logo. Supervisor Kehoe expressed his opinion that Shasta County is providing public relations services for NFP.

By motion made, seconded (Baugh/Hawes), and carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Nurse-Family Partnership (NFP) in an amount not to exceed \$100,000 to provide training for implementation and use of the NFP program from the date of signing through June 30, 2015 (initial term), with two automatic one-year extensions; approved and authorized the Health and Human Services Agency

Director or his/her designee to sign amendments (including retroactive) to the agreement which increase or decrease the total compensation by no more than \$10,000 (10 percent), minor amendments, or other agreement-related documents, and increase rates by no more than 3 percent during the initial term; and authorized the Auditor-Controller to pay claims related to the agreement. Supervisor Kehoe voted no.

LAW AND JUSTICE

PROBATION

**COMPREHENSIVE MULTI-AGENCY JUVENILE JUSTICE PLAN
RESOLUTION NO. 2012-066
JUVENILE JUSTICE CRIME PREVENTION ACT (JJCPA) FUNDING
BUDGET AMENDMENT**

11:57 a.m.: Supervisor Kehoe recused from the discussion as he is a member of Youth Violence Prevention Council and left the Chambers.

At the recommendation of Chief Probation Officer Wes Forman and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors approved the Comprehensive Multi-Agency Juvenile Justice Plan for Fiscal Year 2011-12 initially submitted to the Corrections Standards Authority (CSA) on April 28, 2011, as modified by the Shasta County Juvenile Justice Coordinating Council on May 21, 2012; adopted Resolution No. 2012-066, which authorizes the Chief Probation Officer to sign and submit Shasta County's Fiscal Year 2011-12 Application for Approval of the County's Comprehensive Multi-Agency Juvenile Justice Plan as submitted and modified, and sign related contracts, amendments, modifications, or extensions with the State of California; approved and authorized the Chief Probation Officer to accept the Fiscal Year 2011-12 Juvenile Justice Crime Prevention Act (JJCPA) funding allocation in an estimated amount of \$508,005 from CSA; approved a budget amendment recognizing \$509,505 in JJCPA revenue in the Probation budget; and approved the annual JJCPA Fiscal Year 2010-11 progress report submitted to CSA on October 15, 2011.

(See Resolution Book No. 53)

12:20 p.m.: Supervisor Kehoe returned to the Chambers.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

**ZONE AMENDMENT NO. 10-003
SUSAN AND DONALD GORDON
MONTGOMERY CREEK AREA
RESOLUTION NO. 2012-067**

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 10-003, Susan and Donald Gordon, which would rezone approximately 35 acres in the Montgomery Creek Area from a Timberland Production (TP) District to a Timberland (TL) District. Senior Planner Bill Walker 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 no one spoke for or against the item and the public hearing was closed.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions on Zone Amendment No. 10-003, Susan and Donald Gordon, Montgomery Creek area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as set forth by the Planning Commission Resolution No. 2012-017;
2. Adopted Resolution No. 2012-067, which makes certain findings regarding consistency of the request with portions of the California Constitution, the Timberland Productivity Act, and the public interest;
3. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2012-017; and
4. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 10-003, as requested.

(See Resolution Book No. 53)

CLOSED SESSION ANNOUNCEMENT

Chairman Moty announced that the Closed Session item regarding labor negotiations has been pulled from the agenda, and the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled California Department of Transportation v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (a).

12:37 p.m.: The Board of Supervisors recessed to Closed Session.

12:58 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Executive 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; however, no reportable action was taken.

12:59 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy