

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, August 15, 2017

**REGULAR MEETING**

9:00 a.m.: Chairman Kehoe 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 Rickert  
 District No. 4 - Supervisor Morgan  
 District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees  
 County Counsel - Rubin E. Cruse, Jr.  
 Administrative Board Clerk - Rossann Grimm  
 County Executive Officer Executive Assistant - Jenn Duval  
 Administrative Board Clerk - Courtney Mathews

**INVOCATION**

Invocation was given by Pastor Dennis Tucker, Word of Life Church.

**PLEDGE OF ALLEGIANCE**

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

**REGULAR CALENDAR**

**BOARD MATTERS**

**CERTIFICATE OF RECOGNITION**

**ACTIVE 20-30 CLUB OF REDDING NO. 143**

At the recommendation of Chairman Kehoe, and by motion made, seconded (Moty/Rickert), and unanimously carried, the Board of Supervisors presented a certificate of recognition to the Active 20-30 Club of Redding No. 143 for exemplary and unselfish service provided to the citizens of Shasta County. Club members Jay Corbin, Ayla Tucker, Lucky Jesrani, Cassie Middleton, and Amber Imlach were present to receive the certificate.

**AUGUST 2017 EMPLOYEE OF THE MONTH**

**HHSB BUSINESS AND SUPPORT SERVICES SUPERVISING ACCOUNTANT LISA ALLEN  
 RESOLUTION NO. 2017-078**

At the recommendation of the Health and Human Services Agency (HHSB) Branch Director Tracy Tedder, and by motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors adopted Resolution No. 2017-078, which recognizes

Shasta County HHS Business and Support Services Branch Supervising Accountant Lisa Allen as Shasta County's Employee of the Month for August 2017.

(See Resolution Book No. 59)

### **PRESENTATIONS**

#### **PRESENTATION**

#### **2016 MENTAL HEALTH, ALCOHOL AND DRUG ADVISORY BOARD REPORT**

Mental Health, Alcohol and Drug Advisory Board (MHADAB) Chair Steve Smith presented the 2016 MHADAB annual report on activities and highlighted the major milestones and accomplishments during its fifteenth year.

### **PUBLIC COMMENT PERIOD - OPEN TIME**

Becky Montgomery expressed concerns regarding the Lakehead Fire District closure.

Lakehead Volunteer Fire Department Inc. Board of Directors Vice President Jim Harkabus discussed details of the closure of Station 54.

In response to questions from Supervisor Moty, Mr. Harkabus stated that there are no active Lakehead Volunteer Fire Department Inc. volunteers.

In response to questions from Supervisor Morgan, Mr. Harkabus agreed to meet with any interested volunteers.

In response to questions from Supervisor Baugh, Supervisor Morgan agreed to look into the fire station closure decision.

Dr. Richard Sealana discussed forming a neighborhood watch program.

Veterans Service Officer Tommy Key expressed his appreciation of working with the Board of Supervisors.

Janet Martin expressed concern over a nuisance property.

Ralph Barkely stated county roads need to be mowed and present a fire danger.

William Gilbert spoke regarding supporting volunteer fire fighters and concerns within Shasta County.

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

Chairman Kehoe noted that the item regarding the Secure Rural Schools Act had been pulled from the agenda.

### **CONSENT CALENDAR**

By motion made, seconded (Morgan/Rickert), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended (Supervisor Moty recused himself from the Memorandum of Understanding (MOU) with the Bureau of Land

Management, as he serves on the Resource Advisory Committee which helped negotiate this MOU):

Approved and authorized the Chairman to sign the County Claims List totaling \$15,265.35, as submitted. (Auditor-Controller)

Approved the minutes of the meeting held on July 18 and July 25, 2017, as submitted. (Clerk of the Board)

Appointed Larry Mower to the Commission on Aging to serve a term to expire January 2018. (Clerk of the Board)

As introduced on July 25, 2017, enacted Ordinance No. SCC 2017-03, which amends Chapter 13.12 of the Shasta County Code relating to County Service Areas.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 721, Shasta County Service Area No. 2-Sugarloaf Water, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 722, Shasta County Service Area No. 3-Castella Water, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 723, Shasta County Service Area No. 6-Jones Valley Water, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 724, Shasta County Service Area No. 8-Palo Cedro Water and Sewer, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 725, Shasta County Service Area No. 11-French Gulch Water, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 726, Shasta County Service Area No. 13-Alpine Meadows Water and Sewer, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 727, Shasta County Service Area No. 17-Cottonwood Sewer, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 728, Shasta County Service Area No. 23-Crag View Water, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

As introduced on July 25, 2017, enacted Ordinance No. 729, Shasta County Service Area No. 25-Keswick Water, Setting Forth Charges and Fees for Various Services.  
(See General Ordinance Book)

Consented to the absence of Rubin E. Cruse, Jr., Shasta County Counsel, from the State of California for more than 30 days, from June 14, 2017 through July 22, 2017. (County Counsel)

Adopted Salary Resolution No. 1512, effective August 20, 2017, which deletes 1.0 Full-Time Equivalent (FTE) vacant Employment & Training Worker Supervisor position in the Social Services and Benefit Administration budget and adds 1.0 FTE Social Worker Supervisor I

position in the Public Health budget. (Health and Human Services Agency-Business and Support Services)

(See Salary Resolution Book)

Took the following actions regarding renewal Equitable Sharing Agreement and Certifications (ESAC) outlining receipt and expenditure of federal asset forfeiture sharing funds for the Sheriff's Office and the District Attorney's Office for Fiscal Year 2016-17: Approved and authorized the Chairman to sign two certifying Affidavits; and authorized the Finance Contact listed on each ESAC to electronically submit the ESAC to the United States Department of Justice. (Sheriff-District Attorney)

Approved and authorized the Chairman to sign agreements for environmental laboratory services with: Basic Laboratory, Inc. in an amount not to exceed \$150,000 per fiscal year for a period of one year effective retroactive to August 1, 2017, with two automatic one-year renewals; B C Laboratories, Inc. in an amount not to exceed \$150,000 per fiscal year for a period of one year effective date of signing, with two automatic one-year renewals; and Excelchem Environmental Laboratories, Inc. in an amount not to exceed \$150,000 per fiscal year for a period of one year effective date of signing, with two automatic one-year renewals. (Public Works)

Awarded the contract for the "Bridge Preventive Maintenance Project" (Contract No. 705936) in the amount of \$198,197 to the low bidder, American Civil Constructors West Coast, Inc., on a unit cost basis. (Public Works)

Approved and authorized the Chairman to sign an evergreen Memorandum of Understanding with the Bureau of Land Management with no compensation to participate in preparing the Northwest California Integrated Resource Management Plan, effective date of signing. (Public Works)

Took the following actions regarding the "Jail Boiler Replacement Project" (Contract No. 610460): Found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA) Section 15301 Guidelines, Class 1-Existing Facilities; approved plans and specifications; directed the Public Works Director to advertise for bids; and authorized the opening of bids on or after Thursday, September 7, 2017, at 11:00 a.m. (Public Works)

## **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 Rickert recently attended a Northern California Water Association Governing Board.

Supervisor Moty recently attended California State Association of Counties Executive Meeting and Enterprise-Anderson Groundwater Sustainability Agency meetings.

Supervisor Baugh recently attended a Local Agency Formation Commission meeting.

Supervisors reported on issues of countywide interest.

By Board consensus, the Board directed staff to research drafting a letter supporting efforts dealing with opiate abuse.

## **RESOURCE MANAGEMENT**

### **INTRODUCTION OF AN ORDINANCE AMEND SECTION 1.12.050 OF THE SHASTA COUNTY CODE ADMINISTRATIVE ENFORCEMENT**

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance of the Board of Supervisors of the County of Shasta amending Chapter 1.12 of the Shasta County Code concerning Administrative Enforcement.

## **PUBLIC WORKS**

### **COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER NEW RATE STUDY AND ONE-YEAR RATE INCREASE PROPOSAL**

Public Works Director Pat Minturn provided a presentation on a previous four-year rate increase proposal, budget history and current financial condition, and a new one-year rate study based on previous year operational costs and existing debt repayment for County Service Area (CSA) No. 6-Jones Valley Water. Mr. Minturn stated that CSA No. 6 has consistently met all water quality requirements and maintained service to customers.

In response to questions by Supervisor Moty, Mr. Minturn agreed to verify that time-of-use rates are imposed by PG&E and not within the County's control.

In response to questions by Supervisor Baugh, Mr. Minturn could not determine any items in the presented rate proposal that could be improved/reduced.

Roy Vincent expressed opinions on issues related to CSA No. 6 and opposed the ordinance.

Rex Hatfield expressed concerns regarding water testing, warm water, and water quality.

Robin Freeman opposed the ordinance and water restrictions.

Thomas Hildebrand expressed concerns regarding Grand Jury fees.

In response to questions by Supervisor Kehoe, Mr. Minturn assessed the need for contingency reserve funds, which the proposed one-year rate study does not provide.

In response to questions by Supervisor Kehoe, CEO Lees provided information related to charges incurred by CSA No. 6-Jones Valley Water for Grand Jury investigation costs.

County Counsel Rubin Cruse clarified that any board action today is related only to direction of staff to initiate rate increase proceedings and not to approve the rate increase itself.

By motion made, seconded (Moty/Rickert), and unanimously carried, the Board of Supervisors directed staff to initiate rate increase proceedings based upon the new one-year rate study.

**PUBLIC WORKS****WEST CENTRAL LANDFILL SITE LEASE  
BID OPENING  
GAS-TO-ENERGY PROJECT**

Deputy Public Works Director Scott Wahl provided information on the West Central Landfill project and the request for bids for lease of property at West Central Landfill for purposes of siting a gas-to-energy project. Deputy Clerk of the Board Rossann Grimm opened and read aloud one written and sealed bid into the record. Chairman Kehoe called for any oral bids, and receiving none, continued this matter to August 22, 2017, to consider final acceptance of the highest bid submitted which conforms to all terms and conditions specified in the resolution of intention to lease and which is made by a responsible bidder.

**SCHEDULED HEARINGS****PUBLIC WORKS  
COUNTY SERVICE AREA (CSA) NO. 3-CASTELLA WATER  
ORDINANCE NO. 730**

This was the time set to conduct a public hearing to consider enacting an urgency ordinance which finds a water shortage emergency exists in CSA No. 3-Castella Water. Public Works Director Pat Minturn presented the staff report and recommended approval. The Notice of Hearing and the Notice of Publication are on file with the Clerk of the Board.

The public hearing was opened.

Jim Heilman expressed support for a mutually crafted rate plan.

The public hearing was closed.

In response to questions by Supervisor Morgan, County Executive Officer (CEO) Larry Lees confirmed that County staff is prepared to initiate due process and that notices will be mailed this week.

In response to questions by Supervisor Morgan, County Counsel Rubin Cruse clarified options available to the Board of Supervisors on this item.

In response to questions by Supervisor Baugh, CEO Lees advised on impacts of delaying enactment of an emergency ordinance and fair and equal treatment of all CSAs that is based on sound financial data.

In response to questions by Supervisor Moty, Mr. Minturn provided an overview of system maintenance/repair (reserve funds) that are included in the current proposed rate increase and clarified the proposed effective date of any rate increase that is approved. CEO Lees clarified that, if approved, the ordinance would be enacted immediately, that water meters will be read in early September and that any proposed penalties could not be applied until after meters are read again in early November.

By motion made, seconded (Morgan/Moty), and unanimously carried, the Board of Supervisors introduced, waived the reading of, and enacted Ordinance No. 730, an Urgency Ordinance of the Board of Supervisors of the County of Shasta Declaring a Water Shortage Emergency and a Necessity for a Water Conservation Program, Adopting a Water Conservation Program and Finding that the Actions are Exempt from the CEQA in CSA No. 3 Castella Water.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to confer with legal counsel to discuss two cases of anticipated litigation, pursuant to Government Code Section 54956.9, subdivision (d), paragraph (4); and to discuss existing litigation entitled *Jewett, et. al v. County of Shasta, et. al.*, pursuant to Government Code Section 54956.9, subdivision (d), paragraph (1).

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

12:21 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 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 anticipated and existing litigation. In one of the cases for potential initiation of litigation, the Board of Supervisors, by a 5-0 vote, gave approval to its legal counsel to initiate legal action, and the action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the County's ability to effectuate service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage.

There was no other reportable action.

12:22 p.m. The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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