

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 23, 2018

REGULAR MEETING

9:01 a.m.: Vice 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 Rickert
 District No. 4 - Supervisor Morgan
 District No. 5 - Supervisor Baugh - Absent

County Executive Officer - Larry Lees
 County Counsel - Rubin E. Cruse, Jr.
 Administrative Board Clerk - Kristin Gulling-Smith
 Administrative Board Clerk - Trisha Boss

INVOCATION

Invocation was given by Pastor Pauline Bowen, Trinity United Methodist Church.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

**PROCLAMATION: BREAST CANCER AWARENESS MONTH
 OCTOBER 2018**

At the recommendation of Supervisor Moty, and by motion made, seconded (Rickert/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2018 as "Breast Cancer Awareness Month" in Shasta County. Kristy Lanham was present to accept the proclamation.

PRESENTATIONS

SHASTA PUBLIC LIBRARY SYSTEM UPDATE

Shasta Public Libraries Director Anna Tracy gave an update on the Shasta Public Library System.

WHISKEYTOWN NATIONAL RECREATION AREA UPDATE
NATIONAL PARK SERVICE

Acting Superintendent Patrick Gubbins and Chief Ranger Dave Keltner gave an update regarding the plans to reopen Whiskeytown National Recreation Area to the public.

In response to questions from Supervisor Rickert, Chief Ranger Keltner explained that trees removed due to safety concern are being treated in several different ways; smaller trees are chipped to assist with erosion control, while the National Park Service is looking into ways to dispose of larger trees that cannot be used within the park.

In response to questions from Supervisor Kehoe, Superintendent Gubbins stated that, while he cannot speak to instances prior to his tenure in the position, he did authorize the use of mechanized equipment in mitigating the Carr Fire immediately.

2018 HIGH SCHOOL VOTER EDUCATION WEEKS
COUNTY CLERK/ELECTIONS

Cathy Darling Allen, County Clerk/Registrar of Voters, reported on various activities during April and September 2018 High School Voter Education Weeks and recognized the high school students who participated.

PUBLIC COMMENT PERIOD - OPEN TIME

Terri Morelock, Director of Child Support Services, recognized Lisa Carter for 39 years of service with the County.

Dennis Fox spoke regarding concerns about state lobbyists.

Lynn Erickson thanked the community and County for their support of the Circle of Friends Wellness Center in Burney for the past ten years.

Kimberly Davis spoke regarding how Circle of Friends has helped her over the years and recognized the support of the community for the program.

Chelsea Sabin described her experience working at Circle of Friends and thanked the community for their support of the program.

Bernadette Bird spoke regarding the positive changes that Circle of Friends has helped her make and thanked the County and community for supporting the program.

Monique Welin spoke regarding the United States Constitution and Bill of Rights.

ITEMS PULLED FROM CONSENT CALENDAR

Vice Chairman Moty noted that the item regarding Technical Resource Management, LLC, dba Cordant Health Solutions had been pulled from the agenda at the request of the department.

CONSENT CALENDAR

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

Took the following actions for 2019: Appointed Supervisor Les Baugh as the Member to the Rural County Representatives of California (RCRC) Board of Directors and Supervisor Mary Rickert as the Alternate to the RCRC Board of Directors; appointed Supervisor Leonard Moty as the Member to the California State Association of Counties (CSAC) Board of Directors and Supervisor Les Baugh as the Alternate to the CSAC Board of Directors; and appointed Supervisor Les Baugh as the Member to the Golden State Finance Authority (GSFA) and Supervisor Mary Rickert as the Alternate to the GSFA. (Clerk of the Board)

Approved the minutes of the meeting held on October 16, 2018, as submitted. (Clerk of the Board)

Adopted Resolution No. 2018-102 which: Supersedes Resolution No. 2018-077, adopted on September 11, 2018; and suspends provisions in the revised Shasta County Personnel Rules, Chapter 1, *Definitions*, and Chapter 19, *Regular Part-Time and Extra Help*, to ensure continued staffing during disaster response and recovery efforts. (Support Services-Personnel)
(See Resolution Book No. 61)

Adopted Resolution No. 2018-103 which amends the Shasta County Personnel Rules, Chapter 1, *Definitions*, and Chapter 19, *Regular Part-Time and Extra Help*. (Support Services-Personnel)
(See Resolution Book No. 61)

Adopted Resolution No. 2018-104 which amends the Shasta County Personnel Rules, Chapter 4, *Salary Payment Procedure*. (Support Services-Personnel)
(See Resolution Book No. 61)

Approved and authorized the Chairman to sign an amendment, effective date of signing, to the agreement with Hill Country Community Clinic for the Whole Person Care Pilot Program to add the Mobile Crisis Team Fee-For-Service Program and increase compensation by \$1,528,970 (for a new total not to exceed \$3,934,920), and retain the term January 1, 2017, through December 31, 2020. (Health and Human Services Agency-Adult Services)

Adopted Resolution No. 2018-105 which releases and discharges two real property liens recorded on October 17, 1986, and September 13, 1988, against Pamela J. Mickelson and Dennis N. Mickelson for aid rendered to Pamela J. Mickelson from Shasta County Department of Social Services in 1986 and 1987 and finds that the two property liens are hereby fully released and discharged. (Health and Human Services Agency-Business and Support Services)
(See Resolution Book No. 61)

Approved and authorized the Chairman to sign a retroactive amendment, effective May 1, 2018, to the agreement with Andrew J. Wong Inc. to develop and provide ongoing maintenance for a computer database that generates reports of client outcomes from the Child and Adolescent Needs and Strengths screening tool to increase compensation by \$28,875 (for a new maximum compensation of \$116,875) for database updates to comply with California Department of Social Services and Department of Health Care Services requirements, and retain the term November 1, 2016, through October 31, 2019. (Health and Human Services Agency-Children's Services)

Adopted Resolution No. 445 of Ordinance No. 413-1 for placement of a "YIELD" sign on Toronto Avenue (County Road No. 7P079) at Tall Timber Lane (private road). (Public Works)
(See Stop Sign Ordinance Book)

Approved a budget amendment increasing appropriations by \$59,500 and revenue by \$61,000 in the Environmental Health Division budget to administer the Household Hazardous Waste Grant Program, piloting the California Product Stewardship Council's ReFuel Your Fun Campaign. (Resource Management)

REGULAR CALENDAR, CONTINUED**GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Executive Officer (CEO) Larry Lees had no legislative update.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES**OCTOBER PERSONNEL AMENDMENTS****SALARY RESOLUTION 1536****AMENDED AND ADOPTED CLASS SPECIFICATIONS**

Director of Support Services Angela Davis presented the staff report and recommended approval.

By motion made, seconded (Kehoe/Morgan), and unanimously carried, the Board of Supervisors took the following actions associated with the October Personnel Amendments: Adopted Salary Resolution No. 1536, effective October 28, 2018, which: amends the County Class Specifications and Salary Schedule as follows: add Disease Investigation Specialist I/II; add Senior Agency Staff Services Analyst; add footnote 75: An additional five percent (5%) will be added to the base salary of a department head when appointed as the Shasta County Director of Disaster Recovery by the County Executive Officer from the date of appointment until the County Executive Officer concludes the appointment; amends the County Salary Schedule as follows: adjust Personnel Analyst I/II/III from classified to unclassified; adjust Risk Management Analyst I/II/III from classified to unclassified; adjust Employment Services Instructor III from unclassified to classified; amends the County Position allocation list as follows: from 1.0 Full-Time Equivalent (FTE) Personnel Assistant – Confidential to 1.0 FTE Agency Staff Services Analyst I/II – Confidential and add 2.0 FTE Senior Agency Staff Services Analyst in the Support Services – Personnel budget; add 1.0 FTE Deputy District Attorney I/II/III in the District Attorney budget; delete 1.0 FTE Office Assistant I/II and add 1.0 FTE Legal Process Clerk I/II in the District Attorney – Victim Witness budget; delete 1.0 FTE Administrative Secretary I and add 1.0 FTE Staff Services Analyst I/II in the Health Services – Mental Health Combined budget; delete 1.0 FTE Staff Nurse I/II and add 1.0 FTE Social Worker Supervisor I/II in the Health Services – Mental Health Services Act budget; delete 1.0 FTE Community Health Advocate, delete 1.0 FTE Public Health Nurse I/II, and delete 1.0 Typist Clerk I/II in the Health Services – Public Health – CCSS budget; add 1.0 FTE Community Health Advocate, add 1.0 FTE Community Education Specialist I/II, and add 1.0 FTE Typist Clerk I/II in the Public Health budget; from 1.0 FTE Administrative Secretary I to 1.0 FTE Office Assistant Supervisor, and from 1.0 Business Officer Clerk I/II to 1.0 FTE Accounting Technician, delete 1.0 FTE Staff Nurse II, add 1.0 FTE Assistant Social Worker/Social Worker, and add 1.0 FTE Patient's Rights Advocate in the Mental Health budget; delete 1.0 FTE Public Health Nurse I/II in the Public Health budget; add 1.0 FTE Social Worker Supervisor II in the Social Services and Benefit Administration budget; add 1.0 FTE Disease Investigation Specialist I/II in the Public Health budget; from 4.0 FTE Eligibility Worker I/II to 4.0 FTE Eligibility Worker III, delete 1.0 FTE Office Assistant I/II, and add 1.0 FTE Senior Staff Services Analyst in the Social Services and Benefit Administration budget; delete 1.0 FTE Assistant Social Worker/Social Worker/Senior Social Worker in the Social Services and Benefit Administration budget; add 1.0 FTE Mental Health Clinician I/II in the Mental Health budget; delete 1.0 FTE Employment Services Supervisor and add 1.0 FTE Office Assistant III in the Social Services – Opportunity Center budget; amends the County Salary Schedule increasing the salary range to five percent above the 2019 California Minimum Wage (\$12.60) for various job classifications effective December 23, 2018; amends the class

specifications for the Assistant Director of Child Support Services, Child Support Program Manager, and Supervising Child Support Specialist positions effective October 23, 2018; and adopts class specifications for the Disease Investigation Specialist I, Disease Investigation Specialist II, and Senior Agency Staff Services Analyst positions effective October 23, 2018.

(See Salary Resolution Book)

OCTOBER PERSONNEL AMENDMENTS
BUDGET AMENDMENTS

Director of Support Services Angela Davis presented the staff report and recommended approval.

By motion made, seconded (Morgan/Rickert), and unanimously carried, the Board of Supervisors took the following actions associated with the October Personnel Amendments: Approved a budget amendment increasing Salary & Benefits appropriations by \$132,066, and decreasing Services & Supplies appropriations by \$132,066 in the Support Services – Personnel budget; and approved a budget amendment increasing appropriations and revenue by \$93,118 in the District Attorney budget to add a Consumer Fraud Unit Deputy District Attorney position.

SCHEDULED HEARINGS

GENERAL GOVERNMENT

This was the time set to conduct public hearings to consider appeals of water bill penalties for County Service Area (CSA) No. 23-Cragview Water. The Notices of Public Hearing are on file with the Clerk of the Board.

Vice Chairman Moty advised that correspondence related to hearings had been received and entered into the record.

WATER BILL PENALTY
ASSESSOR'S PARCEL NUMBER 014-080-034-000 (BILLINGS)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 014-080-034-000 (Billings).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

In response to questions from Supervisor Kehoe, Mr. Minturn described the process for requesting a variance in allowable water usage and stated that no variance was requested in this instance.

In response to questions from Supervisor Morgan, Mr. Minturn explained the amounts of water used as indicated on the water bill.

Mr. Robert Billings presented information related to imposing a water bill penalty for Assessor's Parcel Number 014-080-034-000.

In response to questions from Supervisor Moty, County Counsel Rubin Cruse, Jr. explained that the County has the legal authority to set water restrictions and usage fees due to established ordinances as allowed by the California Water Code.

In response to questions from Supervisor Morgan, Mr. Billings stated that there are two people in his household and that he wished to pursue the option of combining the two parcels of land he owns into one water connection in order to avoid future penalties.

In response to questions from Supervisor Kehoe, Mr. Billings stated that he did not dispute the water charges and that they were due to his normal water usage. He also stated that he was unaware of the possibility of obtaining a variance.

In response to questions from Supervisor Moty, Mr. Minturn explained that the two parcels in question had separate water meters and separate water usage. Mr. Minturn stated that the Board limited the water usage of each water connection. He also explained that the ordinance was sent to each customer in the CSA, along with explanations of the variance option.

In response to questions from Supervisor Morgan, Mr. Minturn explained that combining two parcels into one water connection would reduce the overall water allowance for the two parcels to that allowed for one household.

In response to questions from Supervisor Kehoe, Mr. Minturn stated that there are 70 users in CSA No. 23; out of those 70, approximately 48 users complied with the direction of the Board; only three of the remainder challenged the fee for excessive use.

The public hearing was closed.

Supervisor Morgan motioned to not impose the civil penalty; the motion failed for lack of a second.

By motion made, seconded (Kehoe/Rickert), and carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the civil penalty concerning the water bill penalty for Assessor's Parcel Number 014-080-034-000 (Billings). (Supervisor Morgan opposed.)

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 104-080-019-000 (Pantel)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 104-080-019-000 (Pantel).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

In response to questions from Supervisor Rickert, Mr. Minturn stated that variances are usually received shortly after ordinances are sent to customers. Counsel Cruse stated that the ordinance does not outline a required timeline or deadline for submitting a variance request.

The property owner was not present; no one spoke for or against the item. The public hearing was closed.

By motion made, seconded (Morgan/Rickert), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the civil penalty concerning the water bill penalty for Assessor's Parcel Number 104-080-019-000 (Pantel).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 014-060-007-000 (Stafford)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 014-060-007-000 (Stafford).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

In response to questions from Supervisor Morgan, Mr. Minturn stated that staff contacted Kim Stafford via telephone to clarify that her letter was intended to be an appeal and that she verbally indicated it was.

The property owner was not present; no one spoke for or against the item. The public hearing was closed.

The public hearing was closed.

By motion made, seconded (Morgan/Kehoe), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the civil penalty concerning the water bill penalty for Assessor's Parcel Number 014-060-007-000 (Stafford).

PUBLIC WORKS

This was the time set to conduct a public hearing to consider abandonment of public interest in Forwards Mill Road (County Road No. 2N002B) and a portion of Mineral Road (County Road No. 2P001) (Viola area). Pat Minturn, Director of Public Works, presented the staff report and recommended approval. The Notice of Public Hearing and the Notice of Publication are on file with the Clerk of the Board.

In response to questions from Supervisor Rickert, Mr. Minturn stated that it appears that Sierra-Pacific Industries (SPI), the owners of the majority of the land, have done a number of timber harvests in the area.

The public hearing was opened.

Kristy Lanham, SPI North Sierra Region Community Relations Manager, and Ted James, Lassen District Manager for SPI, spoke regarding the steps that SPI has taken concerning these roads and the issues and damages that have occurred to them. They also explained their concerns about possible fire hazards in the area and the benefits of the County approving the resolution.

In response to questions from Supervisor Moty, Mr. James stated that SPI will continue to maintain the roads and will make some improvements to them. Mr. James stated that SPI typically gates off roads to control access by vehicles, especially during winter or other times where road conditions are of concern. Mr. James explained that, if an emergency were to arise, SPI employees, Cal Fire employees, or certain local residents would be able to open the access gates so that the roads would be accessible as emergency routes. Ms. Lanham also stated that, while SPI typically controls vehicular access to their roads, they do encourage foot traffic for recreational purposes.

In response to questions from Supervisor Rickert, Mr. James explained that SPI has encountered garbage dumping; abandoned vehicles and recreational vehicles; illegal camping and homeless camps, often with campfires, which add to the threat of a fire; theft from and vandalism of neighboring cabins; and damage to roads by vehicular use during bad weather. Mr. James stated that small wildfires happen in the area approximately every week.

In response to questions from Supervisor Morgan, Mr. James stated that no one has permanent residence along the roads that will be closed, although there are two property owners who maintain seasonal cabins. The two property owners will be able to open the gates and access their property. Supervisor Moty noted that the two property owners have also signed on to SPI's request and support it.

Bill Southwick, Beverley Zumalt, Liz Merry, Angelo Andreini, and Hank Pritchard spoke against the proposal.

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

In response to questions from Supervisor Moty, Mr. Minturn stated that, per state law, notice of the proposal was printed in the Record Searchlight on two different dates, and that the Department of Public Works attempted to contact Tehama County directly, although they did not receive a call back. County Fire was also notified, and approximately ten signs were posted in the area. Supervisor Moty noted that he received a phone call from Tehama County Supervisor Dennis Garton, who informed him that Tehama County Public Works did receive the notice but did not respond because it did not affect areas within Tehama County.

In response to questions from Supervisor Kehoe, Mr. Minturn stated that currently, the public can travel unrestricted along the roads. Mr. Minturn also explained that, although the roads have been in the County maintained mileage since approximately 1960, the County has not maintained the road for decades and that SPI has done the maintenance work. Mr. Minturn stated that abandoning the easement would return it to the property owners, allowing them to do with it as they see fit; while it would eliminate one potential alternative route for access to public lands, it would not eliminate any primary or secondary routes. He explained that free public access along the roads would possibly be curtailed, as that would be up to the property owners.

In response to questions from Supervisor Rickert, Mr. James stated that local people who could have need in an emergency situation can work with SPI's forest patrolman to obtain key access.

County Counsel Cruse clarified that the Board of Supervisors can put conditions on any full or partial abandonment of the roads.

In response to questions from Supervisor Morgan, Mr. James clarified the area where the Ponderosa Fire occurred. Mr. James stated that there is public access up Rock Creek Road to Highway 44 and that the neighboring property owners have also had problems in the area. Ms. Lanham stated that there are other, preferred public access roads and that the non-residents who use the roads in question as a dumping ground are a safety issue for local residents as well as for SPI. Mr. James added that people are often confused as to the location of Road 17 versus the roads in question, which causes people to get lost and creates another safety issue.

In response to questions from Supervisor Moty, Counsel Cruse stated that prescribed easements are not in play as far as he knows and that if the Board vacated the roads, they would no longer be public roads. He also stated that if someone believed they had a prescriptive easement, it would be up to the property owners to address.

In response to questions from Supervisor Kehoe, Mr. James and Ms. Lanham addressed the use patterns of the road outside of SPI. Mr. James stated that currently, anyone with a vehicle could use the roads, and that also leads to the possibility of illegal marijuana grows, which can negatively impact watersheds. Mr. James stated that most users are probably recreationists, but people often get lost and the amount of dumping and fire danger is great. He also stated that the Sheriff's Office in Shingletown would also have gate keys.

Counsel Cruse clarified whether the Board of Supervisors wanted to add key access as a condition to the resolution. Ms. Lanham stated that SPI works with all adjacent property owners, fire, police, sheriff's offices, and citizen patrols to grant key access to those who need it. Supervisor Rickert declined to add a condition to her motion to adopt the resolution.

By motion made, seconded (Rickert/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2018-106 which orders the vacation of public easement located in the unincorporated area of Shasta County, California [Forwards Mill Road (County Road No. 2N002B) and a portion of Mineral Road (County Road No. 2P001) (Viola area)].

(See Resolution Book No. 61)

CLOSED SESSION ANNOUNCEMENT

Vice Chairman Moty announced that the Board of Supervisors would recess to a Closed Session to take the following action:

Confer with legal counsel to discuss existing litigation entitled *Michael Peery v. County of Shasta*, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1).

11:31 a.m.: The Board of Supervisors recessed to Closed Session.

11:38 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Moty, Rickert, and Morgan, 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 existing litigation; however, no reportable action was taken.

11:39 a.m.: The Board of Supervisors adjourned.

Vice Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy