

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 10, 2019

REGULAR MEETING

9:03 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 Chimenti
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 - John Sitka
Administrative Board Clerk - Kristin Gulling-Smith

INVOCATION

Invocation was given by Pastor Jim Jarrett, Calvary Chapel.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

SEPTEMBER 2019 EMPLOYEE OF THE MONTH
CHILD SUPPORT SERVICES
CHILD SUPPORT SPECIALIST III ASHLEY SAELEE
RESOLUTION NO. 2019-080

At the recommendation of Terri Morelock, Director of Child Support Services, and by motion made, seconded (Morgan/Rickert), and unanimously carried, the Board of Supervisors adopted Resolution No. 2019-080 which recognizes Shasta County Child Support Services Department, Child Support Specialist III, Ashley Saelee as Shasta County's Employee of the Month for September 2019.

(See Resolution Book No. 63)

PUBLIC COMMENT PERIOD - OPEN TIME

Edmond Baier spoke on the fire risks associated with wind turbines and in support of the Citizens in Opposition to the Fountain Wind Project.

Beth Messick spoke on concerns surrounding the proposed Fountain Wind Project in Shasta County.

William Gilbert spoke on personal grievances with the Child Support Services department.

Edward A. Condit requested a cost assessment to procure a backup generator to augment the water system in the County Service Area No. 6-Jones Valley area.

In response to Mr. Condit's request, Supervisor Rickert asked Mr. Condit to speak with Public Works Director Pat Minturn to discuss the issue in further depth.

Lisa MacDonald spoke in opposition of the proposed Fountain Wind Project in Shasta County based on the environmental impact.

Brenda Woods voiced concerns over the lack of effective resources in Shasta County to address mental health and homelessness.

Ryan Woods spoke on issues with systematic accountability and the ineffectiveness of mental health and drug programs.

Maggie Osa spoke in opposition of wind turbines within Shasta County.

Monique Welin advocated for changes within the County to address mental health issues.

Nick Gardner requested support for speedbumps to slow down residential traffic in Redding.

Dolores Lucero spoke on personal grievances with the County.

CONSENT CALENDAR

By motion made, seconded (Morgan/Rickert), and unanimously carried (except for the CGL Companies, LLC agreement noted below where Supervisor Baugh voted no), the Board of Supervisors took the following actions, which were listed on the Consent Calendar:

Approved and authorized the Chairman to sign an amendment, effective date of signing, to the Loan Agreement and Promissory Note Secured by Deed of Trust with the Veterans Housing Development Corporation to provide predevelopment financing for the Shasta Lake Villages housing project which extends the term of the loan and establishes a new maturity date from May 7, 2019 to June 1, 2020, and retains the loan amount of \$248,000. (Administrative Office)

Adopted Resolution No. 2019-081 which authorizes a loan from the County's General Fund to Burney Fire Protection District in the amount of \$125,000 to be repaid from the December 2019 secured property tax apportionment. (Administrative Office)

(See Resolution Book No. 63)

Approved and authorized the Chairman to sign an amendment, effective date of signing, to the agreement with CGL Companies, LLC (CGL) to: (1) Extend the due date for the submission of the final report from May 24, 2019 to September 30, 2019, or within 60 calendar days after CGL presents a draft report to the Board; and (2) modify the agreement end date to December 3, 2019, or thirty calendar days after County processes the final payment, whichever occurs first. Supervisor Baugh voted against the agreement. (Administrative Office)

Approved and authorized the Chairman to sign an agreement with Michael Baker International, Inc. in an amount not to exceed \$49,120 to draft an Environmental Impact Report for the U.S. Department of Agriculture Animal and Plant Health Inspection Service - Wildlife Services (USDA APHIS-WS) program in Shasta County for the period date of signing through July 31, 2020. (Agricultural Commissioner/Sealer of Weights and Measures)

Approved and authorized the Chairman to sign the County claims list in the amount of \$38,517.50 as submitted. (Auditor-Controller)

Adopted Resolution No. 2019-082 which approves the Fiscal Year 2019-20 Countywide Tax Rate, Unitary Debt Service Rate, and the tax rates for bond sinking funds, voter-approved debt, and tax overrides. (Auditor-Controller)

(See Resolution Book No. 63)

Approved the minutes of the meetings held on August 13, 2019, and August 20, 2019, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a retroactive agreement with DFM Associates in an amount not to exceed \$6,000 per month (paid in advance) to provide election software and support services for the period July 1, 2019 through June 30, 2021, with two automatic one-year renewals. (County Clerk/Elections)

Approved and authorized the Chairman to sign a retroactive renewal agreement with North Valley Behavioral Health, LLC in an amount not to exceed \$2,000,000 to provide inpatient psychiatric services for the period July 1, 2019 through June 30, 2022. (Health and Human Services Agency-Adult Services)

Approved and authorized the Chairman to sign retroactive renewal agreements with two Federally Qualified Health Centers located in Shasta County to provide outpatient mental health services for the period July 1, 2019 through June 30, 2022: (1) Mountain Valleys Health Centers in an amount not to exceed \$270,608.30; and (2) Shingletown Medical Center in an amount not to exceed \$318,362.70. (Health and Human Services Agency-Adult Services)

Took the following actions regarding the evergreen Partnership HealthPlan of California agreement with no maximum compensation for the coordination and provision of Medi-Cal services in Shasta County: Ratified the Branch Director's signature on the first amendment effective December 4, 2014 which added pediatric immunizations and vaccination services; ratified the Health and Human Services Agency Director's signature on the second amendment effective January 6, 2016 which added supplemental substance abuse benefits; and approved and authorized the Chairman to sign a retroactive amendment, effective July 1, 2019, which replaces Attachment D, Supplemental Substance Abuse Benefit Description, to add alcohol and drug treatment and prevention services, retaining the effective date September 1, 2013. (Health and Human Services Agency-Adult Services)

Ratified the Health and Human Services Agency Director's signature on a subordination agreement with California Housing Finance Agency (Cal HFA), effective August 27, 2019, to allow County's Mental Health Services Act loan documents priority over Cal HFA loan documents for the Woodlands II permanent supportive housing project. (Health and Human Services Agency-Office of the Director)

Approved and authorized the: Chairman to sign: a renewal agreement, Number 19-10189, with the California Department of Public Health (CDPH) in an amount not to exceed \$5,412,066 to continue funding for the operation of the Women, Infants, and Children (WIC) Supplemental Nutrition Program for the period October 1, 2019 through September 30, 2022; the California Civil Rights Laws Attachment (CDG OLS 04); and the Contractor Certification Clause (CCC 04/2017); and Health and Human Services Agency (HHSA) Director, or any HHSA Branch Director designated by the HHSA Director, to sign amendments, including retroactive, and other related documents that do not result in a change of more than fifteen percent of the maximum amount payable under this agreement, and to execute the CDPH Contractor's release form at the end of the contract term. (Health and Human Services Agency-Regional Services)

Approved and authorized the Chairman to sign a subrecipient agreement with Training, Employment, & Community Help, Inc. in an amount not to exceed \$22,260.82 utilizing Homeless Emergency Aid Program (HEAP) funding for Capital Improvements for the period July 1, 2019 through June 30, 2021. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign a retroactive evergreen agreement with Lexipol, LLC in an annual advance payment amount of \$13,242 (subject to modification in future years) for the subscription of Law Enforcement Policy Manual, updates, and support, effective August 1, 2019. (District Attorney)

Approved and authorized the Chairman to sign a retroactive amendment to the Community Prosecution Program Memorandum of Understanding with the City of Redding to provide funding in the amount of \$200,000 (\$100,000 from the City of Redding and \$100,000 from the County) and extend the term to June 30, 2020. (District Attorney)

Approved a budget amendment decreasing appropriations in the amount of \$2,285,000 within the Roads budget. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the "Olinda Road Cycle 5 Widening Project," Contract No. 702977, and record it within 15 days of actual completion. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the "Guardrail Repair (Creek Fire) Project," Contract No. 704045, and record it within 15 days of actual completion. (Public Works)

On behalf of County Service Area (CSA) 17-Cottonwood Sewer, took the following actions: Awarded to the lowest responsive and responsible bidder, Gateway Pacific Contractors, Inc., on a unit cost basis for the base bid, the contract for construction of the "Wastewater Treatment Plant Improvement Project," Contract No. 610498, in the amount of \$4,758,782; and adopted Resolution No. 2019-083 which authorizes the General Fund to fund project expenditures when the CSA No. 17-Cottonwood Sewer Admin Fund is in a negative cash position pursuant to Government Code Section 25214.3. (Public Works)

(See Resolution Book No. 63)

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 Chimenti recently attended the Community Corrections Partnership (CCP) Executive meeting.

Supervisor Rickert requested an update on wind turbines and expressed concern about the lack of availability for volunteer firefighters in the intermountain areas of the County.

In response to Supervisor Rickert, CEO Lees mentioned that there were past difficulties obtaining volunteer firefighters, but a creative solution is being worked out with Fire Chief Gouvea to address the lack of volunteer firefighters within the County. CEO Lees stated he would bring the issue back to the Board for discussion.

Supervisor Morgan noted his agreement with Supervisor Rickert in regards to more thoroughly addressing the Fountain Wind Project on a future agenda. He also supported Mr. Condit's request to procure a backup generator for CSA No.6-Jones Valley.

In response to Supervisor Rickert and Supervisor Morgan, CEO Lees explained that there are potential legal issues surrounding a moratorium on a project that has already begun and he has directed staff to examine the County's options when addressing both existing and future projects.

Supervisor Baugh thanked Fire Chief Gouvea, and other Shasta County first-responders, for recent efforts in containing the Mountain Fire and saving lives within the community.

Supervisor Moty recently attended meetings of the California State Association of Counties (CSAC) and Sacramento River Forum.

Shelley Forbes, Assistant Director of Support Services, offered an update on applications for the County Executive Officer position. She reported 21 applications for the position at the closure of the application date on September 6, 2019.

Supervisors reported on issues of countywide interest.

SCHEDULED HEARINGS

COUNTY COUNSEL

SPECIAL PUBLIC SAFETY TRANSACTIONS AND USE TAX PROPOSED ORDINANCE & RESOLUTION

This was the time set to conduct a public hearing to consider the introduction of a Special Public Safety Transactions and Use Tax ordinance and resolution to put the Public Safety Transactions and Use Tax on the March 3rd, 2020, ballot. County Counsel Rubin E. Cruse, Jr. 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.

Mr. Cruse explained that the proposed ordinance would adopt a special transactions and use tax in the amount of 1% to be used for public safety purposes in both unincorporated and incorporated cities of the County. In addition, the proposed resolution would call for impartial analysis by the County Counsel department and review by the Auditor-Controller before placing the ordinance on the ballot for March 3rd, 2020. Mr. Cruse stated the proposed ordinance was originally introduced on August 13, 2019, and was amended to address costs associated with third-party audits and a reallocation of revenue.

In response to questions from Supervisor Morgan, Mr. Cruse stated the current language in the proposed ordinance is standard for the State of California when defining a unanimous vote. Mr. Cruse added that modifying the language could be done but may not be necessary.

In response to questions from Supervisor Baugh, CEO Lees explained that the current language stating "all board members" is ideal in case there is a vacancy on the Board of Supervisors during a future voting period. Mr. Cruse stated he would have to further research the language incorporated within the proposed ordinance to provide greater clarity on the language's flexibility.

Supervisor Rickert expressed concern over a section within the proposed ordinance and requested health and rehabilitation programs be listed separately.

The public hearing was opened.

Stan Neutze, Matt Arrowsmith, Monique Welin, and Nancy Johnsen spoke in favor of the proposed public safety transactions and use tax.

Michael Dacquisto spoke in favor of the proposed public safety transactions and use tax, and suggested modifications to the language of the proposed ordinance.

Janice Powell voiced concerns with certain passages within the proposed ordinance, but still offered support of the proposed public safety transactions and use tax.

Dolores Lucero spoke in opposition of the proposed public safety transactions and use tax.

Public Defender William Bateman spoke on issues concerning the Conflict Public Defender within the proposed ordinance's language and recommended that allocation to the Conflict Public Defender be removed.

In response to questions from Supervisor Chimenti, Mr. Bateman explained how the Conflict Public Defender handles clients that may present a conflict of interest in legal proceedings with the Public Defender.

Supervisor Baugh, Supervisor Morgan, and Supervisor Rickert expressed agreement for removal of the specific reference cited by Mr. Bateman.

In response to questions from Supervisor Baugh, Mr. Cruse confirmed that the proposed ordinance would not become effective until given a two-thirds majority vote by voters in Shasta County. Mr. Cruse also confirmed that none of the Supervisors had a conflict of interest for voting on the proposed ordinance, as the public safety transactions and use tax was meant strictly for public benefit and not personal benefit.

The public hearing was closed.

CEO Lees acknowledged the City of Redding for their letter of unanimous support for the proposed public safety transactions and use tax.

By consensus, the Board directed staff to remove the reference cited by Mr. Bateman regarding the Conflict Public Defender.

By consensus, the Board directed CEO Lees and Mr. Cruse to address Supervisor Rickert's concerns and modify the language to emphasize rehabilitation programs.

In response to questions from Supervisor Baugh, Mr. Cruse clarified that the deadline for completion and approval of the proposed ordinance is no later than early December.

Supervisor Morgan stated his interest in seeing the proposed ordinance specifically require five Board members to vote unanimously for changes to the public safety transactions and use tax. Mr. Cruse explained that, under Supervisor Morgan's suggested change to the proposed ordinance, a vacancy on the Board meant that no action could be taken to change the public safety transactions and use tax.

A motion was made and seconded (Chimenti/Morgan) to change the proposed ordinance's language to "five" Board members instead of "all" Board members needed to make changes to the public safety transactions and use tax.

The motion failed by the following vote:

AYES: Supervisors Chimenti and Morgan

NOES: Supervisors Moty, Rickert, and Baugh

The Supervisors discussed the ordinance's proposal to establish an oversight committee for the proposed public safety transactions and use tax. Supervisor Baugh supported adding more representation to the City of Shasta Lake and the City of Anderson, while Supervisor Rickert requested representation from the intermountain areas of eastern Shasta County. Mr. Cruse elaborated that the oversight committee would serve in advisory capacity to the Board and committee members would be selected by resolution of the Board. Mr. Cruse further explained that the proposal only set a minimal number of members on the oversight committee, with the option to add and select more through a Board resolution.

By motion made, seconded (Baugh/Chimenti), and unanimously carried, the Board of Supervisors added one member for the City of Anderson and one for the City of Shasta Lake for a minimum of nine members to be appointed to the oversight committee.

Mr. Cruse discussed the comments and revisions suggested by Mr. Dacquito and stated that the current language in the proposed ordinance is sufficient to prevent the public safety transactions and use tax from supplanting other funds.

In response to questions from Supervisor Baugh and Supervisor Moty, Mr. Cruse stated that the proposed ordinance language originates from state law. Mr. Cruse further stated the Board had the flexibility and authority to change program allocations by unanimous vote.

By consensus, the Board directed Mr. Cruse to modify the proposed ordinance's language to allow the Board of Supervisors to address any violations or non-conformities with a majority vote.

Supervisor Chimenti requested to include additional language on the ballot measure which would cover medication-assisted treatment, rehabilitative services, and alternatives to County Jail and incarceration. By consensus, the Board directed staff to make these changes.

By motion made, seconded (Chimenti/Rickert), and unanimously carried, the Board of Supervisors directed staff to make changes to the proposed ordinance pursuant to the discussion held by the Board and bring the ordinance back to the Board no later than October 1, 2019.

11:44 a.m.: The Board of Supervisors recessed.

1:45 p.m.: The Board of Supervisors reconvened.

CLOSED SESSION ANNOUNCEMENT

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

Confer with legal counsel to discuss one case of anticipated litigation, pursuant to Government Code section 54956.9, subdivision (d), paragraph (4)); and

Discuss public employment (County Executive Officer), pursuant to Government Code section 54957

1:46 p.m.: The Board of Supervisors recessed to Closed Session.

3:35 p.m.: The Board of Supervisors returned 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 litigation and public employment; however, no reportable action was taken.

3:35 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy