

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 15, 2019

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 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.
 Chief Deputy Clerk of the Board - Mary Williams
 Administrative Board Clerk - John Sitka

INVOCATION

Invocation was given by Pastor Bradley Thomas, Neighborhood Church of Redding.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

**PROCLAMATION: BREAST CANCER AWARENESS MONTH
 OCTOBER 2019**

By motion made, seconded (Rickert/Chimenti), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2019 as “Breast Cancer Awareness Month” in Shasta County. Lori Lumbattis and Runee Gunlogson from Nor-Cal Think Pink were present to accept the proclamation.

Ms. Gunlogson described the efforts of Nor-Cal Think Pink to lower the mortality rate of breast cancer in Shasta County. Ms. Lumbattis listed the upcoming events to honor Breast Cancer Awareness Month.

**PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH
 OCTOBER 2019**

By motion made, seconded (Chimenti/Rickert), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2019 as “Domestic Violence Awareness Month” in Shasta County. Angie Mellis, Program Manager from the District Attorney’s Office, was present to accept the proclamation.

PUBLIC COMMENT PERIOD - OPEN TIME

Elizabeth Messick spoke regarding potential issues with lack of housing for employees who may be working on the Fountain Wind turbine project and invited the Board of Supervisors to visit the Hatchet Ridge wind turbines.

In response to questions from Supervisor Rickert, County Counsel Rubin E. Cruse, Jr. addressed the issue of a moratorium on wind turbine projects. Mr. Cruse stated that the Board of Supervisors would need to make a finding of current or immediate threat to public health or welfare. He explained that the environmental review of the Fountain Wind project is still pending, so there would be no basis for such a finding at this time. Mr. Cruse stated that the Board could place the matter on a future agenda.

Mr. Cruse described concerns with potential Brown Act violations if three or more members of the Board of Supervisors gather to discuss or visit the wind turbines.

Roy Vincent spoke in support of the item regarding staggering the terms of members of the Community Advisory Board for County Service Area No. 6-Jones Valley Water.

Kim Moore recognized two County employees at the Woodlands housing project for their positive impact and excellent care.

Monique Welin described personal experiences with mental illness and local resources.

William Gilbert spoke regarding issues with the Department of Child Support Services.

Edmond Baier expressed concerns with forest land use and treatment of wildlife.

CONSENT CALENDAR

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

Adopted Resolution No. 2019-095 which authorizes a loan from the County's General Fund to Anderson Cemetery District in the amount of \$35,000 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 a retroactive renewal agreement with the Economic Development Corporation of Shasta County in an amount not to exceed \$58,773 to provide business expansion, retention, and recruitment services for the period July 1, 2019 through June 30, 2020. (Administrative Office)

Approved the minutes of the meeting held on October 1, 2019, as submitted. (Clerk of the Board)

Took the following actions regarding the Fall River Resource Conservation District Board of Directors: Determined that Daniel Klatt has a demonstrated interest in soil and water conservation; and appointed Daniel Klatt for the remainder of an unexpired term to November 25, 2022. (Clerk of the Board)

Appointed Lorrie Ingram to the Pine Grove Cemetery District Board of Trustees to serve a four-year term to expire January 1, 2024. (Clerk of the Board)

Took the following actions regarding federal Home and Community Based Services (HCBS): Approved and authorized the Chairman to sign a retroactive revenue renewal agreement, No. PS-2351, with Far Northern Regional Center in an amount not to exceed \$184,654 to enable

the Health and Human Services Agency-Regional Services Branch, Opportunity Center (OC) to continue to provide services in the community to become compliant with new HCBS regulations for the period July 1, 2019 through June 30, 2020; approved a budget amendment increasing appropriations by \$7,348 and revenue by \$184,654 in the OC budget; approved the transfer of one used vehicle valued at \$1,848 from the Department of Child Support Services (DCSS) to the OC; and approved a budget amendment increasing revenue by \$1,848 in the DCSS budget. (Health and Human Services Agency-Regional Services)

Approved and authorized the Chairman to sign an amendment, effective date of signing, to the agreement with WellSky Corporation to provide the Homeless Management Information System (HMIS) which eliminates unused software modules, adds proration compensation language, updates the Consultant's contact information, replaces or modifies attachments, reduces maximum compensation from \$277,425 to \$147,788, and reduces the term of the agreement from October 31, 2018 through October 31, 2019, with two automatic one-year renewals to October 31, 2018 through June 30, 2020, with one automatic one-year renewal. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign two retroactive amendments, effective July 1, 2019, for Homeless Emergency Aid Program (HEAP) subrecipient agreements, retaining the term July 1, 2019 through June 30, 2021, with: Plumas Crisis Intervention and Resource Center in Plumas County in an amount not to exceed \$196,836.29 changing the funding category from Services: Other than Homeless Youth Set-Aside to eligible activities Capital Improvements in the amount of \$28,395.72 and Rental Assistance or Subsidies in the amount of \$168,440.57; and Plumas Crisis Intervention and Resource Center in Sierra County in an amount not to exceed \$39,270.84 changing the funding category from Services: Other than Homeless Youth Set-Aside to eligible activity Capital Improvements. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign a retroactive agreement for Homeless Emergency Aid Program (HEAP) funding with Siskiyou Community Resource Collaborative in an amount not to exceed \$43,857.51 to provide Services: Other than Homeless Youth Set-Aside and Rental Assistance or Subsidies for the period July 1, 2019 through June 30, 2021. (Housing and Community Action Programs)

Approved and authorized: The Support Services Department-Purchasing Unit (County Purchasing) to establish a vehicle price list for the remainder of the Fiscal Year (FY) 2019-20 based on the lowest responsive bids; County Purchasing to award Request for Bid (RFB) No. 20-12 for the purchase of Fleet Vehicles to: Lithia Toyota for 2020 Toyota Corolla compact sedan; and Crown Motors for 2020 Ford Ranger mid-size extended cab trucks and 2020 Dodge Charger Pursuit V6; and Fleet Management to purchase these vehicles for County Departments for the remainder of FY 2019-20. (Public Works, Support Services-Purchasing)

Approved and authorized the Chairman to sign an agreement with Bullert Enterprises, Inc. dba Big Time Pest Control in an amount not to exceed \$150,000 to provide pest control services at County facilities for a three-year term effective date of signing. (Public Works, County Service Area No. 6-Jones Valley Water)

On behalf of County Service Area (CSA) No. 6-Jones Valley Water, adopted Resolution No. 2019-096 which staggers the terms of members of the Community Advisory Board (CAB) for CSA No. 6-Jones Valley Water and announces the Board's intent to appoint those four property owners that receive the most votes in the December 2019 election to two-year terms and the next two property owners to one-year terms to conform to Board Resolution 84-6. (Public Works, County Service Area No. 6-Jones Valley Water)

(See Resolution Book No. 63)

Took the following actions regarding the "Deschutes Road Widening Phase II Project," Contract No. 702981: Found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15302, Class 2-Replacement and Reconstruction of Existing Structures and Facilities; approved and authorized the Chairman to sign right-of-way contracts with: Leonard I. Gallmeister and Betty J. Gallmeister for right-of-way (0.38 acres at \$12,600) plus a Federal Highway Administration (FHWA) signing incentive of

\$1,500; Robert M. Gertsch and Sharon Sue Gertsch for right-of-way (0.10 acres at \$3,300) plus a FHWA signing incentive of \$1,500; Brett Lyle Nichols and Melanie Lynn Ross-Nichols for right-of-way (0.11 acres at \$3,700) plus a FHWA signing incentive of \$1,500; Stratton Family Limited Partnership for right-of-way (0.18 acres at \$2,800) plus a FHWA signing incentive of \$1,500; and Gary Robert Tavis and Jill Alison Tavis for right-of-way (0.12 acres at \$2,200) plus a FHWA signing incentive of \$1,500; and accepted five Easement Deeds conveying the right-of-way parcels. (Public Works)

Approved and authorized the Chairman to sign an amendment, effective date of signing, to the contract with Design Time & Tile, Inc. for the removal, supply and installation of flooring and cove base materials, which increases compensation by \$100,000 for a new maximum compensation of \$150,000, retaining the term of July 12, 2019 through July 11, 2020. (Public Works)

For the "Fall River Mills Airport, O89 Airfield and Airport Way Pavement Rehabilitation Project," Contract No. 610514, adopted Resolution No. 2109-097 which: Authorizes filing an application for a state Airport Improvement Program (AIP) Matching grant for this project; authorizes acceptance of the allocation of state AIP Matching funds for this project; authorizes the Public Works Director to execute an AIP Matching Grant Agreement for this project, provided it has been reviewed and approved as to form by Risk Management and County Counsel; and authorizes the Public Works Director to sign any documents required to apply for and accept these subject funds on behalf of County. (Public Works)

(See Resolution Book No. 64)

Took the following actions: Awarded the purchase of six pickup trucks with plows and accessories to Crown Motors of Redding, California for a total price of \$332,471.55 (including tax and delivery); approved and authorized the purchase of the six pickup trucks with plows and accessories; and waived the requirement for competitive procurement. (Public Works)

Approved and authorized the Chairman to sign a retroactive amendment, effective August 6, 2019, to the contract with Thyssenkrupp Elevator Corporation to provide monthly maintenance services and repairs of the Jail elevators which increases compensation by \$55,000 for a new maximum compensation not to exceed \$100,000, retaining the term of December 1, 2018 through November 30, 2019 with one automatic one-year renewal. (Public Works)

Approved and authorized the Chairman to sign an amendment, effective date of signing, to the agreement with World Telecom & Surveillance, Inc. for the purchase and installation of access control systems, field devices, and other associated services and materials, which increases compensation by \$75,000 for a new maximum compensation not to exceed \$150,000, retaining the term of July 20, 2018 through July 19, 2019, with one automatic one-year renewal. (Public Works)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees explained that staff had prepared a letter to California Treasurer Fiona Ma based on the Board's discussion at the October 1, 2019, meeting.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter to California Treasurer Fiona Ma in support of State funding for the Williamson Act.

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

Supervisors reported on issues of countywide interest.

By consensus, the Board directed staff to prepare a letter to the California Public Utilities Commission to express concerns with the Public Safety Power Shutoffs and to place the letter on the agenda for the meeting on October 22, 2019, for consideration.

MEDICALLY-ASSISTED TREATMENT
SHASTA COUNTY JAIL

Undersheriff Eric Magrini provided an update regarding Medically Assisted Treatment (MAT) at the Shasta County Jail. Undersheriff Magrini explained that the initial target date for implementation was not met due to obstacles, but things are still moving forward. He stated that regular meetings are taking place with various partners and stakeholders.

Undersheriff Magrini updated the Board on the contract with WellPath and explained that the Sheriff's Office is also working with Empire Recovery to play a role in MAT.

In response to questions from Supervisor Moty, Undersheriff Magrini described related meetings and trainings he has recently attended, including a webinar with Maricopa County and a conference in Sacramento County.

CEO Lees explained that the delay in implantation has largely been due to staff efforts to design a more comprehensive solution to implement.

BALLOT ARGUMENT SUPPORTING
PUBLIC SAFETY TRANSACTIONS AND USE TAX ORDINANCE

County Counsel Rubin E. Cruse, Jr. explained that the Board could choose to have a ballot argument prepared regarding the Shasta County Public Safety Transactions and Use Tax Ordinance. Mr. Cruse further stated that the Board could designate one of its members to participate with staff in the process of preparing a ballot argument.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors took the following actions: Provided direction to staff to prepare a ballot argument, for the Board of Supervisors' consideration, supporting the Shasta County Public Safety Transactions and Use Tax Ordinance and, if an opposing ballot argument is submitted, to prepare a rebuttal argument for the Board of Supervisors' consideration; and selected Supervisor Chimenti to assist in the preparation of the ballot arguments.

HEALTH AND HUMAN SERVICES

PRESENTATION: VAPING IN SHASTA COUNTY
PUBLIC HEALTH

Health and Human Services Agency-Public Health Interim Branch Director Brandy Isola and Health Officer Dr. Karen Ramstrom provided a presentation regarding the impact of vaping on youth in Shasta County.

Dr. Ramstrom explained health concerns associated with use of flavored tobacco products and described usage statistics at a national level as well as in Shasta County.

Ms. Isola described local policy solutions in cities and counties across California, such as banning flavored tobacco products within sensitive areas, banning flavored tobacco products altogether, or limiting flavored tobacco products to adult-only stores.

Ms. Isola recommended that the Board consider adopting an ordinance banning all flavored tobacco products, including menthol-flavored products, and flavored vaping products in the unincorporated and incorporated areas of Shasta County.

In response to questions from Supervisor Baugh, County Counsel Rubin E. Cruse, Jr. explained that incorporated cities in Shasta County have indicated that they would consent to a County ordinance regulating tobacco products, but this could change down the road.

In response to questions from Supervisor Baugh, Dr. Ramstrom addressed misconceptions regarding the health impacts of vaping. She explained that vaping products are currently unregulated and the effects of the components are unknown.

In response to additional questions from Supervisor Baugh, Dr. Ramstrom clarified that vaping products will not be approved by the Food and Drug Administration, but will undergo a process only for approval to be sold.

In response to questions from Supervisor Rickert, Ms. Isola stated that enforcement of a potential ordinance is still under discussion, but staff have been including the District Attorney's office in the discussion.

In response to questions from Supervisor Rickert, Mr. Lees confirmed that the County does receive tobacco settlement funds. Ms. Isola stated that the County also receives money from the State for tobacco education and prevention.

In response to questions from Supervisor Rickert, Dr. Ramstrom explained that there is an existing concern that the cartridges of related products have a very high concentration of nicotine.

In response to questions from Supervisor Moty, Ms. Isola stated that vaping products are included in the tobacco tax. Supervisor Moty requested that staff research if the County has the ability to tax such products at a higher rate.

In response to questions from Supervisor Moty, Ms. Isola stated that the sale of tobacco and vaping products to individuals under the age of 21 is currently illegal in the State of California.

In response to questions from Supervisor Chimenti, Mr. Cruse confirmed that staff would prepare a draft ordinance which the Board would have the chance to review and modify prior to adoption.

By motion made, seconded (Baugh/Rickert), and unanimously carried, the Board of Supervisors directed staff to draft an ordinance regarding flavored tobacco and vaping products, based on staff's recommendation, and to bring it back for discussion at a future date to be determined.

PUBLIC WORKS

TERMINATION OF LOCAL EMERGENCY COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER

Pat Minturn, Director of Public Works, updated the Board on the status of the pumps providing water to County Service Area (CSA) No. 6-Jones Valley Water. Mr. Minturn stated that the dead pump was successfully replaced. He explained that it was discovered that the pump failure was due to a mechanical failure rather than an electrical failure. There are now two fully operational pumps in CSA No. 6-Jones Valley Water.

Mr. Minturn stated that water service was maintained to CSA No. 6-Jones Valley Water during the recent Public Safety Power Shutoff due to water supply.

In response to questions from Supervisor Moty, Mr. Minturn stated that pumps are not removed for testing during their lifetime due to high cost.

By motion made, seconded (Rickert/Morgan), and unanimously carried, the Board of Supervisors, on behalf of CSA No. 6-Jones Valley Water, adopted Resolution No. 2019-098 which

recognizes that: Repairs to Pump #2 have been successfully completed; and the circumstances and factors that led to the October 1, 2019 findings that emergency conditions exist due to needed repair or replacement of Pump #2 no longer exist and that the emergency is hereby terminated.

(See Resolution Book No. 63)

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 existing litigation entitled *Everett Jewett, et al. v. County of Shasta, Global Discoveries LTD. v. County of Shasta, et al.*, and *First Tennessee Bank v. County of Shasta Board of Supervisors, et al.*, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1); and

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

Consider a public employee appointment (County Executive Officer) pursuant to Government Code section 54957; and

Confer with its Labor Negotiator, County Counsel Rubin Cruse, Jr., to discuss the following unrepresented employee: County Executive Officer, pursuant to Government Code section 54957.6; and

Confer with its Labor Negotiators, County Executive Officer Larry Lees, Personnel Director Angela Davis, and Chief Labor Negotiator Gage Dungy, Liebert, Cassidy and Whitmore, to discuss the following employee organizations: Shasta County Management Council Mid-Management Bargaining Unit, General Teamsters Local 137, and United Public Employees of California, Local 792 - General Unit, pursuant to Government Code section 54957.6.

11:04 a.m.: The Board of Supervisors recessed to Closed Session.

1:04 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 existing and anticipated litigation, a public employee appointment, and labor negotiations, and the following reportable action was taken:

In the matter of *Global Discoveries LTD v. County of Shasta, et al.*, a case involving a claim to excess proceeds arising out of a tax sale, the Board, by a 5-0 vote, gave approval to the County Counsel's Office to defend this action.

In the matter of *First Tennessee Bank, et al. v. County of Shasta Board of Supervisors, et al.*, a case involving a claim to excess proceeds arising out of a tax sale, the Board, by a 5-0 vote, gave approval to the County Counsel's Office to defend this action.

There was no other reportable action.

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1:06 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy