

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, November 5, 2019

**REGULAR MEETING**

9:01 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 - Kristin Gulling-Smith
- Administrative Board Clerk - John Sitka

**INVOCATION**

Invocation was given by Pastor Murray Miller, Anderson Seventh-Day Adventist Church and Shasta Lake Bible Fellowship.

**PLEDGE OF ALLEGIANCE**

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

**REGULAR CALENDAR**

**BOARD MATTERS**

**NOVEMBER 2019 EMPLOYEE OF THE MONTH  
HEALTH AND HUMAN SERVICES AGENCY  
STAFF SERVICES ANALYST II DENISE BOEHLE  
RESOLUTION NO. 2019-101**

At the recommendation of Nancy Bolen, Health and Human Services Agency-Children's Services Branch Director, and by motion made, seconded (Baugh/Rickert), and unanimously carried, the Board of Supervisors adopted Resolution No. 2019-101 which recognizes Shasta County Health and Human Services Agency Staff Services Analyst II Denise Boehle as Shasta County's Employee of the Month for November 2019.

(See Resolution Book No. 63)

**PROCLAMATION: VETERANS AWARENESS WEEK  
NOVEMBER 10-16, 2019**

At the recommendation of Supervisor Morgan, and by motion made, seconded (Morgan/Rickert), and unanimously carried, the Board of Supervisors adopted a proclamation which designates November 10-16, 2019, as "Veterans Awareness Week" in Shasta County.

Veterans Service Officer Celestina Traver accepted the proclamation on behalf of the American Legion, Shasta Post 197. Ms. Traver described the success the Veterans Service has had with housing the County's homeless veterans. She also stated that the County will recognize its veteran employees with a display in the Shasta County Administration Complex.

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

County Counsel Rubin Cruse, Jr. recognized Senior Deputy County Counsel David Yorton on his retirement after more than 20 years of service with the County.

Undersheriff Eric Magrini announced the Sheriff's Office participation in "No-Shave November" to raise money for Shasta County Special Olympics. Denise Caldwell and Kevin Roberts spoke on behalf of Shasta County Special Olympics, describing the organization and how donations are used.

Edmond Baier described his experiences with living near wind turbines.

Beth Messick described ongoing problems with Pacific Gas & Electric's local infrastructure and electric grid.

William Gilbert spoke regarding ongoing issues with Shasta County employees.

Jeffrey Hess, owner of NorCal Vape, spoke against the proposed ban on flavored vaping products.

David Van Buren, owner of Big City Vapor, described his experience with vaping as a method to stop smoking and proposed methods to eliminate youth vaping.

Brenda Woods expressed concerns with the implementation of and services offered by the Mobile Crisis Unit.

Monique Welin expressed her belief in unifying people and involvement in local politics.

Maggie Osa spoke in opposition to the Fountain Wind Project and asked for a moratorium on future wind turbine projects.

In response to questions by Supervisor Moty, County Counsel Rubin Cruse, Jr. explained that, under the law, the County currently has no legal basis for a moratorium due to the fact that there is not "a current and immediate threat" to public health, as the permit process is still ongoing and construction on the Fountain Wind Project has not begun.

### **CONSENT CALENDAR**

By motion made, seconded (Rickert/Chimenti), and unanimously carried, the Board of Supervisors took the following actions as amended, which were listed on the Consent Calendar (The appointment of an Alternate to Rural County Representatives of California and Golden State Finance Authority was postponed until a later date):

Approved a budget amendment increasing appropriations by \$25,000 offset with increased use of "Recorders Micrographics Fees" designated fund balance in the Recorder budget for scanning records into a digital format. (Assessor-Recorder)

Approved the minutes of the meeting held on October 22, 2019, as submitted. (Clerk of the Board)

Reappointed Jerry "Abe" Hathaway, Chad Arseneau, and Walter Caldwell to the Burney Basin Mosquito Abatement District Board of Trustees to serve two-year terms to expire January 3, 2022. (Clerk of the Board)

Took the following actions: Appointed Supervisor Les Baugh as the 2020 Member to the Rural County Representatives of California Board of Directors; and appointed Supervisor Les Baugh as the 2020 Member to the Golden State Finance Authority. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with Manning & Kass Ellrod, Ramirez, Trester LLP (Firm) with no maximum compensation to provide legal services for the period November 5, 2019 through the later of November 5, 2024, or the completion of any matter(s) the County, through its County Counsel, assigns to Firm, or until the agreement is terminated pursuant to its provisions. (County Counsel)

Adopted Salary Resolution No. 1572, effective November 10, 2019, which amends the Shasta County Salary Schedule and Shasta County Position Allocation List. (Support Services-Personnel)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign a retroactive amendment, effective October 15, 2019, to the agreement with Relias LLC for online training curriculum which increases the number of online subscriptions from 142 to 152, increases total maximum compensation from \$116,759.86 to \$124,927.67 (payable annually in advance), and authorizes the Director of the Health and Human Services Agency (HHS), or any HHS Branch Director designated by the HHS Director, to sign prospective and retroactive amendments to the agreement that result in a change in compensation of no more than \$12,456 over the entire term of the agreement, retaining the term June 29, 2019 through June 30, 2024. (Health and Human Services Agency-Adult Services)

Approved and authorized the Chairman to sign a retroactive agreement for Homeless Emergency Aid Program (HEAP) funding with Lassen County in an amount not to exceed \$76,927.80 to provide Services: Other than Homeless Youth Set-Aside and Homeless Youth Set-Aside for the period July 1, 2019 through June 30, 2021. (Housing and Community Action Programs)

Took the following actions: Accept a donation in the amount of \$29,000 for the purchase and implementation of the Sheriff's Office Unmanned Aircraft System Program ("Program"); and approved a budget amendment increasing appropriations and revenue by \$29,000 in the Sheriff Patrol budget to implement the Program. (Sheriff)

Adopted Resolution No. 2019-102 which recognizes that the circumstances and factors that led to the Board's February 19, 2019 ratification of a local emergency proclamation for February 2019 Winter Storms have not been resolved and that there is a need for continuation of the local emergency proclamation. (Sheriff)

(See Resolution Book No. 63)

Adopted Resolution No. 2019-103 which recognizes that the circumstances and factors that led to the Board's July 23, 2019 ratification of a local emergency proclamation for Igo-Ono Community Services District have not been resolved and that there is a need for continuation of the local emergency proclamation. (Sheriff)

(See Resolution Book No. 63)

Ratified the Sheriff's signature on the California Office of Emergency Services (Cal OES) Fiscal Year 2019 Public Safety Power Shutoff (PSPS) Resiliency Allocation agreement which provides for a grant allocation to Shasta County in an amount of \$396,118 to support local government efforts to improve resiliency in response to utility-led PSPS actions for the performance period July 1, 2019 to October 31, 2022. (Sheriff)

10:03 a.m.: The Board of Supervisors recessed.

10:08 a.m.: The Board of Supervisors reconvened.

**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 meeting of the Northern Rural Training and Employment Consortium Governing Board.

Shasta County Fire Chief Bret Gouvea gave an update regarding ham radio equipment. He described the three state departments involved with repeater sites, where local ham radio equipment is located: The Department of Forestry and Fire Protection (CalFire) maintains vaults containing emergency communication equipment at the sites, the Office of Emergency Services (CalOES) handles one-time equipment inspection fees of \$1,000, and the Department of General Services (DGS) assesses annual \$3,000 - \$5,000 lease fees. All three departments are working together to address the question of fees, updated agreements, and authorizing people to access the vaults. Chief Gouvea explained that local ham communities usually work with the Red Cross and CalOES more than with CalFire. Supervisor Baugh added that the Rural County Representatives of California is also engaged with this issue.

Supervisor Morgan recently attended meetings of the Shasta Regional Transportation Authority and the Economic Development Corporation.

Supervisor Rickert recently attended a meeting of the Shasta Regional Transportation Authority.

Supervisor Chimenti recently attended a meeting of the Shasta Regional Transportation Authority.

Supervisor Moty recently attended meetings of the Shasta Regional Transportation Authority, the Sacramento River Forum, the Enterprise-Anderson Groundwater Sustainability Agency, and the Economic Development Corporation.

Supervisors reported on issues of countywide interest.

**PUBLIC SAFETY TRANSACTIONS AND USE TAX ORDINANCE**  
**ARGUMENT IN FAVOR OF MEASURE A**  
**VERIFICATION STATEMENT**

CEO Lees explained that the Argument in Favor of Measure A ("Argument") is the language in support of the proposed Public Safety Transactions and Use Tax Ordinance ("Tax"), which will be on the March 2020 ballot. Supervisor Chimenti further explained that the points made in the Argument are based on projections and are subject to change.

In response to questions by Supervisor Rickert, CEO Lees explained that the proposed language does not guarantee a specific number of jail beds will be added. Supervisor Chimenti emphasized that the numbers given in the Argument are not absolutes.

Monique Welin expressed concern about the possibility of future reallocation of the funds collected by the sales tax and spoke against implementing a sunset clause with the tax. County

Counsel Cruse explained that the Tax is a special tax and that any monies collected by the Tax can only be allocated to the purposes outlined in the Tax.

In response to questions from Supervisor Moty, Mr. Cruse explained that there is some flexibility built into the Tax, to allow the cities to use some of the monies through contracts with special districts as long as they fulfill the purposes outlined in the Tax.

By motion made, seconded (Chimenti/Morgan), and unanimously carried, the Board of Supervisors took the following actions for Measure A: Temporarily suspended the operation of Rule 7(e)(1) in Administrative Policy 1-101, *Operation and Conduct of Business by the Board of Supervisors*; approved the "Argument in Favor of Measure A" which supports the Shasta County Public Safety Transactions and Use Tax Ordinance; and approved and authorized the Chairman to sign the Verification Statement (the other four District Supervisors will also sign).

#### UPCOMING RETIREMENT OF SHERIFF-CORONER

CEO Lees explained that, with Sheriff-Coroner Tom Bosenko's retirement effective December 29, 2019, the Board of Supervisors has two options as provided by law to fill the vacancy: The Board can appoint someone outright with no application process, as long as that person meets the minimum requirements, or the County can advertise the position, then interview qualified applicants in open session during a Board meeting and choose an appointee from those candidates. Regardless of which option the Board chooses, the appointee will be appointed to fill the remainder of the term.

In response to questions by Supervisor Moty, County Counsel Cruse explained that the Board does not have the authority to appoint a temporary or interim Sheriff or the ability to call a special election to fill the vacancy. Mr. Cruse stated that a Sheriff-Coroner may only be elected at a gubernatorial election, which will next happen in March 2022, and that the options outlined by CEO Lees are the only options allowed by law.

John Greene described his recent experience with running for the position of Sheriff-Coroner, and requested that the Board consider appointing him to the position of Sheriff-Coroner.

In response to questions by Supervisor Baugh, CEO Lees stated that the County is prepared to go through an application process and have qualified applicants appear before the Board at a future date for the interview process, after which the appointment could be made the same day. CEO Lees described a timeline of approximately two weeks to advertise for qualified candidates, with the interviews and appointment scheduled for December 10, 2019.

In response to questions by Supervisor Rickert, CEO Lees stated that interviews would happen in open session during a Board meeting. He explained that, depending on the items scheduled for the meeting, interviews could be conducted during an afternoon session after other agenda items are concluded.

In response to questions by Supervisor Morgan, CEO Lees explained that the County would ensure all applicants met the minimum requirements for the position before being invited to be interviewed by the Board.

By motion made, seconded (Rickert/Morgan), and unanimously carried, the Board of Supervisors directed staff to advertise the position of Sheriff-Coroner and to bring qualified candidates before the Board on December 10, 2019, in order to conduct the interview process in open session before appointing a candidate to fill the position of Sheriff-Coroner for the remainder of the unexpired elected term.

#### PROJECT UPDATE: SPACE STUDIES FOR COUNTY FACILITIES

CEO Lees presented an update regarding the space studies for County facilities. He stated that, after initial consideration, the proposed project to remodel the Courthouse and Justice Center, and build a Jail expansion and an additional parking structure, looks feasible. He explained that

there are a number of methods that could be used to fund the project, including state funding through housing part of the Health and Human Services Agency in the remodeled Courthouse. CEO Lees also discussed fund availability that could result from the Measure A Special Tax, as well as money remaining in other funds that are potentially available to the County. The County currently has two bonds that are actively being paid off and should be completed within two to ten years, at which point that money would become available as well.

After discussing the potential use of a bond consultant to assist the County in finding favorable terms, CEO Lees stated that he would like the County to develop a Debt Affordability Model. The Model could be used to help guide the County in the future when making similar decisions through the ability to project different scenarios. CEO Lees explained that this discussion is just an update on process and that County staff will continue to move forward with further feasibility and financing studies.

In response to questions by Supervisor Chimenti, CEO Lees explained that the estimate for the Courthouse remodel did not include the Justice Center remodel. He also explained that, while the Justice Center could be remodeled to give additional jail beds, putting that money toward a Jail expansion would allow for more jail beds and space while also allowing the Justice Center to be remodeled for program space. CEO Lees pointed out that the Jail expansion could be started without requiring the Courthouse remodel to begin.

**APPOINTMENT OF LAURA BURCH AS DIRECTOR,  
DEPARTMENT OF CHILD SUPPORT SERVICES**

CEO Lees explained that the upcoming retirement of Terri Morelock, Director of Child Support Services, will leave a vacancy in an important County department. He described the work that Laura Burch has done as the Director of Housing and Community Action Programs, and recommended that the Board confirm Ms. Burch's appointment as the Director of Child Support Services.

In response to questions by Supervisor Chimenti, CEO Lees explained that the County will go through an application process to fill the position of Director of Housing and Community Action Programs.

By motion made, seconded (Baugh/Rickert), and unanimously carried, the Board of Supervisors took the following actions: Upon the recommendation of the County Executive Officer, appointed Ms. Laura Burch as the Shasta County Department of Child Support Services Director; and established Ms. Burch's start date as December 8, 2019 with Ms. Burch's starting salary at the B Step (\$55,779 per hour/\$9,668.00 per month) of the salary range for the position of Director of the Department of Child Support Services.

**COUNTY COUNSEL**

**SHASTA COUNTY CODE ORDINANCE ADDING CHAPTER 2.05  
"LOCAL POLITICAL CAMPAIGN DISCLOSURE AND REPORTING REQUIREMENTS"**

County Counsel Rubin Cruse, Jr. described the proposed ordinance, which would require the filing of an additional pre-election campaign statement and that it would apply only to candidates for elected offices for Shasta County.

In response to questions by Supervisor Moty, Mr. Cruse explained that the required reporting for the ordinance's initial period would be later than normal due to the time requirements for adopting the ordinance.

In response to questions by Supervisor Baugh, Mr. Cruse stated that the ordinance will apply only to those people who are running for office during the current election cycle.

In response to questions by Supervisor Morgan, Mr. Cruse explained that the ordinance will apply to anyone running for the offices identified in the ordinance, as well as any candidate's campaign committees or any committees established to support or oppose a candidate. Cathy Darling Allen, County Clerk/Registrar of Voters further explained that the ordinance will apply for all candidates running for one of the specified offices in a current election if they have a campaign committee established and raise or spend more than \$2,000. Ms. Allen stated that a campaign committee is required if a candidate raises or spends more than \$2,000.

By motion made, seconded (Baugh/Chimenti), and carried (Supervisor Morgan voted no), the Board of Supervisors introduced and waived the reading of an Ordinance of the Board of Supervisors of the County of Shasta Adding Chapter 2.05, "Local Political Campaign Disclosure and Reporting Requirements," to the Shasta County Code.

### **TREASURER-TAX COLLECTOR/PUBLIC ADMINISTRATOR**

#### **APPROVAL TO SELL TAX-DEFAULTED PROPERTIES FEBRUARY 26 AND 28, 2020**

Lori Scott, Treasurer-Tax Collector/Public Administrator presented the staff report and requested permission to sell tax-defaulted properties at auction. Ms. Scott explained that one sealed bid tax auction is being requested because the property in question is landlocked with no road access, so is being offered initially to owners of contiguous properties. Ms. Scott also described the work done by her department to reduce the number of properties offered at auction.

By motion made, seconded (Morgan/Rickert), and unanimously carried, the Board of Supervisors approved and authorized the Tax Collector to sell one tax-defaulted property in a sealed bid tax auction on February 26, 2020 and up to 61 tax-defaulted properties during a public tax auction February 28, 2020 to the highest bidder, noting that any unsold sealed bid parcels will be included in the public tax auction, and any unsold parcels may be re-offered at a reduced minimum price the same day of the public auction after recess.

### **PUBLIC WORKS**

#### **TRANSFER OF ASSETS TO SHASTA COMMUNITY SERVICES DISTRICT ON BEHALF OF COUNTY SERVICE AREA NO. 25-KESWICK WATER QUITCLAIM DEED: APNs 065-140-034 (FIRE HALL) & 065-140-033 (SURPLUS PARCEL) TRANSFER OF CSA NO. 25-KESWICK WATER FUND RESOLUTION NO. 2019-104**

Engineer Charleen Beard described the history of Community Service Area (CSA) No. 25-Keswick Water and its prior incarnation as a Community Services District, including the recent history of the area after the Carr Fire. Ms. Beard explained that, as a condition of annexing CSA No. 25-Keswick Water to Shasta Community Services District (Shasta CSD), the Local Agency Formation Commission has required that all Keswick assets be transferred to Shasta CSD.

Loretta Root expressed concerns with how the annexation process was handled and spoke against the transfer of assets to Shasta CSD.

In response to questions by Supervisor Moty, Ms. Beard stated that residents of Keswick will have the option of serving on the Board of Directors for Shasta CSD. Ms. Beard also stated that she understands the CSD will be rebuilding their main offices on the Fire Hall parcel and will include a fire department bay which would allow CalFire to reestablish a fire engine in the area.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors, on behalf of County Service Area (CSA) No. 25-Keswick Water, took the following actions regarding the transfer of assets to Shasta Community Services District (CSD) to fulfill

conditions set by the Shasta Local Area Formation Commission (LAFCO) in LAFCO Resolution 2019-02 for the annexation of CSA No. 25-Keswick Water to the CSD: Adopted Resolution No. 2019-104 which authorizes the County, as successor of the Keswick Community Services District, to transfer ownership of two parcels identified as Assessor's Parcel Number: 065-140-034 (Fire Hall) and 065-140-033 (Surplus Parcel) to the CSD; approved and authorized the Chairman to sign a Quitclaim Deed transferring the Fire Hall and Surplus Parcel to the CSD; and approved and authorized the County Executive Officer to sign any documents pertaining to transfer of the CSA No. 25-Keswick Water fund balance to the CSD.

(See Resolution Book No. 63)

**TRANSFER OF KESWICK PARK TO SHASTA COMMUNITY SERVICES DISTRICT**  
**QUITCLAIM DEED: APN 065-140-028 (KESWICK PARK)**  
**RESOLUTION NO. 2019-105**

Engineer Charleen Beard explained that this parcel was not included in the LAFCO annexation application due to a misunderstanding; prior deed restrictions have expired, and the parcel is not necessary for County use.

In response to questions by Supervisor Moty, Ms. Beard stated that there is no money to maintain the parcel.

By motion made, seconded (Chimenti/Rickert), and unanimously carried, the Board of Supervisors, adopted Resolution No. 2019-105 which declares a parcel identified as Assessor's Parcel Number 065-140-028 (Keswick Park) as no longer necessary for County purposes and approve and authorize the Chairman to sign a Quitclaim Deed transferring the Keswick Park to the Shasta Community Services District (Shasta CSD).

(See Resolution Book No. 63)

**SCHEDULED HEARINGS**

**RESOURCE MANAGEMENT**

**ZONE AMENDMENT 19-0004**  
**ASSESSOR'S PARCEL NO. 028-100-020**  
**ORDINANCE NO. 378-2051**

This was the time set to conduct public hearings to consider amend the zoning of an undeveloped 5.75-acre parcel located at 20549 Mackinac Street, Burney, CA (Assessor's Parcel No. 028-100-020) from One-Family Residential-Restrictive Flood (R-1-F-2) to Multiple-Family Residential-Restrictive Flood (R-3-F-2). The Notice of Public Hearing and the Notice of Publication are on file with the Clerk of the Board. Chairman Moty advised that correspondence related to hearings had been received and entered into the record.

David Schlegel, Associate Planner of the Planning Division, described the parcel, its current zoning, and the proposed zoning changes, which would allow for a variety of housing types as part of a project within the County's Housing Element.

The public hearing was opened; no one spoke for or against the matter, and the public hearing was closed.

By motion made, seconded (Chimenti/Baugh), and unanimously carried, the Board of Supervisors took the following actions: Found that Zone Amendment 19-0004 is not subject to the California Environmental Quality Act (CEQA) in accordance with CEQA Guidelines Section 15061(b)(3); adopted the recommended findings listed in Planning Commission Resolution 2019-023; and introduced, waived the reading of, and enacted Ordinance No. 378-2051 amending the Zoning Plan of the County of Shasta to amend the zoning of an undeveloped 5.75-acre parcel located at 20549 Mackinac Street, Burney, CA (Assessor's Parcel

No. 028-100-020) from One-Family Residential-Restrictive Flood (R-1-F-2) to Multiple-Family Residential-Restrictive Flood (R-3-F-2) identified as Zone Amendment 19-0004.

(See Zoning Ordinance Book)

11:45 a.m.: The Board of Supervisors recessed and reconvened as the Shasta County Water Agency.

11:46 a.m.: The Shasta County Water Agency adjourned and reconvened as the Shasta County Board of Supervisors.

**CLOSED SESSION ANNOUNCEMENT**

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 *County of Shasta, et al. v. Amerisourcebergen Drug Corporation, et al.*, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1).

11:47 a.m.: The Board of Supervisors recessed to Closed Session.

12:20 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 litigation; however, no reportable action was taken.

12:21 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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