

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 21, 1999

REGULAR MEETING

9:00 a.m.: Chairman Hawes 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 Fust
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Wilson
District No. 5 - Supervisor Clarke

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Clerk of the Board - Carolyn Taylor

INVOCATION

The invocation was given by Pastor Rod Kincaid, Echoes of Calvary.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was led by Supervisor Fust.

PUBLIC COMMENT PERIOD - OPEN TIME

Undersheriff Larry Schaller and Diane Rubiaco of the U.S. Forest Service presented a recap of the "Boardstock '99" event held on Shasta Lake over the past weekend. The event was attended by approximately 8,500 spectators and it was reported that while there were some problems, the event was manageable through the cooperative effort of the various agencies involved. The promoters and affected agencies will continue working closely to ensure that any problems are addressed and the event continues.

Russ Wade addressed the Board of Supervisors regarding the use of "bio-diesel" as an alternative fuel source and the grant application he submitted to the County for funding of a pilot project on this alternative fuel source.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Fust pulled two items from the Consent Calendar. The first was the adoption of the minutes of September 14, 1999. Supervisor Fust pointed out that his motion to approve and authorize the Chairman to sign Shasta County's comments regarding CALFED also included a directive that the report is made available to the Department of Resource Management so they could look at the potential growth impacts anticipated by this plan. He requested that the minutes be corrected to reflect this directive in the motion.

The second item was the request to adopt a resolution which would authorize Shasta County to withdraw from the Joint Powers Agreement (JPA) establishing a joint ward authority to fund and operate Crystal Creek Boys' Camp as a regional facility serving the Counties of Shasta, Tehama, Plumas, Lassen, San Benito, Amador, and Tuolumne, effective September 30, 1999. Supervisor Fust pointed out that a meeting had been held with supervisors and chief probation officers of some of the other affected counties. During this meeting a desire was expressed to see the camp continue as a regional camp; the arrangement they have is a good one and do not want it to change. He referred to a letter from Regional Council of Rural Counties (RCRC) Executive Director Marcia Basque, requesting a postponement of this Board's action to withdraw from the JPA until after RCRC has had an opportunity to confer with the other counties and receive their input. In addition, it was requested that Shasta County recalculate the "bed days."

County Administrative Officer Doug Latimer stated that this JPA was never consummated. Most of the counties that agreed to contribute the initial start up funds did not do so, and neither the funds which were to go to RCRC for administration of the JPA nor the establishment of a board of directors took place. Essentially, Shasta County put up most of the startup funds, developed a good program, and by including other counties kept the camp operating and full.

Chief Probation Officer Renny Noll explained that when they first began, there were 16 out-of-county beds in the camp. By contracting with other counties, the camp is now running about 28-30 out-of-county beds through the use of three types of contracts--the JPA, a space available contract, and a "bed" contract. With regard to the recalculation issue, he stated that under the JPA, counties were to have a full-bed contract and maintain that bed on an annual basis. However, a "cumulative total" of beds was often used in the beginning. Shasta County never charged other counties when beds were not filled, they were only charged on a space available rate. Mr. Noll pointed out that they have added space available beds and have been able to keep the camp full and revenues coming in from other out-of-county beds. He expressed his belief that he did not believe that it was possible with current budgetary constraints for small counties to fill one bed every day. Mr. Noll expressed his hope that if Shasta County withdraws from the JPA, an allowance is made for the existing rate to continue for the balance of this year, that other counties not are billed for beds they are not using at this point in time, and a grace period is allowed for the preparation of new contracts. He explained that this would help to maintain a good relationship with the other counties. He acknowledged that as the costs go up, the rates may have to be recalculated, but he did not want to raise the rates unless necessary.

Supervisors Clarke and Fust concurred with Mr. Noll's comments and stated that the JPA is not working, it never really existed in its intended form, and it would be more appropriate to dissolve the JPA.

Supervisor Kehoe asked County Counsel if the JPA was valid. He indicated that "dissolving a JPA" is not germane if there is no valid agreement in the first place. County Counsel Karen Jahr responded by saying that the JPA (contract) is currently in effect and allows for the County to withdraw. Ms. Jahr further explained that the contemplations of the various counties when entering into this contract never came to fruition. During the time that the majority of the RCRC counties were interested in participating in the JPA, they did not do so due to the withdrawal of specific federal funding. Deputy County Counsel Catherine Pearl indicated that to become a valid JPA, only two counties had to agree to it and once that occurred it was a valid agreement. Although this JPA is a "shell" of an agreement, it is still an agreement, even though it is one that was never put into place.

Supervisor Fust expressed his belief that Shasta County must withdraw from this agreement and proceed with entering into new contracts with the individual counties based upon how the camp is being run today. The Board members stressed the fact that this is not a case of anyone not living up to the terms of the agreement or laying blame. The structure of the current JPA is wrong and it needs to be set aside in order to continue operating the camp in the same manner in which it has been so effectively run for the last four years.

By motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors took the following actions:

1. Adopted Resolution No. 99-133 which authorizes Shasta County to withdraw from the JPA establishing a joint ward authority to fund and operate Crystal Creek Boys' Camp as a regional facility serving the Counties of Shasta, Tehama, Plumas, Lassen, San Benito, Amador, and Tuolumne.
2. Extended the effective date of this action to October 31, 1999, to avoid any break in current contractual obligations.
3. Approved and authorized the Chief Probation Officer to negotiate and sign contracts with the other six RCRC counties, based upon their current rate, for the rest of this contract year.
4. Directed that letters are sent to all participating counties informing them of this action and explaining why it was taken.

(County Counsel/Probation)
(See Resolution Book No. 40)

Supervisor Clarke pulled the request to approve and authorize the Chairman to sign Personal Services Agreements with attorneys James Underwood, Fred Clement, and Darryll Alvey, who have agreed to serve as County Hearing Officers on an as-needed basis for hearings on nuisance and abandoned vehicle abatements. She noted that the Chairman had already signed two of the contracts, and it was explained that these had been signed in error. In addition, Supervisor Hawes questioned the funding source, and CAO Latimer responded that \$10,000 had been budgeted for these services in the Miscellaneous General account. Supervisor Kehoe questioned the process for selecting the hearing officers, and Mr. Latimer explained how the competitive process was conducted.

Supervisor Kehoe pulled the agenda item dealing with the request to approve and authorize the Chairman to sign a renewal agreement with the California Department of Social Services Office of Child Abuse Prevention in the amount of \$80,570 annually during the three-year term of Fiscal Years 1999-2000 through 2001-2002 for the purpose of subcontracting with the Family Service Agency and Northern Valley Catholic Social Service for child abuse prevention intervention and treatment services. He complimented staff on the chronology of the report, but expressed concern that it had taken 23 days to get this agreement to the Board for approval. He requested that staff try to develop a way to expedite the process. CAO Latimer indicated they would develop a tracking system to determine where slow downs occur. Social Services Director Dennis McFall explained that delays were caused both internally, as well as through other departments, but were necessary to ensure that the report was thorough. He cited the problems connected of the "byzantine" system under which they must operate with so many funding sources and other complexities involved when funding county government. Mr. McFall then distributed, for the Board's perusal, a copy of a newspaper article dealing with funding for children's programs.

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign Personal Services Agreements with attorneys James Underwood, Fred Clement, and Darryll Alvey, who have agreed to serve as County Hearing Officers on an as needed basis for hearings on nuisance and abandoned vehicle abatements.
(Administrative Office/County Counsel)

Approved the minutes of the meeting held on September 14, 1999, as corrected. (Clerk of the Board)

Approved and authorized the Chairman to sign a certification of disability letter to the Public Employees Retirement System dated September 21, 1999 granting Deputy Steve Layton an industrial disability retirement. (Risk Management)

Approved and authorized the Chairman to sign a certification of disability letter to the Public Employees Retirement System dated September 21, 1999 granting Deputy William Blair an industrial disability retirement. (Risk Management)

Approved and authorized the Chairman to sign a renewal agreement with the California Department of Social Services Office of Child Abuse Prevention in the amount of \$80,570 annually during the three-year term of Fiscal Years 1999-2000 through 2001-2002 for the purpose of subcontracting with the Family Service Agency and Northern Valley Catholic Social Service for child abuse prevention intervention, and treatment services. (Social Services)

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: 100TH ANNIVERSARY VETERANS OF FOREIGN WAR (VFW) OF THE UNITED STATES

At the request of Bill McKinney, with the Anderson VFW and by motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation which recognizes the 100th Anniversary of the Veterans of Foreign Wars of the United States.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on legislation of importance to Shasta County. He stated that the Child Support Automation Bill, Assembly Bill 150 is on the Governor's desk and he is expected to sign this legislation. CAO Latimer explained that this bill requires the state to develop and pay for a statewide system and the cost cannot be passed on to the counties.

CAO Latimer stated that a facsimile alert had been received from the National Forest and County Schools Coalition requesting immediate support for House Resolution 2389. This resolution would keep funding distribution tied to forest receipts with 50 percent going to schools and 50 percent going to the road fund. It was the consensus of the Board that e-mails be sent and telephone calls should be made today in support of this item. Supervisor Kehoe recused himself.

A letter was received from Mildred Filberly requesting that petitions be sent to Governor Davis and Donna Shelaila regarding Health Maintenance Organizations (HMO) services and 30-mile requirement. CAO Latimer noted that letters were sent in October 1998 and in January 1999. It was the consensus of the Board that letters be sent again.

The Board members then reported on issues of countywide interest. During the reports, Supervisor Kehoe suggested that a State of the County breakfast be established, and he offered to take the lead and work with staff on this project. The Board of Supervisors concurred.

SALE OF COUNTY PROPERTY
1925 HOWARD STREET, ANDERSON
RESOLUTION NO. 99-134

At the recommendation of CAO Latimer and by motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 99-134 which declares the intention to sell, at a minimum price of \$136,700, the County's interest in the property and building located at 1925 Howard Street in the City of Anderson presently co-owned by the County and the Anderson Fire Protection District.

(See Resolution Book No. 40)

AUDITOR-CONTROLLER

COUNTY CLAIMS

By motion made, seconded (Wilson/Clarke), and unanimously carried, the Board of Supervisors authorized the issuance of warrants totaling \$60,842.87 for County operating funds and special districts, as submitted by Auditor-Controller Rick Graham, and authorized the issuance of warrants totaling \$443.06 requiring special Board action. Under discussion Supervisor Kehoe requested that in the future, all documentation submitted for warrants requiring special Board action reflect all required signatures.

LIBRARY

GRANT: CALIFORNIA STATE LIBRARY

At the recommendation of Library Director Carolyn Chambers and by motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors accepted a grant from the California State Library in the amount of \$10,000 for the purchase of children's books and materials, and approved increasing revenue and expenditures in the amount of \$10,000 for such a purchase.

CLOSED SESSION ANNOUNCEMENT

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

1. Confer with counsel to discuss existing litigation entitled Peck vs. County of Shasta, and Finley vs. City of Redding, pursuant to Government Code Section 54956.9, subdivision a.
2. Confer with its Labor Negotiator, County Administrative Officer Doug Latimer, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriff's Association, Sheriffs Administrative Association, Professional Peace Officers' Association, Unrepresented Employees, and United Public Employees of California pursuant to Government Code Section 54957.6.

10:40 a.m.: The Board of Supervisors recessed to Closed Session.

12:00 noon: The Board of Supervisors recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Members, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Pamela English present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Michael Ralston announced that the Board of Supervisors met in Closed Session to discuss existing litigation and labor relations, however, no reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

ZONE AMENDMENT 99-14
HARRY AND MARY TURIELLO
FALL RIVER MILLS AREA

This was the time set to receive public testimony and consider a request from Harry and Mary Turiello to rezone 520 acres to an Exclusive Agricultural District, combined with an Agricultural Preserve (EA-AP) District, and establish a Land Conservation (Williamson Act) contract. Associate Planner Scott Kaminski presented the staff report and recommended approval of the project. The affidavit of publication and mailing notice of hearing are on file.

The public hearing was opened, at which time no one was present to speak for or against the proposal, and the hearing was closed.

By motion made, seconded (Kehoe/Wilson) and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-14, Harry and Mary Turiello, Fall River Mills area:

1. Found the project categorically exempt from the California Environmental Quality Act, as specifically set forth in Planning Commission Resolution No. 99-56.
2. Made the rezoning findings, and introduced and waived the reading of an ordinance to amend the Zone Plan of the County of Shasta identified in Zone Amendment 99-14, as specifically set forth in Planning Commission Resolution No. 99-56.
3. Authorized the establishment of a Land Conservation (Williamson Act) contract.

1:33 p.m.: Supervisors Hawes and Wilson were the only Members available to attend the Shasta County Farm Bureau's Elected Officials Tour scheduled for Friday, September 24, 1999. This would not constitute a quorum, therefore, the Board of Supervisors adjourned its meeting.

Chairman

ATTEST:

CAROLYN TAYLOR
 Clerk of the Board of Supervisors

By _____
 Deputy