

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, April 11, 2000

REGULAR MEETING

9:00 a.m.: Chairman Fust 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

Invocation was given by Pastor Ralph Johnson, Community Church of God.

PLEDGE OF ALLEGIANCE

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

CONSENT CALENDAR

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

Authorized the issuance of warrants totaling \$129,119.09 for County operating funds and special districts, and claims requiring special Board action in the amount of \$341.99, as submitted. (Auditor-Controller)

Approved the minutes of the meeting held on April 4, 2000, as submitted. (Clerk of the Board)

Authorized a budget amendment which transfers \$16,000 from an existing Information Systems fixed asset account to create a new fixed asset account for the acquisition of an access router device. (Information Systems)

Approved and authorized the Chairman to sign a renewal lease with South End Enterprises for the continued use of office space located at 1670 Market Street, Suite 300, in Redding by the Department of Housing and Community Action Programs. (Support Services - Purchasing Division)

Adopted Resolution No. 2000-59 which authorizes the Treasurer's Office to pay the Lewis

S. Eaton and Virginia S. Eaton Revocable Trust a total of \$1,561.75 for bonds which were destroyed in a fire. (Treasurer-Tax Collector-Public Administrator)

(See Resolution Book No. 41)

Approved and authorized the Chairman to sign an amendment to the agreement with Kulwinder Singh, M.D., which makes a technical correction to the salary identified in the contract to "C" step of the Senior Psychiatrist range (approximately \$125,000 annually) that was previously negotiated. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Empire Recovery Center which increases the amount by \$20,000 for a total of \$111,250 for residential alcohol and drug recovery services during Fiscal Year 1999-2000. (Mental Health - Alcohol and Drug Programs)

Approved and authorized the Chairman to sign a renewal agreement with the Tri-County Community Network in the amount of \$42,309 to develop jobs, work experience, and related activities for CalWORKs participants in the inter-mountain region during Fiscal Year 2000-2001. (Social Services)

Approved and authorized the Chairman to sign an amendment to the agreement with Northern Valley Catholic Social Service which increases the amount by \$10,000 for a total of \$220,000 for Cal-Learn case management services during Fiscal Year 1999-2000. (Social Services)

Approved and authorized the Chairman to sign a renewal agreement with the Gateway Unified School District for reimbursement of \$14,200 for on-site Social Worker services during Fiscal Year 2000-2001. (Social Services)

Approved and authorized the Chairman to sign a renewal agreement with Cascade Union Elementary School District for reimbursement of \$14,200 for on-site Social Worker services during Fiscal Year 2000-2001. (Social Services)

Approved and authorized the Sheriff to sign an agreement with the U. S. Department of Justice Drug Enforcement Administration to provide partial funding in the amount of \$10,000 for the Sheriff's Marijuana Suppression Team during the period of January 1, 2000 through December 31, 2000. (Sheriff)

Adopted Resolution No. 2000-60 which authorizes the Department of Resource Management's Community Education Section to accept the Local Government Household Hazardous Waste Grant-Eighth Cycle in the amount of \$80,922, appoints the Director of Resource Management as the agent for Shasta County, authorizes expenditures for program operation, and authorizes the Auditor-Controller to pay claims for said expenditures. (Resource Management-Community Education Section)

(See Resolution Book No. 41)

REGULAR CALENDAR

BOARD MATTERS

Supervisor Fust announced that the request to adopt a proclamation in recognition of "Crime Victims' Rights Week" would be deferred until approximately 9:30 a.m., so that the Board of Supervisors may recess immediately following action on the proclamation in order to attend a ceremony in recognition of "Crime Victims' Rights Week" in Shasta County.

SHERIFF

REPORT AND RECOGNITION
SHERIFF'S OFFICE VOLUNTEER GROUPS

Sheriff Jim Pope presented a report on the activities of the various volunteer groups which exist within the Shasta County Sheriff's Office in recognition and honor of their significant contributions. Sheriff Pope pointed out that approximately 500-550 volunteers donate 11,000 hours of time each year. Several of these volunteers were present and stood for recognition.

BOARD MATTERS

PROCLAMATION: BETA SIGMA PHI WEEK

At the recommendation of Beta Sigma Phi members Pat Larsen and Dotty Fountain and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 23-29, 2000 as "Beta Sigma Phi Week" in Shasta County. Chairman Fust presented the proclamation to Ms. Larsen.

APPOINTMENTS: FALL RIVER RESOURCE CONSERVATION DISTRICT

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors appointed Todd Sloat and Tom Smith to the Fall River Resource Conservation District Board of Directors for terms to December 2000 and December 2002, respectively.

APPOINTMENTS: EMPLOYEE APPEALS BOARD

At the recommendation of Clerk of the Board Carolyn Taylor and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors appointed Bob Hood, Joe Cresto, Gene Knaeble, and Ray Stewart as alternates to the Employee Appeals Board for two year-terms to January 2002.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer requested that the Board of Supervisors consider taking a position in support of the following proposed legislation:

1. Assembly Bill (AB) 2416 (Machado) which would provide approximately \$106 million in capital construction funding for detention facilities.
2. AB 2518 (Washington) which would backfill lost federal funding for the Drug Endangered Children Program. District Attorney Scott also spoke in favor of this legislation and continuance of this very successful program.
3. AB 1757 (Oiler) which would provide one-time funding to local government in the same ratio that was lost through the Educational Revenue Augmentation Fund.

By consensus, the Board of Supervisors directed staff to prepare letters for the Chairman's signature in support of AB 2416, AB 2518, and AB 1757.

Mr. Latimer also requested support for federal legislation which would increase Payment In-Lieu of Tax (PILT) funding over the next five years. This funding compensates counties for taxes they do not receive from federally owned property. By consensus, the Board directed staff to prepare letters for the Chairman's signature in support of this proposed federal legislation.

County Counsel Karen Jahr introduced Deputy County Counsel Barry DeWalt who recently joined the County Counsel staff.

Supervisor Hawes reported on issues of countywide interest.

The Board of Supervisors continued the rest of their reports to follow the ceremony in recognition of "Crime Victims' Rights Week" in Shasta County.

DISTRICT ATTORNEY

PROCLAMATION: CRIME VICTIMS' RIGHTS WEEK

At the recommendation of District Attorney McGregor Scott and representatives from the Women's Refuge, Family Services Agency, Victims Care Advisory Group, Coordinator of the Victims Witness Program, Faith Works, and Victims Advocates, and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 9-15, 2000 as "Crime Victims' Rights Week" in Shasta County. Chairman Fust read the proclamation and then presented it to District Attorney Scott.

9:31 a.m.: The Board of Supervisors recessed to attend a ceremony on the front steps of the Shasta County Courthouse in recognition of "Crime Victims' Rights Week" in Shasta County.

9:54 a.m.: The Board of Supervisors reconvened in Regular Session with all Members, County Administrative Officer Doug Latimer, County Counsel Karen Jahr, and Clerk of the Board Carolyn Taylor present.

BOARD MATTERS

SUPERVISORS' REPORTS (CONTINUED)

Supervisor Clarke requested that the Board of Supervisors send a letter of support, as requested by Glenn County Supervisor Denny Bungarz, regarding a project proposal to issue a 20-year special use permit, increase the ward population, and construct new facilities for the Fouts Spring facility.

By motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors directed staff to prepare a letter for the Chairman's signature in support of this proposed project. Supervisor Kehoe abstained from taking action on this matter..

Supervisor Clarke indicated that she had received a letter from the League of Women Voters (League) requesting that she attend a meeting to present the Boards' position regarding the tobacco settlement discretionary funds and discuss the appointment of a board or commission which would advise the Board on future years' receipt of these funds. It was indicated that each supervisor had received such a request.

Supervisor Clarke expressed her concern about individual Supervisors presenting the Boards' position. She stated that the Board of Supervisors' only action regarding these tobacco settlement discretionary funds for this year, was to place the funds in an interest-bearing fund until the Capital Improvement Plan was received and to give 10 percent of these funds to the Shasta Community Health Center. In addition, it was agreed that a broad-based advisory board would be appointed to advise the Board of Supervisors on future years' tobacco fund receipts. She expressed further concern that holding the proposed meetings throughout the entire county with individual Supervisors could be a violation of the Brown Act.

County Counsel Karen Jahr stated that this should be a concern to the Board. The Brown Act requires that action of the Board be taken at regular agenda meetings of the Board. Counsel Jahr further stated that as she has advised the Board in the past, the Brown Act prohibits three or more members of the Board gathering together outside of the regular Board meeting setting to discuss or deliberate a matter within its subject matter jurisdiction. Such an activity would constitute an illegal meeting under the Brown Act. She explained that serial meetings, which are when one or more persons address three or more Board Members in sequence in order to influence future action of the Board, are also a violation of the Brown Act. She stated that the most appropriate way for constituents to address Board Members is either during a public meeting at which time all Members are present, which is appropriate within the Brown Act, or during a regular meeting of the Board of Supervisors. Counsel Jahr further explained that people have a right to know how the Board makes their decisions. The best way to do this is during a regular Board meeting in which the Board receives all of the information at one time, discusses it as a Board, and then votes in public.

Supervisor Clarke suggested that the Board Members should decline to attend these various meetings at this time. She suggested the Board wait until an advisory committee is appointed, the committee holds its meetings in various communities throughout the County, and then the committee comes back to make recommendations to the Board of Supervisors as a whole.

Supervisors Fust, Wilson, and Hawes concurred with Supervisor Clarke, indicating that they were also uncomfortable with the suggested format. Supervisor Kehoe expressed his belief that the League is only attempting to provide information, that the wording of the letter may not have been as precise as it should have been, and that he planned to attend and present his own position. He stated that he would not speak for the majority of the Board at that time.

Supervisor Fust expressed his belief that the Board should move forward to appoint the members of the committee which will then advise the Board on the use of these funds. The committee can then go into the different communities and hold meetings to receive input and bring that information back to the Board of Supervisors to be used in making its decision during a regular Board meeting.

Supervisors Kehoe and Wilson then reported on their recent meeting with the new management team of the Veterans Clinic. It was suggested that the Administrator be invited to appear before the Board of Supervisors and provide a status report. County Administrative Officer Latimer indicated that he would make the necessary arrangements for such a report.

COUNTY COUNSEL

AGREEMENTS: ANGELO, KILDAY & KILDUFF,
THE BRICKWOOD LAW FIRM, HALKIDES & MORGAN,
LIEBERT CASSIDY, MC DONOUGH, HOLLAND AND ALLEN,
AND WHITMORE, JOHNSON, AND BOLANOS

County Counsel Karen Jahr presented the staff report regarding the request for the Board of Supervisors to approve and authorize the Chairman to sign contracts for legal services in the areas of tort defense, employment law, or both, with the following law firms: Angelo, Kilday & Kilduff; the Brickwood Law Firm; Halkides & Morgan; Liebert Cassidy; McDonough, Holland & Allen; and Whitmore, Johnson & Bolanos.

Under discussion, Counsel Jahr responded to questions regarding the performance measures that would be used to evaluate these firms. It was suggested that the performance measures, although verbally discussed, be placed in writing. Counsel Jahr explained that measuring the performance of these law firms would take place over a period of time and would be conducted by the members of the Board of Supervisors as they consider the outcome of the cases assigned to the particular firms. Ms. Jahr further explained that these firms were selected through the Request For Proposal process, as specifically requested by the Board of Supervisors, for assigning to outside counsel the most frequently seen types of cases.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign contracts for legal services in the areas of tort defense, employment law, or both, with the following law firms: Angelo, Kilday & Kilduff; the Brickwood Law Firm; Halkides & Morgan; Liebert Cassidy; McDonough, Holland & Allen; and Whitmore, Johnson & Bolanos.

INFORMATION SYSTEMS

BUDGET AMENDMENT

At the recommendation of Information Systems Director Charles Haase and by motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors approved a budget amendment which increases Information Systems Charges for Services revenue account by a total of \$300,000 and increases the General Fund PC Accessories appropriations by \$300,000.

PUBLIC WORKS

LASSEN VIEW DRIVE: NO PARKING

At the recommendation of Assistant Public Works Director Pat Minturn and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors introduced an ordinance which prohibits parking on Lassen View Drive between Deschutes Road and Meadowlark Way in the Palo Cedro area, Monday through Friday, from 8:00 a.m. to 4:00 p.m.

RESOURCE MANAGEMENT

AGREEMENT: ACCELA.COM

Resource Management Director Russ Mull was in attendance to present the staff report for the Board of Supervisors to approve and authorize the Chairman to sign a Beta Site Agreement with Accela.com to test a computer system for issuing certain building permits using the Internet.

Prior to presenting the staff report, Supervisor Kehoe stated that a request had been made by a representative of the Builders Exchange to continue action on this matter until that organization could make comment. In response to this request, Mr. Mull explained that there was a deadline to sign the agreement. He further explained that this is simply a "test program." The appropriate time for client input will be at some point in the future when a decision needs to be made on whether or not to offer this program to clients. Mr. Mull then presented the staff report, explained how the test program would work, and responded to questions.

By motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors approved and authorized the Chairman to sign a Beta Site Agreement with Accela.com to test a computer system for issuing certain building permits using the Internet. Supervisor Kehoe voted no on the request.

CLOSED SESSION ANNOUNCEMENT

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

1. Confer with its counsel to discuss existing litigation entitled *People v. Levin and Citizens for Responsible Growth v. State of California*, 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, United Public Employees of California, and Trades and Crafts, pursuant to Government Code Section 54957.6.

10:59 a.m.: The Board of Supervisors recessed to Closed Session.

12:20 p.m.: The Board of Supervisors recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:33 p.m.: The Board of Supervisors reconvened in Open Session with all Members, Deputy County Counsel John Loomis, and Administrative Board Clerk Pamela English present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Deputy County Counsel John Loomis announced that the Board of Supervisors met in Closed Session to discuss existing litigation and labor negotiations, however, no reportable action was taken.

SCHEDULED HEARING

RESOURCE MANAGEMENT - PLANNING DIVISION

ZONE AMENDMENT 99-22, DEREK HARRIS CORNERSTONE DEVELOPMENT HAPPY VALLEY AREA

This was the time set to receive public testimony and consider a request from David Harris of Cornerstone Development to rezone property to a Rural Residential District, combined with a Building Site Minimum per Recorded Map District, in conjunction with a 45-parcel land division of 117.57 acres. 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 Duane Miller, the project engineer, made himself available for any questions the Board Members may have. No one else spoke for or against the proposal, and the hearing was closed.

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-22, Derek Harris of Cornerstone Development, Happy Valley area:

1. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 00-021.

2. Made the rezoning findings, and introduced and waived the reading of the ordinance to amend the Zone Plan of the County of Shasta identified in Zone Amendment 99-22, as specifically set forth in Planning Commission Resolution No. 00-021.

1:36 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy