

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, April 18, 2000

REGULAR MEETING

9:03 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 Dwayne Hester, French Gulch Community Church.

PLEDGE OF ALLEGIANCE

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

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Fust pulled from the Consent Calendar for separate action the request to approve a renewal contract with the U. S. Forest Service for campground patrol services to be provided by the Sheriff's Office.

By motion made, seconded (Hawes/Clarke), and carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal contract with the U. S. Forest Service in the amount of \$19,200 for campground patrol services to be provided by the Sheriff's Office during the period of May 1, 2000 through September 30, 2000. Supervisor Kehoe abstained from taking action on this matter.

Chairman Fust also pulled from the Consent Calendar the request to approve a personal services agreement with Cascade Software Systems to upgrade the Public Works Road Cost Accounting Management System. He explained that a member of the public had requested clarification of this request, so action would be continued to a later time on the agenda.

CONSENT CALENDAR

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

Authorized the issuance of warrants totaling \$94,533.81 for County operating funds and special districts, as submitted by the Auditor-Controller.

Accepted the Audit Report of County Service Area No. 6 - Jones Valley for Fiscal Years ended June 30, 1998 and 1999. (Auditor-Controller)

Approved the minutes of the meeting held on April 11, 2000, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a renewal application to the California Department of Health Services in the amount of \$242,575 for the provision of Maternal, Child, and Adolescent Health Program activities during Fiscal Year 2000-2001. (Public Health)

Authorized the submission of a renewal application to the California Department of Health Services in the amount of \$129,262 for immunization subvention contract funds for the County and the Shasta Community Health Center during Fiscal Year 2000-2001. (Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with the California Department of Health Services - Women, Infants & Children (WIC) Program which increases the amount by \$26,950 for a total of \$634,720 for outreach activities to increase WIC program participation during the period of December 1, 1999 through September 30, 2000. (Public Health)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Office of Education in the amount of \$20,000 for clerical support to coordinate School Attendance Review Board prosecutions during Fiscal Year 2000-2001. (Social Services)

Approved and authorized the Chairman to sign a renewal agreement with Northern California Rural Consulting Services in the amount of \$98,998 for the provision of a child welfare liaison to the 15-Northern County Consortium during Fiscal Year 2000-2001. (Social Services)

Awarded to the low bidder, Clemens Construction Company of Redding, on a unit cost basis, the contract for construction on the "Red Bluff Road at Middle Creek Bridge Replacement Project" in the amount of \$297,257. (Public Works)

Approved and authorized the Chairman to sign a lease agreement with the California Air Resources Board to utilize roof space located at 2630 Breslauer Way for the purpose of locating meteorological equipment used in ambient air monitoring at the rate of \$75 per month. (Resource Management)

REGULAR CALENDAR

GENERAL GOVERNMENT

BOARD OF SUPERVISORS

PRESENTATION: LASSEN VOLCANIC PARK PROGRAMS

Superintendent Marilyn Parris was present to provide an update on the "Fee Demonstration Program" established in 1996. Lassen Volcanic Park was one of 100 national parks to participate in this fee program which provides for 80 per cent of the fees collected to be retained and used for park improvements.

Superintendent Parris indicated that the program has been well received and very successful. She explained that the fees have allowed for the completion of numerous improvement projects. These projects include the opening of the Butte Lake Campground, new restroom facilities, the redesign and improvement of the parking area of the museum, the addition of new exhibits for the museum, bear proofing of campgrounds, and increased trail signage.

It was further explained by Superintendent Parris that additional projects yet to be completed include the information pavilion at the north end of the park, which will be dedicated on August 5, 2000 at 1:00 p.m., and construction of a \$5-6 million visitor services facility to replace the existing building at the south end of the park.

Superintendent Parris reported that sales of annual permits and park usage have been excellent. The Board Members requested that Superintendent Parris return annually to provide updates.

ITEMS PULLED FROM THE CONSENT CALENDAR

Staff indicated that the requested clarification of Public Works' recommendation to approve a personal services agreement with Cascade Software Systems to upgrade the Public Works Road Cost Accounting Management System was provided and the matter was ready for action by the Board of Supervisors.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a personal services agreement with Cascade Software Systems in the amount of \$64,950 to upgrade the Public Works Road Cost Accounting Management System. (Public Works)

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. Mr. Latimer reported that the Western Shasta Resource Conservation District (RCD) had requested that the Board of Supervisors send a letter in support of the Western Shasta RCD's proposal to CALFED for Phases 3 and 4 of the Lower Clear Creek Channel Project. By consensus, the Board of Supervisors authorized the Chairman to sign the letter in support of the project prepared by staff.

Mr. Latimer further reported that a request had been received from Senator Mountjoy's staff for a letter in support of Senate Bills (SB) 1971 and 1972 calling for the removal of the gasoline additive MTBE from supplies by December 31, 2000. He explained that the Board had taken action in support of a similar bill, SB 201, in February 1999.

Members of the Board expressed their support for the removal of MTBE, however, they were concerned about the "arbitrary" December 2000 deadline date. Supervisors stated that setting an "arbitrary" date for this to occur, regardless of whether or not all problems have been resolved, could create similar problems to those created when MTBE was added. Board Members further stated it should first be determined what will replace MTBE, if anything, a process should be in place which will allow oil companies to meet the deadline, it should be determined whether or not sufficient gasoline supplies will be available, and the effects this action will have on gasoline prices. It was also suggested that efforts at the federal and state levels should be coordinated.

By consensus, the Board of Supervisors directed staff to prepare a letter for the Chairman's signature in support of SB 1971 and 1972, which includes language that no "arbitrary" date should be specified and lists the Board's stated concerns.

CAO Latimer outlined a request from Glenn County Supervisor Denny Bungarz asking for a letter from the Shasta County Board of Supervisors in support of a project proposal to issue a 20-year special use permit for the Fouts Spring facility.

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

CAO Latimer presented an update on Assembly Bill 818 (Brewer), the property tax equity issue. He explained that there are 17 counties which are considered "donor" counties because they have the lowest tax in the State. Shasta County is one of those 17 counties. Mr. Latimer explained that the bill passed the Assembly Committee by a 9-0 vote and is now moving forward.

It was pointed out by Mr. Latimer that California Registered Forester Jeff Bryant and Don Chapman had appeared before the Board of Supervisors regarding the consequences of not managing the fuel situation on public lands. Mr. Bryant, at the direction of the Board of Supervisors, supplied a "white paper" of his presentation. It was suggested by Mr. Latimer that a copy of this information be provided to Shasta Trinity National Forest Supervisor Sharon Haywood and that she be invited to present her comments on this subject to the Board of Supervisors.

It was noted that Mr. Bryant would be returning to appear before the Board next week, and it was suggested that Ms. Haywood be invited to attend in two to three weeks, which would allow her sufficient time to review the information. CAO Latimer stated that he would make the necessary arrangements.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

AGREEMENT: SHASTA COMMUNITY HEALTH CENTER

At the recommendation of County Administrative Officer Doug Latimer and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors approved making no change to the current grant agreement with the Shasta Community Health Center (SCHC), which expires June 30, 2001.

DONATION: MCCONNELL FOUNDATION SACRAMENTO RIVER TRAIL EXTENSION

At the recommendation of County Administrative Officer Doug Latimer and by motion made, seconded (Wilson/Clarke), and unanimously carried, the Board of Supervisors approved the acceptance of a donation of \$100,000 from The McConnell Foundation for the construction of the extension of the Sacramento River Trail located above Keswick Dam to the base of Shasta Dam, and directed the Auditor-Controller to prepare a check in the same amount to the Bureau of Land Management for the development and implementation of the construction plans.

Supervisor Fust noted that a trail symposium is scheduled to be held later this year and suggested taking the participants to the trail extension site. Members of the Board congratulated and thanked Supervisor Wilson for her perseverance in making this extension a reality. Supervisor Wilson requested that staff prepare a letter of appreciation to the McConnell Foundation for their donation and patience.

During discussion, Frances Berg, Chief of Resources with the Bureau of Land Management (BLM), spoke in support of the Board of Supervisors' action and applauded all those involved in bringing this project to fruition. The Chairman introduced Bill Kuntz, BLM Outdoor Recreation Planner, who has also worked on this project.

LAW AND JUSTICE

PROBATION

BUDGET AMENDMENT

Chief Probation Officer Renny Noll presented the staff report on the request to approve and a budget transfer which makes technical changes within various Probation budgets to adjust for unexpected increased costs and revenue shortfalls.

Mr. Noll explained that the department experienced major budget difficulties during this fiscal year. One of the reasons for these budget difficulties is the "skyrocketing" cost of California Youth Authority (CYA) commitments. He further explained that the Juvenile Hall population had also risen and that they had, at times, exceeded their "cap" which required extra-help services. Mr. Noll stated the Crystal Creek Camp had experienced a decline in the out-of-county population and this resulted in an additional loss of revenue. Mr. Noll also stated that the expansion of the Fouts Spring facility would also mean a loss in revenue to this County, based upon a decline in the per capita reimbursement received per bed.

Chief Probation Officer Noll then referenced a chart showing the cost per month for housing juvenile offenders based upon offense categories ranging from Category I (the most serious offenses) to Category VII (the least serious offenses). Members of the Board questioned the fact that the Level VII juvenile offender cost per month was \$2,600, while the Level I cost was only \$150 per month. Mr. Noll explained this was a result of Senate Bill (SB) 681. Prior to the passage of this bill, the cost for sending a juvenile to CYA was \$25 per month. As a result of SB 681, counties are charged \$150 for Categories I-IV. For Categories V-VII, however, counties are now required to pay a greater portion of the actual cost. In addition, CYA is keeping the least serious juvenile offenders longer in order to offset more of their costs. Mr. Noll suggested that a workshop be held in an effort to more fully inform the Members of the Board of these issues. The Board expressed their desire for such a workshop.

Supervisor Kehoe asked if the Board's previous action to support the Fouts Springs facility project would create a disadvantage for Shasta County. Mr. Noll's response was that he supports the Fouts Springs project, however, the addition of more camps and beds impacts the amount each local camp receives for their existing beds. He indicated that Fouts Springs should be encouraged to make a strong effort to have the State increase camp bail out funding to offset any impact to other California camps.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors approved a budget transfer which makes technical changes within various Probation budgets to adjust for unexpected increased costs and revenue shortfalls.

By consensus, the Board of Supervisors directed staff to schedule a workshop to discuss these funding issues.

By further consensus, the Board of Supervisors directed staff to prepare a second letter to Supervisor Bungarz and the Fouts Springs organization indicating that although the Board of Supervisors supports the Fouts Springs project, it recommends that the Fouts Springs organization encourage the State to increase funding in order to provide all current and future camps with stable funding. CAO Latimer suggested that a copy of this letter be sent to the Chairs of the Administration of Justice Committees in the Assembly and Senate, Senator Johannessen, and Assemblyman Dickerson. Staff was also directed to send a copy of the letter to the California State Association of Counties, the Regional Council of Rural Counties, and Shasta County's Legislative Lobbyist Don Peterson.

PUBLIC WORKS

CONSTRUCTION OF NEW SHASTA COUNTY PUBLIC HEALTH BUILDING

At the recommendation of Public Works Director Ron Hill and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors took the following actions to begin the bidding process for the construction of a new Shasta County Public Health Building: Approved the plans and specifications for the construction of a new building for the Shasta County Department of Public Health, authorized the Director of Public Works to advertise for bids, and authorized the opening of bids on May 25, 2000 at 11:00 a.m.

RESOURCE MANAGEMENT

AGREEMENTS: SANTORO CUSTOM EXCAVATING AND HAT CREEK CONSTRUCTION, INC. ABATEMENT OF PUBLIC NUISANCES

Resource Management Director Russ Mull presented the staff report for the request to approve two personal services agreements with Santoro Custom Excavating and Hat Creek Construction, Inc., for the abatement of seven public nuisances within Shasta County, and authorized a budget amendment which transfers \$70,872 of General Fund contingency revenue to Budget Unit 28200 to pay for said abatements. Slides were displayed of the seven public nuisance sites to be abated.

Sally Riley, representing the Construction Industry Force Account Council, questioned the bidding method used to secure the two contractors and asked why the contracts are listed as personal services contracts. Mr. Mull noted that the Request for Proposal (RFP) bidding process was conducted by the Purchasing Department. County Counsel Karen Jahr explained that there are two types of standard contracts used by county departments. One is the personal services agreement and the other is the Public Works project agreement. Counsel Jahr further explained that although she was not directly involved in this process, it was her belief that this project request was not considered as a Public Works project because the properties involved are privately owned. The agreement format was chosen by the Purchasing Department following Board-approved policies.

Responding to further questions regarding the requirements listed in the RFP, Mr. Mull pointed out that a copy of the detailed RFP which was used by the County for this request was included in the staff report. He further explained that the RFP was sent to all those contractors which staff believed were licensed in California, located within Shasta County, and could provide this type of service in order to give them an opportunity to bid on this project. RFPs were sent to forty contractors, and the County received bids from five.

Ms. Riley expressed her belief that the bidding method used was not the required public "open bidding" process. Counsel Jahr expressed her belief that the bidding method used was legal, and she restated that this is not a Public Works project. Mrs. Jahr noted that Public Works projects require certain advertising requirements and particular procedures and mechanisms for the letting of a bid. This project did not fall under the Public Contract Code provisions, and under state law the bidding method used was legal.

Supervisor Kehoe questioned, aside from the adequacy of the law, whether or not there was anything which would prohibit the County from posting a public notice relative to these contracts. Counsel Jahr responded that the County may always give more notice than required by law. It was suggested that this discussion concerning the bidding process be conveyed to the Director of Support Services so a more public process could be used when conducting future bids for these abatement contracts. The Board suggested that this issue be brought back to the Board of Supervisors for discussion at a later date.

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign two personal services agreements with Santoro Custom Excavating and Hat Creek Construction, Inc., for the abatement of seven public nuisances within Shasta County, and authorized a budget amendment which transfers \$70,872 of General Fund contingency revenue to Budget Unit 28200 to pay for said abatements.

OTHER DEPARTMENTS

FIRE WARDEN

FIRE PREVENTION ACTIVITIES REPORT

Fire Warden Duane Fry presented a status report on fire prevention activities related to accomplishing the directives contained in Board of Supervisors' Resolution No. 99-172 which was adopted on December 14, 1999 following the Jones and Canyon Fires. Mr. Fry stated that working cooperatively with the City of Redding Fire Department, an aggressive public education campaign was undertaken to inform individuals and groups how to make their property fire safe. In addition, a joint "Open Space" ordinance was developed to address flammable vegetation around single-family residences. Assistance was provided to the City of Redding in the mapping of the wildland fuel problem within the City, as well as encouragement for the continuation of existing efforts by the California Department of Forestry and Fire Protection (CDF) and the Shasta County Fire Department in the Shingletown and West Side areas of Shasta County. Mr. Fry explained the importance of individuals taking responsibility for providing a fire break around their property and homes.

Fire Chief Ken Wagner with the City of Redding applauded the cooperative efforts between the City and CDF/County Fire. He stated that the combined efforts are working well in dealing with these fire issues and they are making a difference.

DEPARTMENT IMPROVEMENTS REPORT

Fire Warden Duane Fry presented a report on the improvements made to the County Fire Department and Fire Protection System resulting from the additional \$1.5 million provided to the Department in the current year's budget. He explained that five major deficiencies had been identified within the department. These deficiencies placed volunteer firefighters at risk due to inadequate training and safety clothing, they created a risk of insurance rate increases for property owners, they placed the County at risk due to a noncompliance with health and safety laws, they created recruitment and retention problems with volunteer fire fighters, and they adversely impacted the efficiency and effectiveness of the department. Sixteen prioritized needs were identified, and Mr. Fry explained to what extent those needs had been addressed. He further explained that an additional task force meeting was scheduled, at which time the Subscription Program and the proposed fee-for-service ballot measure will be discussed.

AGREEMENT: CALIFORNIA DEPARTMENT OF
FORESTRY AND FIRE PROTECTION
RESOLUTION NO. 2000-61

At the recommendation of Fire Warden Duane Fry and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-61 which approves and authorizes the Chairman to sign the Cooperative Agreement with the California Department of Forestry and Fire Protection to provide fire protection services to the unincorporated County areas outside the established fire protection districts during the period of July 1, 1999 through June 30, 2002.

(See Resolution Book No. 41)

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 Outdoor Media Dimensions v. County of Shasta and Daniel Clifford Hinds v. County of Shasta, 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.

11:41 a.m.: The Board of Supervisors recessed to Closed Session.

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

1:35 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, County Counsel Karen Jahr, and Administrative Board Clerk Lynn Cereghino present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Karen Jahr reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations. At that time, and by unanimous vote, the Board of Supervisors authorized the assignment of Outdoor Media Dimensions v. County of Shasta to the firm of McDonough, Holland and Allen and further authorized the assignment of the case of Hinds v. County of Shasta to law firm of Gary Brickwood. No other reportable action was taken.

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

Chairman

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy