

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, August 8, 2000

REGULAR MEETING

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

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Administrative Board Clerk - Lynn Cereghino

District No. 2 - Supervisor Fust - Excused

INVOCATION

Invocation was given by Reverend Heather Hennessey, First Christian Church-Disciples of Christ.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Russ Wade spoke in opposition to air pollution.

Vice Chairman Wilson deferred the remaining requests to speak during Open Time until the subject of their comments (discussion regarding the Shasta County Library) came up on the agenda for consideration.

REGULAR CALENDAR

BOARD MATTERS

AUGUST 2000 EMPLOYEE OF THE MONTH
KARYN SHERMAN, SUPERVISING GROUP COUNSELOR
PROBATION DEPARTMENT
RESOLUTION NO. 2000-143

At the recommendation of Chief Probation Officer Renny Noll and Deborah Botts, Probation Division Director of Juvenile Hall, and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-143 which recognizes Karyn Sherman,

Supervising Group Counselor, as Shasta County's August 2000 Employee of the Month.

(See Resolution Book No. 41)

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled from the consent calendar the request to authorize the Sheriff to sign a contract to provide law enforcement officers to patrol the Shasta District Fairgrounds during events held on the fairgrounds. He asked County Administrative Officer (CAO) Doug Latimer if any costs have been incurred since July 15, 2000 as the contract covers the time period between July 15, 2000 and December 31, 2000. CAO Latimer said that there were none.

Supervisor Kehoe also asked why expenditures and revenues for this contract were not included in the preliminary Fiscal Year 2000-2001 budget, but will be appropriated at a later date. Undersheriff Larry Schaller explained that previous contracts did not include events other than the District Fair, therefore, the projected staffing and revenues cannot be determined until after the other scheduled events take place.

CONSENT CALENDAR

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

Adopted Resolution No. 2000-143a which approved and authorized the Chairman to sign an amendment to the contract with the California Department of Agriculture which will increase funding by \$28,656 for the Shasta County Glassy Winged Sharpshooter Program. (Agriculture Commissioner)
(See Resolution Book No. 41)

Adopted Resolution No. 2000-144 which approved and authorized the Chairman to sign a contract in the amount of \$4,000 with the California Department of Agriculture to fund the Nematode Control Program. (Agriculture Commissioner)
(See Resolution Book No. 41)

Approved County claims. (Auditor-Controller)

Approved the minutes of the meeting held on August 1, 2000, as submitted. (Clerk of the Board)

Adopted Resolution No. 2000-145 which approved and authorized the Sheriff to sign an application to the State Board of Corrections for funding in the amount of \$31,100 for the Shasta County Mentally Ill Offender Crime Reduction Grant (MIOCRG) and related contracts, amendments, or extensions, appointed Sheriff-Coroner Jim Pope as Chair of the MIOCRG Strategy Committee, and made the recommended appointments to the MIOCRG Strategy Committee. (Sheriff)
(See Resolution Book No. 41)

Approved and authorized the Sheriff to sign a contract with the 27th District Agricultural Association in an amount not to exceed \$30,000 which authorizes the Sheriff to provide law enforcement officers to patrol the Shasta District Fairgrounds during events held on the fairgrounds between July 15, 2000 and December 31, 2000. (Sheriff)

Approved and authorized the Chairman to sign the Master Grant Agreement (MGA) with the California Department of Health Services, Office of AIDS in an amount not to exceed \$333,278 during the period of July 1, 2000 through June 30, 2001, as well as the following Memorandums of Understanding covered by the MGA: HIV Testing Program in the amount of \$78,000, AIDS Surveillance Program in the amount of \$23,200, HIV Education and Prevention in the amount of \$82,078, and High Risk Youth Initiative in the amount of \$150,000. (Sheriff)

Approved and authorized the Chairman to sign a Declaration of Intent notifying the California Department of Health Services (DHS) of the County's intent not to apply for Fiscal Year 2000-2001 Rural Health Services Program funding in favor of continuing DHS's disbursement of funds directly to area hospitals and physicians. (Public Health)

Approved and authorized the Chairman to sign an agreement with the Shasta Community Health Center in the amount of \$87,320 to continue immunization improvement services during the period of July

1, 2000 through June 30, 2001. (Public Health)

Approved and authorized the Chairman to sign an agreement with the Shasta County Family Service Agency in the amount of \$25,000 to provide parenting classes for the Children's Services Division from the date of signing through June 30, 2001. (Social Services)

Approved and authorized the Chairman to sign an agreement with the City of Shasta Lake in the amount of \$100,000 for partial funding of a One-stop Job Resource Center. (Housing and Community Action Agency)

REGULAR CALENDAR

BOARD MATTERS

REPORT: ARGUMENT IN FAVOR OF MEASURE "A"

Rick Sherman, President of the Fire Chief's Association, presented to the Board of Supervisors a report concerning the language of the Argument in Favor of Measure "A," which is a special tax within County Service Area No. 1 to fund fire/rescue vehicles.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors accepted the report.

DISCUSSION: SHASTA COUNTY LIBRARY

The Board of Supervisors received comments from those present wishing to express their views regarding the idea of the County of Shasta and the City of Redding working together to build a new library on property owned by the City.

The following people spoke in favor of the idea: Al Weissberg, Russell Hunt, Brian Van Vooris, Peter Wright, Ken Murray, Mike Ashby, Patte Jelavich, and Cheri Beck.

Supervisor Wilson read into the record a letter from the City of Redding reaffirming the City's willingness to work with the County regarding the Shasta County Library.

Following discussion and by motion made, seconded (Kehoe/Hawes), and carried the Board of Supervisors took the following actions:

1. Affirmed and declared the Board's public support and endorsement of a modern full-service library system that effectively serves the needs of Shasta County residents, and in doing so pledges the available funding and staff resources necessary to accomplish this goal.
2. Accepted the invitation of the City of Redding to discuss collaborative efforts relative to the future of library service in Shasta County.
3. Appointed Supervisors Hawes and Wilson and County Administrative Officer Doug Latimer to an ad hoc committee to discuss library service with the City, and authorized this committee to add any other County officials and community stakeholders that they may deem appropriate to realize their objective.
4. Encouraged the ad hoc committee to report their findings and thoughts to the full Board and to the Community within 90 days.

The vote was as follows:

AYES: Supervisors Kehoe, Hawes, and Wilson

NOES: None

ABSENT: Supervisor Fust

ABSTAIN: Supervisor Clarke

Supervisor Clarke expressed her support of the idea, however, she did not feel that she could

support the pledge of financial resources at this time without knowing how much money would be involved.

GENERAL GOVERNMENT**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer Doug Latimer presented an update on legislation of importance to Shasta County.

Supervisor Clarke updated the Board on an agreement between the State Sheriffs Association, the unions, and the Governor's Office regarding binding arbitration.

Supervisor Hawes reported on the concerns of the U.S. Farm Bureau and the Cattlemen's Association regarding the Sierra-Nevada Framework Project's Draft Environmental Impact Statement. He explained that there is concern that cattle grazing in the forests could some day disappear. Staff was directed to prepare a letter for the Chairman's signature, as well as individual letters for the Supervisors' signature, requesting an extension of the time period to accept comments on this issue.

Supervisors reported on countywide issues.

AGRICULTURE COMMISSIONER**1999 SHASTA COUNTY CROP AND LIVESTOCK REPORT**

At the recommendation of Agricultural Commissioner Mary Pfeiffer, the Board of Supervisors accepted the 1999 County Crop and Livestock Report.

Ms. Pfeiffer requested the Board of Supervisors' continued support of Senate Bill (SB) 1740 (Leslie) regarding noxious weed control. The Board had previously written a letter in support of this bill in March 2000. She reported that the bill is in suspense and is due for hearing in the Appropriations Committee on August 24, 2000.

By consensus, the Board directed Ms. Pfeiffer to prepare a letter in support of SB 1740 for the Chairman's signature.

CLOSED SESSION ANNOUNCEMENT

Vice Chairman Wilson announced that the Board of Supervisors would recess to a Closed Session. County Counsel Karen Jahr requested that the Board postpone the item of existing litigation (Whitmore Union Elementary School District vs. County of Shasta) for one week. The item regarding the Public Employee Appointment will still be discussed.

10:27 a.m.: The Board of Supervisors recessed to Closed Session.

10:55 a.m.: 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 Supervisors Kehoe, Hawes, Wilson, and Clarke, County Administrative Officer Doug Latimer, County Counsel Karen Jahr, and Administrative Board Clerk Pamela English present.

AFTERNOON CALENDAR**REPORT OF CLOSED SESSION ACTIONS**

County Administrative Officer Doug Latimer announced the Board of Supervisors' appointment

of Marta McKenzie as the Director of Public Health during Closed Session. No other reportable action was taken at this time.

SCHEDULED HEARINGS**PUBLIC WORKS****ROAD ABANDONMENT: WHISKEYTOWN
NATIONAL RECREATION AREA**

Pat Minturn, Assistant Director of Public Works, reported that the National Park Service has offered to assume management responsibilities for several county-maintained roads lying within the Whiskeytown Unit of the National Recreation Area (NRA) in an effort to consolidate all activities within the NRA. A public hearing was convened on July 18, 2000, at which time the Board of Supervisors considered the following proposals:

1. Adoption of a resolution which would vacate county-maintained roads within the NRA.
2. Execution of a quit claim deed by which the County's easements over those roads would be deeded to the federal government.

Public comments were received at that time, after which the Board continued the hearing to the meeting of August 8, 2000 to allow County Counsel time to make sure that the proposed action would fall in line with state regulations. Mr. Minturn explained that County Counsel has determined that state law precludes abandoning the subject roads unless the Board can make a finding that the roads in question are "unnecessary for present or prospective public use." Because such findings cannot presently be made with regard to any of the roads in question, he suggested that the County roads must be left in the system of maintained county roads. However, there did not appear to be a specific legal impediment to quit claiming the County's easement over some or all of these roads to the federal government so that the National Park Service can obtain federal funding for improvements to and maintenance of those roads.

Mr. Minturn further reported that these roads were constructed by the federal government many years ago. In 1959, the County apparently agreed to maintain these roads in perpetuity. During 1973, an agreement (dated June 29, 1964) was recorded by which the United States conveyed easements to the County for county highway purposes. This agreement required the County to indemnify the United States for liability for injury to or death of any person, or for property damage, related to the County's easement. He expressed his belief that it would be appropriate for the federal government to provide indemnification to the County given that the County has been asked to give up its easement to the same roads.

Mr. Minturn stated that staff of his Department and County Counsel's Office are negotiating with representatives of the National Park Service with regard to the language of the quit claim deed in order to provide indemnification of the County by the United States and to ensure that language in the deed sufficiently protects the rights of the general public and persons with real property within or adjacent to the park to travel across the roads in question.

Mr. Minturn recommended that the public hearing be concluded and that staff be directed to negotiate amendments to the proposed quit claim deed to the federal government.

County Counsel Karen Jahr reported that at this time no specific prohibition nor a specific mechanism for quit claiming the roads back have been found. However, the research clearly indicates that the Board is not in a position, now or in the immediate future, to remove these roads from the system of maintained mileage. There appears to be no statutory mechanism for getting a road out other than vacation or abandonment. Under vacation and abandonment of the road, specific findings (outlined above by Mr. Minturn) must be made. These roads are used on a daily basis by many members of the public, so the County cannot state as a finding that there is no current or prospective public use of those roads. This issue is also being reviewed by Siskiyou and Trinity Counties, and attorneys in those offices have reached the same conclusion that this is an anomaly that exists--once a road is in the maintained mileage, you cannot take it out unless the road can be vacated, and the road cannot be vacated because the findings cannot be made.

Counsel Jahr explained that if the County is able to quit claim these roads back to the federal government, which is what they want in order to obtain financing for road improvements, these roads would be maintained in the County's mileage, but the actual maintenance would be performed by the federal government. What would happen in this case would be that over time modifications to or simple maintenance of the roads would be accomplished. At that point, it would tend to cut off, in almost all circumstances, any residual liability the County might have. However, whoever last modified or maintained the road would be liable if such maintenance or modification of the road resulted in personal injuries. Consequently, for some period there would be a problem, unless the County receives an indemnification clause. Other counties are addressing this by attempting to negotiate a maintenance agreement, which is another avenue to approach. She recommended that the County use whichever route is successful in its attempt to ensure that the federal government pay for the road. She clarified that there is no statutory authority for annexation by the federal government. She suggested that legislation might be sought in this area in that it appears that other local governmental entities may wish to absolve themselves of responsibility of road maintenance, and the federal government wishes to take it over.

Mr. Mintum clarified that the County has no access to federal highway maintenance money, but the National Park Service does have access to these funds. He explained that in order for the National Park Service to claim this funding source, they must have title to the subject roads.

Following the presentation and discussion between the Board Members and staff, Vice Chairman Wilson called for comments from the public. Receiving no such comments, Vice Chairman Wilson concluded the public hearing.

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

1. Directed staff to perform an in-depth analysis as to the indemnification provisions and whether those provisions should more appropriately be contained in a maintenance agreement or a quit claim deed.
2. Directed staff to negotiate with the federal government on the appropriate documentation needed to accomplish the transfers necessary to obtain federal funding for maintenance of the roads within the Whiskeytown Unit.

1:44 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy