

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, July 24, 2001

**REGULAR MEETING**

9:07 a.m.: 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. 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 Reverend Dennis McGowan, Faith Community Church.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Hart Rumbolz made a presentation on his recent attendance at the San Joaquin Valley Rail Committee meeting and efforts to improve rail service in the North Valley.

Russ Wade addressed the Board regarding his concerns about exceeding the earth's regenerative power and the need to promote clean-air industry.

Members of the Local Indians for Education Youth Group, led by Youth Coordinator Genevieve Markussen, gave a presentation on their tobacco awareness activities, which included television and radio advertisements prepared by the group and results of a survey they conducted on the use of tobacco only for traditional Indian ways/ceremonies.

**ITEMS PULLED FROM CONSENT CALENDAR**

Supervisor Fust pulled from the Consent Calendar for clarification and to be acted upon separately the request by the Fire Warden to adopt a resolution authorizing a Volunteer Fire Assistance Program grant agreement with the California Department of Forestry and Fire Protection to purchase fire safety clothing, a communications repeater, and pagers.

Supervisor Clarke pulled from the Consent Calendar the following items for clarification and

to be acted upon separately:

1. The request by the Agriculture Commissioner to approve a contract with the California Department of Food and Agriculture to provide on-going funding for the High Risk Pest Exclusion Program.
2. The request by the Director of Support Services to adopt six resolutions approving amendments to group health contributions listed in the Memoranda of Understanding with the six bargaining units.
3. The request of the Fire Warden to accept a grant from the State Office of Traffic Safety for the purchase of fire rescue equipment.

### **CONSENT CALENDAR**

By motion made, seconded (Clarke/Hawes), 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 \$148,652.81 for County operating funds and special districts, as submitted. (Auditor-Controller)

Enacted Ordinance No. 378-1844 approving Zone Amendment 01-01, Barry Billington, Mountain Gate area, as introduced on May 22, 2001. (Clerk of the Board)

(See Zoning Ordinance Book)

Approved and authorized the Chairman to sign a lease agreement with Hooykaas and Mitchell for office space for the Information Systems Department located at 1626 Court Street for the period August 1, 2001 to July 31, 2004 in the amount of \$5,078.63 per month for the first year, \$5,230.93 per month for the second year, and \$5,387.86 per month for the third year with the option of two one-year renewal periods subject to a maximum three percent (3%) monthly rent increase for each renewal period. (Information Systems)

Approved and granted authority to the County Administrative Officer to waive or modify any appropriate Personnel Rule, as necessary, to return the previous Chief Technology Officer to work without a loss of status or benefits. (Support Services/County Administrative Office)

Approved and authorized the Chairman to sign an agreement with Patrick C. Brown, M.D. in an amount not to exceed \$154,000 for the provision of psychiatric services from the date of signing through June 30, 2002. (Mental Health)

Approved and authorized the Chairman to sign: (1) Master Grant Agreement (MGA) with the Department of Health Services, Office of AIDS, in the amount of \$1,023,234 to continue providing HIV/AIDS prevention and education activities in the community for a three-year period through June 30, 2004, and (2) the following Memoranda of Understanding covered by the MGA: (a) Education and Prevention - \$246,234; (b) High Risk Youth Initiative-\$450,000; (c) HIV Counseling and Testing - \$255,000, and (d) HIV/AIDS Surveillance - \$72,000. (Public Health)

Approved and authorized the Chairman to sign an amendment to the contract with Shasta Head Start for administering the AmeriCorps Initiative which extends the term of the contract by twelve months and adds compensation of \$31,618 for Fiscal Year 2001-2002. (Social Services)

Approved and authorized the Chairman to sign an amendment to the contract with the Shasta County Office of Education in the amount of \$63,536 for the provision of foster youth services for Local Interagency Network for Children and Services Program from date of signing through June 30, 2002. (Social Services)

Awarded to the low bidder, J.B. Excavating, Inc., on a unit cost basis, a contract in the amount of \$1,137,387.25 for construction on the Deschutes Road Widening Project. (Public Works)

Approved for filing the final subdivision map for Tract No. 1855 (Hufford) in the Millville area. (Public Works)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the Fern Road East at Old Cow Creek Bridge contract and record it within 10 days of actual completion of the work. (Public Works)

Adopted Resolution No. 2001-114, which authorizes the Chairman to sign a right-of-way certificate for the Happy Valley Road between Canyon Road and Hawthorn Avenue project. (Public Works)

(See Resolution Book No. 42)

AGREEMENT: DEPARTMENT OF FOOD AND AGRICULTURE

Agriculture Commissioner Mary Pfeiffer presented the staff report and explained the program, which is designed to exclude exotic pests from the County and has been funded by the State since 1998.

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a contract with the California Department of Food and Agriculture in the amount of \$38,240.99 which provides on-going funding for the High Risk Pest Exclusion Program for Fiscal Year 2001-2002.

AMENDMENTS: MEMORANDA OF UNDERSTANDING  
GROUP HEALTH CONTRIBUTIONS  
RESOLUTION NOS. 2001-115 THROUGH 2001-120

Support Services Director Joann Davis presented the staff report, explaining that the recommended amendments are to provide for a change in the health contribution level made by the County to address the loss of the Blue Shield HMO and change to the PERS Choice Plan. Paul Heckman of the Deputy Sheriffs Association thanked the Board of Supervisors for their efforts in addressing this problem.

By motion made, seconded (Fust/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution Nos. 2001-115 through 2001-120 approving amendments to group health contributions listed in the Memoranda of Understanding with the following bargaining units: (1) United Public Employees of California; (2) Shasta County Employees Association; (3) Teamsters; (4) Professional Peace Officers Association; (5) Sheriff's Administration Association; and (6) Deputy Sheriffs Association.

(See Resolution Book No. 42)

GRANT: OFFICE OF TRAFFIC SAFETY

Deputy County Fire Chief Del Walters presented the staff report and recommended approval to accept the grant from the State Office of Traffic Safety in the amount of \$70,000 for the purchase of fire rescue equipment.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors accepted the grant from the State Office of Traffic Safety in the amount of \$70,000 for the purchase of fire rescue equipment.

AGREEMENT: CALIFORNIA DEPARTMENT OF  
FORESTRY AND FIRE PROTECTION  
RESOLUTION NO. 2001-121

Deputy Fire Chief Del Walters presented the staff report on the request to approve a grant agreement for the purchase of fire safety clothing. Supervisor Fust asked if this grant required matching funds. Deputy Chief Walters responded that it did, and the funds had already been placed in the Fiscal Year 2001-2002 Budget.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2001-121, which approves and authorizes the Chairman to sign a Volunteer Fire Assistance Program grant agreement with the California Department of Forestry and Fire Protection in the amount of \$14,544.50 for Fiscal Year 2001-2002 to purchase fire safety clothing, a communications repeater, and pagers.

(See Resolution Book No. 42)

**REGULAR CALENDAR**

**GENERAL GOVERNMENT**

**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

**LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer presented an update on the recently adopted State Budget.

Supervisor Wilson updated the Board on the status of establishing a veterans home in Shasta County and then presented certificates of appreciation to community members Julie Clausen, Jim Zauher, Mike Mitchell, and Kent Dagg for their participation and efforts in helping to make a veterans home a reality in Shasta County.

Julie Clausen also presented certificates of appreciation from Senator Maurice Johannessen to Mr. Zauher, Mr. Mitchell, and Mr. Dagg for their efforts regarding the veterans home.

Supervisors reported on issues of countywide interest. Supervisor Hawes requested that a workshop be held with the Department of Public Works regarding trees growing so close to the roadways and the dangerous situation this creates. The Members of the Board concurred with this recommendation, and CAO Latimer stated he would contact Public Works to schedule a workshop.

**CLERK OF THE BOARD**

**APPROVAL OF MINUTES**

By motion made, seconded (Hawes/Kehoe), and carried, the Board of Supervisors approved the minutes of the meeting held on July 17, 2001, as submitted. Supervisor Fust abstained from taking action since he was absent from that meeting.

**TREASURER-TAX COLLECTOR**

**QUARTERLY REPORT OF INVESTMENTS  
JUNE 30, 2001**

At the recommendation of Treasurer-Tax Collector Lori Scott and by motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors accepted the Quarterly Report of Investments ending June 30, 2001.

### CLOSED SESSION ANNOUNCEMENT

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

1. Conduct its annual review of all pending civil cases pursuant to Government Code Section 54956.9, subdivision (a). as follows:
  1. Allstate Insurance Company v. County of Shasta
  2. Bellegante, John v. Morris, Mayra, et al
  3. Brewster, Thomas v. County of Shasta
  4. Cardona, Jennifer v. County of Shasta, et al
  5. Citizens for Responsible Growth v. State of California
  6. Counties v. Commission on State Mandates
  7. Counties v. PG&E
  8. County of Alameda, et al v. P.G.&E
  9. Crane, Ronald v. County of Shasta, et al
  10. Finazzo, Joseph & Linda v. County of Shasta
  11. Fruits, John v. County of Shasta
  12. Haglan, Michael v. County of Shasta, et al
  13. Henry, Rolland v. County of Shasta
  14. Hinds, Daniel C. v. County of Shasta
  15. Hinrichsen, Henry v. County of Shasta
  16. Johnson, Shawna v. County of Shasta
  17. Levin, Richard & Kim, Mikuriya, Todd v. Barner, et al
  18. Linck, Justin v. County of Shasta
  19. Loma Linda Univ. Med. Center v. Farmers' Group
  20. Moore, Karla v. County of Shasta
  21. Outdoor Media Dimensions, Inc. v. County of Shasta
  22. Philipp, Anton John v. County of Shasta
  23. Preheim, Richard v. County of Shasta
  24. Peck, Barbara, et al v. County of Shasta
  25. Save Burney Falls v. County of Shasta
  26. Schwermann v. State of California, et al
  27. Stevenson, Janett v. County of Shasta
  28. Tarin, Rudolf v. County of Shasta
  29. Tobacco Industry Litigation (2 cases)
  30. Whitmore Union School District v. County of Shasta
  31. Zenith Insurance Co. v. Inter-Mountain Fairgrounds, et al
  32. Roesner vs. City of Redding
  
3. Confer with its Labor Negotiators, County Administrative Officer Doug Latimer and Support Services Director Joann Davis, to discuss the following employees' 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.

10:15 a.m.: The Board of Supervisors recessed to Closed Session.

10:30 a.m.: The Board of Supervisors recessed from Closed Session.

10:32 a.m.: The Board of Supervisors reconvened in Open Session.

### **SCHEDULED HEARINGS**

#### **SHERIFF**

#### **UNLAWFUL OPERATION OF MOTORIZED VEHICLES AND DISCHARGE OF WEAPONS IN VICINITY OF SACRAMENTO RIVER RAIL-TRAIL**

Undersheriff Larry Schaller presented an overview and recommendation for approval of the introduction and waiving of the reading of a new Shasta County Code Chapter 9.10 pertaining to the unlawful operation of motor vehicles and discharge of weapons on and within the vicinity of the Sacramento River Rail-Trail, the unlawful discharge of firearms at and within 100 feet of the Keswick Lake Boat Launch Facility, and the nighttime closure of the Sacramento River Rail-Trail and the Keswick Lake Boat Launch Facility.

Francis Berg, Chief of Resources for the Bureau of Land Management (BLM), presented a history of the process that was conducted to close the area to motorized vehicles. Mr. Berg further explained that although the area is under the jurisdiction of BLM, they have no enforcement authority. Therefore, BLM has requested a County ordinance to utilize the law enforcement services of the County. Responding to a question by Supervisor Kehoe, Mr. Berg assured the Board that this service (enforcement) would “not” become the financial responsibility of the County.

The public hearing was opened, at which time Allen Kost, Coordinator of the Trails and Bikeways Council of Greater Redding, urged passage of the ordinance, citing incompatibility of motorized vehicles and pedestrians/hikers. Also speaking in support were Trails and Bikeways Council and Sierra Club Member Deann Madgic; Sandy Fecher, President of Region 18 of the California Horsemen’s Association; Bob Sudeen, Chairman of the California Horsemen’s Association; Jack Ennis and Gene Leach of Shasta Wheelmen Club.

Everett Dale expressed his objection to off-highway vehicle “green sticker” fees he pays being used to keep him out of an area. This objection was also expressed by Ole Olson and Scott Donham of the Black Sheep Club.

Bob Alf stated his concern regarding safety with motorcycles coming and going on the same road and the chance of injuries. Mr. Alf said there should be a plan, but he said he did not believe the ordinance would help.

Dave Booth and Wendell Bradford stated their belief that the taxpayers of Shasta County should not pay for the law enforcement. Mr. Bradford also felt the area should be handicapped accessible.

Linda Helmer commented that she was concerned with kids trying to learn their skills because Coram Road is inadequate for beginning riders. She stated the area should not have been closed without an alternate route as had been proposed. Ms. Helmer questioned whether BLM would continue to provide the funding for law enforcement.

Sylvia Milligan indicated she was not against the ordinance but was concerned about safety and commented on the impacts she sees from the closure of the area. She cited the need for an alternate route for safety and suggested this be tied to the ordinance. Art Morgan also addressed the need for an alternate route, questioned why the County should be providing the law enforcement, and objected to the

use of “green sticker” fees to pay for enforcement. Dennis Porter requested that a parallel road for off-highway vehicles be provided as had been promised by BLM.

Mike Wilbur of the Redding Dirt Riders also requested the alternate route. He indicated he was not against the ordinance, provided the alternate route is established, as promised. He requested that action on the ordinance be held up until BLM provides the alternate route.

No one else spoke for or against the ordinance, and the public hearing was closed.

Mr. Berg addressed the issue of the alternate route. He explained that BLM has been acquiring property to allow legal access for a northern alternate route and will continue with that process; however, he stated there was never a “promise” of an alternate route. He also indicated that they continue to work on an alternate route from Whiskey Creek. Andy Isola also of the BLM, pointed out on a displayed map the difficulty they are experiencing with privately owned land when trying to establish these alternate routes.

Supervisor Clarke indicated that she had no problem with the ordinance; however, she said she would like to be kept informed about the alternate road and have the County included in the continuing process.

Supervisor Fust stated he had spoken with County Counsel about the possibility of adding a sunset clause to the ordinance. This would allow the County to review this matter again and receive information on: (1) the results of the continued efforts for an alternate route, and (2) whether use compatibility is working out with special events. County Counsel Karen Jahr indicated a sunset clause was appropriate, could be set for any date the Board wished, and reviewed proposed language. She also suggested that this matter could be calendared for an appropriate period of time for a follow-up report. Discussion ensued as to the appropriate sunset time limit to place on the ordinance.

Supervisor Hawes suggested that in order to get land for the alternate route, BLM could do some property exchanging with the private land owners. Mr. Berg indicated this was a good idea and discussed other land exchanges currently being conducted by BLM.

By motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors approved the introduction and waiving of the reading of a new Shasta County Code Chapter 9.10 pertaining to the unlawful operation of motor vehicles and discharge of weapons on and within the vicinity of the Sacramento River Rail-Trail, the unlawful discharge of firearms at and within 100 feet of the Keswick Lake Boat Launch Facility, and the nighttime closure of the Sacramento River Rail-Trail and the Keswick Lake Boat Launch Facility with the inclusion of a two-year sunset date (September 6, 2003) as per the language proposed by Counsel, and that the BLM and Bureau of Reclamation report back in one year on the progress of the alternate route issue and how the ordinance is working.

11:40 a.m.: The Board of Supervisors recessed to continued Closed Session.

2:20 p.m.: The Board of Supervisors recessed from Closed Session.

2:23 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Clarke, and Hawes, 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. In the matter of Cardona vs Shasta County, on a unanimous vote the Board of Supervisors referred this matter to the firm of Liebert, Cassidy and Whitmore to provide representation.

2:24 p.m.: The Board of Supervisors adjourned.

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Chairman

CAROLYN TAYLOR  
Clerk of the Board of Supervisors

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

