

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, February 19, 2002

**REGULAR MEETING**

9:00 a.m.: Chairman Kehoe 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  
Administrative Board Clerk - Christie Jewell

**INVOCATION**

Invocation was given by Undersheriff Larry Schaller.

**PLEDGE OF ALLEGIANCE**

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

**ITEMS PULLED FROM CONSENT CALENDAR**

Supervisor Kehoe pulled from the Consent Calendar for discussion purposes the request to adopt a resolution which would authorize the Auditor-Controller to pay claims for the purchase of various crime prevention materials purchased by the Sheriff's Office up to a maximum of \$20,000 per year. Supervisor Kehoe stated his belief that approving these purchases one time rather than having to bring each purchase back before the Board for approval was a good idea and asked if it could be applied to other departments.

County Counsel Karen Jahr responded that revisions to the purchasing manual were currently being prepared and this could be addressed in that process. She stated language could be inserted into the manual that would allow departments to expend a certain amount each year; however, an approved resolution is required. She stated if the Board wished to provide some specific direction now, it could be included, or the Board may prefer to wait until the document is ready for review, which should be in about six weeks.

Supervisors Fust stated this has been an issue with the Board of Supervisors in the past and that he has no problem looking at all options, but he was not prepared to give specific direction at this time.

Supervisor Clarke concurred with Supervisor Fust and stated it was her belief that these promotional purchases should come before the Board of Supervisors to let the public know what promotional activities are taking place and to ensure that public funds are appropriately expended.

Action on this item was considered with the rest of the Consent Calendar items.

**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:

Approved and authorized the Chairman to sign a subordination agreement with Wells Fargo Bank (WFB) and Christian Church Homes (CCH) for the purpose of subordinating the County's property interest to that of WFB so that CCH may obtain construction loans from WFB. (Administrative Office/Mental Health)

Authorized the issuance of warrants totaling \$73,749.97 for County operating funds and special districts, as submitted. (Auditor-Controller)

Approved the minutes of the meeting held on February 5, 2002, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1853 approving Zone Amendment 01-016, Charlton, Shasta area, as introduced February 5, 2002. (Clerk of the Board)

(See Zoning Ordinance Book)

Approved the award of individual bids for asphalt concrete patching mix, aggregate base, cinder sanding aggregate, and related road-repair materials in an estimated annual amount of \$496,700 to Tuller & Heller, Inc., dba Northstate Asphalt; Crystal Creek Aggregate; Aggregate Products; Packway Materials; Hat Creek Construction; Mountain Gate Limestone; John Smith Backhoe; and Westside Aggregate. (Support Services-Purchasing Division)

Approved and authorized the Chairman to sign a contract amendment with the Shingletown Activities Council to extend the term to December 31, 2003 for the purchase of the site and development of a community center. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign an amendment to the FY 2001-2002 agreement with Empire Recovery Center, Inc. in the amount of \$40,000, for a total of \$127,035, to provide residential alcohol and drug treatment services from the date of signing through June 30, 2002. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Alcohol and Drug Administrator to sign the Comprehensive Drug Court Implementation Program Notice of Grant Award with the State of California in the amount of \$30,220 for the project budget period of December 29, 2001 through December 28, 2002. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign an amendment to the agreement with the State Department of Alcohol and Drug Programs decreasing compensation by \$1, for total compensation in an amount not to exceed \$2,607,094, to provide County prevention and treatment programs for Fiscal Year 2000-2001. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign an agreement with California State University, Chico Research Foundation in the amount of \$82,242 from the date of signing through August 31, 2003 to provide an independent evaluation of the Local Interagency Network for Children's Services Program. (Social Services)

Approved and authorized the Chairman to sign a contract with River Inn in an estimated amount of \$32,450 for the Opportunity Center to provide hotel cleaning services for the period February 19, 2002 through December 31, 2002. (Social Services-Opportunity Center)

Adopted Salary Resolution No. 1187, which deletes one Marriage Family Therapist I/II position and adds one Victim Advocate I/II and one Legal Process Clerk I/II position for the Child Abuse Treatment program. (District Attorney)

(See Salary Resolution Book)

Adopted Resolution No. 2002-23, which authorizes the Auditor-Controller to pay claims for the purchase of various crime prevention materials purchased by the Sheriff's Office up to a maximum of \$20,000 per year. (Sheriff)

(See Resolution Book No. 43)

Approved and authorized the Chairman to sign an agreement with the Shasta County Private Industry Council in the amount of \$39,075.45 for inmate computerized instructional educational services in the Main Jail for the period July 1, 2001 through June 30, 2002. (Sheriff)

Authorized the Director of Public Works to release security guaranteeing street maintenance of Swan Court for Tract No. 1453 in the amount of \$10,000. (Public Works)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the Deschutes Road Widening Project effective February 15, 2002. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with Shutt Moen Associates in the amount of \$210,000, increasing the total compensation to \$300,000, to perform additional environmental work as part of the Fall River Mills Airport grant. (Public Works)

Approved a budget amendment in the amount of \$32,000 to reallocate appropriations in Service and Supplies to Fixed Asset accounts to accommodate the purchase of rescue tools. (County Fire)

9:08 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

**SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR**

**SHASTA COUNTY WATER AGENCY**

By motion made, seconded (Fust/Hawes), and unanimously carried, the Water Agency Board approved and authorized the Chairman to sign an agreement with CH2M Hill in the amount of \$134,066 for Phase 2C of the Water Resources Master Plan for the period February 19, 2002 through February 19, 2003. (Public Works)

9:09 a.m.: The Shasta County Water Agency adjourned, and the Board of Supervisors reconvened.

**REGULAR CALENDAR**

**BOARD OF SUPERVISORS**

**PRESENTATIONS**

**PRESENTATION: NORCAL EMS**

Pat Tillman and Dan Spiess of NorCal EMS gave a PowerPoint® presentation highlighting the activities and services provided by NorCal EMS, explaining how they are governed, and reviewing additional services that can be provided.

**BOARD MATTERS****PROCLAMATION: MARCH TO END HUNGER**

Action on the request to approve a proclamation which would designate March 2002 as "March to End Hunger" month in Shasta County was deferred to the February 26, 2002 meeting.

**PRESENTATION: SHINTAFFER RANCH  
GLENBURN AREA**

At the request of Supervisor Hawes, Tim Burton, Wildlife Program Manager of Region 1 for the Department of Fish and Game, was present to discuss the possible acquisition of the Shintaffer Ranch in Glenburn by Fish and Game and to have the Board of Supervisors consider taking a position regarding that acquisition.

Mr. Burton explained that Fish and Game is currently in negotiations for acquisition of the 1,160 acre Shintaffer Ranch. Mr. Burton stated that such acquisitions are done for the public benefit and fish and wildlife values. He explained that within the Department of Fish and Game (DF&G), they have a program for property acquisition where the Wildlife Conservation Board (WCB), a separate state agency, serves as DF&G's realty action board. The WCB is a major agency for the expenditure of funds that are allocated to acquire/assume title, to acquire easements for properties that have fish and wildlife values, and for public benefit. Some of the reasons the DF&G wishes to acquire this property are: (1) public access to Fall River, (2) the fish and wildlife values that exist on the property, (3) wetlands values, and (4) stream bank restoration. Following a regional assessment and evaluation process, a hearing is held before the Wildlife Conservation Board, and the hearing on this acquisition is scheduled for next Wednesday.

Mr. Burton said that should they acquire the property, DF&G plans to provide limited public access to Fall River (primarily for fishing) to avoid having the river overrun with "unfettered" public access, plans to provide wetlands management on the property, and hopes to engage the local Resource Conservation District (RCD) as a partner in the management of those lands for grazing and maintaining some agricultural uses. He cited the financial benefit that would be received by the RCD from grazing and farming fees.

The Board of Supervisors then accepted public comment. Speaking in opposition to the proposed acquisition was Steve Crawford, who noted that the area in question is often called the "island." He expressed his concern that the acquisition and use of this property would affect the quality of life for residents living in the area. He cited the fact that they already hear the noise from shotguns being fired on the island, and increased hunting will only add to the decline in their quality of life. He requested that consideration be given to the 20-30 people who have residences on the island; it is not a wilderness area, but a ranching and residential area.

Gerome Moyso, a rice farmer and resident in the area, stated that he has generally been a supporter of Fish and Game and land acquisition, but this is a proposal that will degrade the area. He stated he is not opposed to hunting and fishing, but greater access to the area, such as they already have in May and June, will only degrade the environment further.

Don Martin listed three areas of his concern: (1) economics, (2) access to Fall River, and (3) wildlife. He distributed a map of the subject area which depicted the various ownerships in the area. He said the land acquisition is not necessary for wildlife. Business is not good in the Fall River and Burney areas currently, and this acquisition will just take another piece of private land out of production. The worse that could happen to this property is to build four or five new homes, but he stated this would be preferable to what would happen with Fish and Game management. Mr. Martin indicated that there is already adequate access to Fall River, and DF&G's plan to provide for six to eight additional boats on the river does not appear to be an economically viable proposal. He stated that DF&G does not as yet have a plan for management of this property; they are only stating what they may do, and there is sufficient land in the area for wildlife already.

George McArthur also expressed opposition to the property acquisition, although he supports Mr. Shintaffer's private property rights to sell his property to whomever he wants. He stated the real question is whether or not this is a good use of public funds. He distributed a map of the area and pointed out that it shows there is already adequate public access to the river. Mr. McArthur stated he believed this land acquisition would have a negative impact on the County because the property will be removed from the regular tax rolls and the State pays a lower tax rate. He further commented that while the DF&G has indicated they want to acquire the property for access, streambank protection, and to protect endangered species, they have not identified any threatened or endangered species that need to be protected. The river is already fenced and under contract with the RCD for the protection of that riparian zone, so it is not an issue. DF&G is already known for not paying some of their bills now; they do not have adequate manpower, and he stated staffing will come from Ash Creek, 40 miles away. For these reasons, Mr. McArthur stated he believes this acquisition will have a negative impact on their valley, fisheries, and wildlife in the area, on the County from a loss of property taxes; and on their mosquito abatement district and individual property owners in the area who will have to pay for that service because DF&G does not have the funds. Mr. McArthur requested that the Board of Supervisors approve sending a letter in opposition to this property acquisition.

Frank Shephard, a member of the Board of Directors of Shintaffer Farms stated he supports Mr. Shintaffer's property owner's rights to sell his property whenever and to whomever he pleases. He stated that one concern which has been raised is that there will be a loss of property taxes to the County, but he explained that the loss is only about 10 percent of what has been reported by those opposing this acquisition

Loren Ward, representing the property owner, reviewed the topography of the property, stated the property has been hunted in the past, generally by guests of the property owner, but has not been used for fishing access except for the residents who live there. He pointed out that wildlife, the outdoors, the environment, and fishing and hunting access are very important elements of the way of life for Shasta County, and this property fits in with that. Mr. Shintaffer has the right to sell his property to whomever he wishes and it is not appropriate for the Board of Supervisors to intervene in this sale. Mr. Ward further commented that the issue here has less to do with the access to Fall River and more to do with the steps to be taken long term to protect the fisheries. He indicated he would rather see attention given on the part of our public agencies to cleaning up the water, cleaning up the streams, establishing riparian habitat and trees along the dikes, and maintaining the fisheries which have made the Fall River Valley such a wonderful place.

Supervisor Hawes stated that he can understand the position of the neighbors, but the property owner has the right to sell his property to anyone who wishes to buy it; therefore, he did not believe the Board of Supervisors should do anything but remain neutral.

Supervisor Fust agreed that the property owner has the right to sell to anyone he wants but disagreed with DF&G being the buyer. He stated government agencies should stop buying private property. He stated the group of residents addressing the Board today have some good questions, and the Wildlife Conservation Board will be able to answer those questions. If they can not answer them, then they should reassess their interest in the property; this acquisition could present a problem for the people in the area.

Supervisor Clarke concurred with Supervisors Hawes and Fust and further expressed her concern that the Federal and State government own too much land which it is not well cared for in most instances. Rather than providing access to the public, they have denied access. She stated that private property owners do a better job of maintaining the land. However, she also stated that the Board of Supervisors should not take a position one way or the other. She indicated that the comments stated in the Fall River Valley Landowners Group letter make good points and encouraged them to make those same arguments before the Wildlife Conservation Board.

Supervisors Wilson and Kehoe concurred with the rest of the Members of the Board. Supervisor Kehoe suggested that a copy of the minutes regarding this matter be transmitted to the Wildlife Conservation Board for their consideration.

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors directed that a copy of the minutes regarding this matter be sent to the Wildlife Conservation Board. The County Administrative Officer was directed to prepare the cover letter.

## GENERAL GOVERNMENT

### ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

#### LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on legislation. Mr. Latimer recommended that the Board of Supervisors approve and authorize the Chairman to sign letters prepared by Public Health Director Marta McKenzie for funding dealing with improving state- and local-level response to threats of bioterrorism. By consensus, the Members of the Board of Supervisors authorized the Chairman to sign letters of support and to also send copies of the letters to Senators Boxer and Feinstein.

Supervisors reported on issues of countywide interest. Supervisor Fust explained that Payment In Lieu of Taxes (PILT) funds will be coming to the County, but the amount will be less than before. He indicated that a letter was being sent by the Regional Council of Rural Counties in opposition to the reduction and recommended the Board of Supervisors also send a letter to Secretary of the Interior Gail Norton in opposition to the reduction of those funds. It was the consensus of the Members of the Board that the letter be sent. Supervisor Kehoe abstained.

### TREASURER-TAX COLLECTOR-PUBLIC ADMINISTRATOR

#### QUARTERLY REPORT OF INVESTMENTS DECEMBER 31, 2001

At the recommendation of Treasurer-Tax Collector Lori Scott, the Board of Supervisors accepted the Quarterly Report of Investments for the quarter ending December 31, 2001.

## HEALTH AND WELFARE

### MENTAL HEALTH

### ALCOHOL AND DRUG PROGRAMS

#### APPOINTMENTS: ALCOHOL AND DRUG ADVISORY BOARD

At the recommendation of David Reiten, Alcohol and Drug Program Director, and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors appointed William McCoy (Youth/Education), Loraine M. Panger (Medical), Frank Watters (Professional), and John Proveaux (Law Enforcement) to the Shasta County Alcohol and Drug Advisory Board for three-year terms ending March 2005.

**LAW AND JUSTICE****DISTRICT ATTORNEY****DRUG ENDANGERED CHILD PROGRAM****BUDGET TRANSFER****SALARY RESOLUTION NO. 1188**

Upon recommendation of Criminal Program Director Ben Lambert and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1188, which adds one Senior Social Worker to the Social Services Department and one Agency Staff Services Analyst I/II to the District Attorney's Office; and approved a budget transfer which increases revenues and expenditures of \$86,620 in federal funding.

(See Salary Resolution Book)

**WORKSHOP****SUPPORT SERVICES****FLEET MANAGEMENT DIVISION**

Director of Support Services Joann Davis presented a brief history of Fleet Management. The Support Services Department has four divisions: Human Resources, Purchasing, Risk Management, and Fleet Management. In Fiscal Year 1989-90, the County established the Fleet Management Fund. There were two motivations for establishing a centralized fleet program:

1. To establish a pool of safe vehicles to be used for County employees. This was accomplished by charging departments a set amount for each class of vehicle and scheduling vehicles for maintenance on a set time frame.
2. To establish a program of planned vehicle replacement. This was accomplished by charging departments a set amount for each class of vehicle which is set aside and used to replace vehicles as needed.

Prior to the establishment of the Fund, there was an inclination by departments without access to sufficient funds to not repair or replace vehicles in a safe or timely manner, leading to an unsafe fleet. This problem has been solved by instituting this program.

The Fleet Management program currently faces findings from the State Controller's office that the internal service fund (ISF) contains too much "unreserved capital." This is apparently due to the replacement and maintenance funds being mixed together—an issue which has remained unresolved since 1994.

In April 2001, Support Services began meeting with the Auditor's Office to work toward bringing Fleet Management's retained earnings into compliance with A-87 rules. During these meetings, the Auditor's Office expressed concern with how Fleet Management sets its maintenance rate and that Fleet Management may be overcharging departments with vehicles under state and federal programs by using a flat-rate charge for each vehicle class. Fleet Management hired an accountant to review Fleet's accounting methods, and he recommended a plan which has previously been approved by the State Controller's Office to continue a per-vehicle-class flat-rate charge with one annual adjustment to actual costs. However, the Auditor's Office has been reluctant to approve any plan which does not implement a direct charge per vehicle rather than a per-vehicle-class flat-rate charge. In addition, the Auditor's Office has not processed any of Fleet Management's journal entries for maintenance/replacement charges to departments since July 2001.

Ms. Davis has been unable to present the Board of Supervisors with an acceptable resolution to this problem; she believes the Auditor's recommendation would destroy the underpinnings of the Fleet Management vehicle replacement program.

County Administrative Officer Latimer added that the Joint Audit Committee consisting of members of the Board of Supervisors, Grand Jury, Auditor-Controller's Office, County Administrative Office, and County Counsel's Office, met in early February. At that time, with the assurances of his staff and the Auditor's Office, he assured the Grand Jury that this issue would be resolved on February 8. However, they have been unable to come to a resolution.

In response to a question from Chairman Kehoe, County Counsel Karen Jahr explained that under state law, the Board has limited authority to direct the specific activities of department heads who are charged under statute to undertake particular activities. They are not allowed to substitute their directives for that of the department head; however, they are not prohibited from stating their desires or recommendations, asking questions, or requiring reports.

Auditor-Controller Rick Graham explained that the State Controller's Office is currently reviewing Support Services' staff report and preparing a response. It is the Auditor-Controller's goal to have bookkeeping procedures in place that will make certain that a department is reimbursed by federal and state agencies; this means he can only charge for direct costs. It has always been his position that actual costs only be charged to departments.

A question-and-answer session followed.

CAO Latimer noted that, due to the continual need by departments to hire outside consultants and auditors, there appears to be a need to review the staffing pattern of and the services provided by the Auditor's Office as they seem not to be providing services to departments in a customer-friendly manner.

Fleet Management Supervisor Ed Lintz discussed the growth of the Fleet Management program and his concern that with a return to direct billing for actual costs, the County's vehicle fleet may return to its previous state.

Assistant Auditor-Controller Connie Regnell stated that she believes there is a workable solution to this issue based on the direct costs to the vehicle; there are set guidelines from the State Controller on how to account for costs.

Supervisor Fust moved that, regarding the limited authority of the Board on this issue:

1. The Auditor- Controller will submit a plan to the State Controller which meets the Auditor-Controller's expectations; and
2. The Board needs to find out those expectations and have staff design a system which meets those expectations.

Supervisor Hawes seconded the motion.

Under discussion, Supervisor Clarke noted that the Director of Support Services has twice sent a memorandum to the Auditor-Controller setting forth a plan they felt was acceptable; she would like to see a response from the Auditor-Controller to those memoranda. Following further discussion, Supervisor Fust amended the motion to read that, regarding the limited authority of the Board on this issue:

1. The Auditor- Controller will submit a plan to the State Controller which meets the Auditor-Controller's expectations;
2. The Board needs to find out those expectations and have staff design a system which meets those expectations; and

3. The Auditor-Controller is requested to provide a written response to the Board to the two memoranda sent by the Director of Support Services.

Supervisor Hawes seconded the amended motion. Following further discussion, Supervisor Fust further amended the motion to include a deadline of next week for the Auditor-Controller's response and a deadline of June 30, 2002 for separation of the repair/maintenance fund from the vehicle replacement fund. Supervisor Hawes seconded the amendment. The motion carried unanimously.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Kehoe 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 Bankruptcy of PG&E, and Brewster v. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its Labor Negotiators, County Administrative Officer Doug Latimer and Director of Support Services Joann Davis, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs 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.

11:32 a.m.: The Board of Supervisors recessed to Closed Session.

12:00 Noon: The Board of Supervisors recessed from Closed Session.

1:28 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Michael Ralston, and Deputy Clerk of the Board Linda Mekelburg present.

**REPORT OF CLOSED SESSION ACTIONS**

Assistant County Counsel Michael Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations, however, no reportable action was taken.

1:29 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

CAROLYN TAYLOR  
Clerk of the Board of Supervisors

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