

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, May 7, 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

INVOCATION

Invocation was given by Reverend Fred Haley, Faithworks Coalition.

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS

Introductions of the Members of the Board, county staff, elected officials, and county department heads were made.

PUBLIC COMMENT PERIOD - OPEN TIME

Michel Czehstowski addressed the Members of the Board regarding posters and flyers which state that the Public Health Department and some employees support the proposal to fluoridate the Redding Water system; copies of the flyers were submitted along with Mr. Czehstowski's printed comments. Responding to questions by the Board, County Counsel Karen Jahr stated the signs in question were removed April 28, 2002, but until this meeting she was unaware of the documents presented and could not comment on them at this time. She stated she would discuss this with the appropriate department staff.

Russ Wade informed the Members of the Board of Supervisors about a proposed project that will allow the burning of railroad ties at the Wheelabrator plant and expressed his concerns regarding the toxic effects this will create.

ITEMS PULLED FROM CONSENT CALENDAR

At the request of the department, the agenda item which requests enactment of an ordinance approving implementation of 3% @ 50 Safety Retirement for sworn employees of the Sheriff's Department effective June 30, 2002, as introduced April 16, 2002 was continued to May 21, 2002.

CONSENT CALENDAR

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

Authorized the issuance of warrants totaling \$66,026.97 for County operating funds and special districts, as submitted. (Auditor-Controller)

Reappointed to the Pine Grove Mosquito Abatement District Board of Trustees the following: Ernest Bruce, Jim Earnest, and Dan Marcum to additional terms expiring January 2005 and Arlo Prins and Ned Preszler to additional terms expiring January 2004. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with the Middle Country Public Library and Libraries For the Future in an amount not to exceed \$11,500 to provide technical assistance to the Shasta County Library for establishing a Family Place Library Program for three years from the date of signing. (Library)

Adopted resolutions which amended personnel rules as follows: Resolution No. 2002-53, Requiring Direct Deposit for New Employees; Resolution No. 2002-54, Pre-Employment Drug and Alcohol Policy/Testing; and Resolution No. 2002-55, POST and STC Meal Reimbursements. (Support Services-Human Resources Division)

(See Resolution Book No. 43)

Adopted Policy Resolution No. 2002-2, which updates Administrative Policy 8-300, Food Reimbursement Policy. (Support Services-Human Resources Division)

(See Policy Resolution Book)

Approved the appointment of Charles W. Meason, R.N., at Step 'E' of the Staff Nurse II classification. (Mental Health)

Approved and authorized the Chairman to sign renewal agreements with the following locum tenens agencies to provide temporary psychiatric services during Fiscal Year 2002-2003: Interim Physicians, Inc., in an amount not to exceed \$205,000; and J & C Nationwide, Inc., in an amount not to exceed \$60,000. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Northern Valley Catholic Social Service for the Stillwater Learning Program - Redding, to provide social rehabilitation services, increasing the maximum amount by \$123,000 to an amount not to exceed \$1,398,021, from the date of signing through June 30, 2002, with the option to renew for two additional one-year terms. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Gloria Aeilts-Wright, MFCC, in an amount not to exceed \$20,000 annually from the date of signing through June 30, 2002, with an option to renew for two additional one-year periods, to provide mental health services to Medi-Cal beneficiaries. (Mental Health)

Appointed Director of Social Services Del Skillman to serve on the Shasta Children and Families First Commission. (Shasta Children and Families First Commission)

Approved and authorized the Chairman to sign a contract with Doreen Bradshaw in the amount of \$35,000 to provide administrative support and consulting services to the Older Adults Policy Council for the period May 7, 2002 through June 30, 2003. (Social Services)

Adopted Resolution No. 2002-56, which approves the Department of Social Services three-year plan for Promoting Safe and Stable Families. (Social Services)

(See Resolution Book No. 43)

Approved and authorized the Chairman to sign a contract amendment with the Private Industry Council to provide SMARTware 2000 software and services to CalWORKs staff which increases the contract amount by \$6,000, for a total of \$13,125, and extends the termination date to June 30, 2003. (Social Services)

Approved and authorized the District Attorney to sign an agreement with the State Board of Control for the Shasta County Restitution program for Fiscal Year 2002-2003 in the amount of \$64,930; and adopted Resolution No. 2002-57, which authorizes the District Attorney to act as the County's agent for the purpose of signing documents pertaining to the project. (District Attorney)

(See Resolution Book No. 43)

Adopted Resolution No. 2002-58, which authorizes the District Attorney to apply for continuation of grant funding in the amount of \$216,000 from the Office of Criminal Justice Planning for the Shasta County Statutory Rape Vertical Prosecution Program for Fiscal Year 2002-2003. (District Attorney)

(See Resolution Book No. 43)

Approved and authorized the Chairman to sign an agreement with Brett Hayslett in an amount not to exceed \$172,413 to provide criminal intelligence analyst services in connection with the Cal-MMET North State Initiative for the period April 21, 2002 through October 31, 2004; increased the Sheriff's Office fleet by two vehicles and the District Attorney's vehicle fleet by one vehicle, and approved an increase in the inventory of County vehicles from 378 to 381. (Sheriff)

Adopted Resolution No. 2002-59, which authorizes the Auditor-Controller to pay claims for the purchase of food items for employee training classes and plaques or other mementoes for employees and/or volunteers at a cost not to exceed \$5,000 annually. (Sheriff)

(See Resolution Book No. 43)

Approved and authorized the Chairman to sign an agreement with PACE Civil, Inc. in the amount of \$22,300 to provide surveying and mapping services on the Deschutes Road Widening North of Palo Cedro Project for a period of one year from the date of signing. (Public Works)

Took the following actions regarding the Breslauer Water Line Project: Found the project categorically exempt in conformance with CEQA, and authorized the Director of Public Works to sign a Notice of Exemption; approved the plans and specifications, and directed the Director of Public Works to advertise for bids; and authorized opening of bids on May 31, 2002 at 11 a.m. (Public Works)

Took the following actions regarding the Big Bend Road at Pit River Bridge Barrier Railing Replacement Project: Found the project categorically exempt in conformance with CEQA; approved the plans and specifications, and directed the Director of Public Works to advertise for bids; and authorized opening of bids on June 7, 2002 at 11 a.m. (Public Works)

Awarded to the low bidder, Clemens Construction Company, on a unit-cost basis, the contract for construction on Rock Creek Road at Rock Creek Bridge in the amount of \$274,805. (Public Works)

Awarded to the low bidder, Shasta Constructors, Inc., on a unit-cost basis, the contract for construction on Long Hay Flat Road at Bailey Creek Bridge in the amount of \$332,623. (Public Works)

Approved and authorized the Chairman to sign the Inter-Mountain Fair budget in the amount of \$482,878 for the period January 1, 2002 through December 31, 2002. (Inter-Mountain Fair)

REGULAR CALENDAR

BOARD OF SUPERVISORS

PRESENTATIONS

QUINCY LIBRARY GROUP
SIERRA-NEVADA FRAMEWORK

Forester Frank Stewart presented an update on the Quincy Library Group Sierra-Nevada framework and the restrictions which make it impossible for this project to be implemented. He explained the need to have \$60,000 of funding in place to move forward with the lawsuit, and indicated that Shasta County's pro-rata share is \$6,000.

The Board directed staff to place this matter on the next agenda for action.

NEW LIBRARY REVISED ARCHITECTURAL PLANS
LPA ARCHITECTURAL FIRM

Budget Coordinator Elaine Kavanaugh gave an overview of the progress made to date in preparation for submission of a grant for a new library and introduced John Gaak, LPA Architects Principle in Charge, who gave a PowerPoint® presentation on three proposed redesign plans for the new library building.

The Members of the Board discussed their concerns regarding the expense of the proposed building in light of the fact that community fund-raising efforts have not produced the funds necessary the for required match. It was suggested that perhaps a more affordable building needs to be considered, and some items, such as the proposed fountain, could be done at a later time. Board Members pointed out that a commitment must also be made for the funding of books, furnishings, and computers to go into the building, as well as addressing staffing needs.

Mr. Gaak explained that once the model is selected, the process of getting the cost estimates will begin. He expects the necessary information will be available in time to meet the June grant deadline. Elaine Kavanaugh stated that it is possible that things could change and if that happens, they will stop, reassess the situation, and if necessary to postpone, submission of the grant application until the second round.

County Administrative Officer Doug Latimer informed the Board of Supervisors that he had been advised that the New Library Now! group would be appearing before the Board at their next meeting with a request regarding the new library.

Members of the Board expressed their belief that if the grant application is to be submitted, it must be done by the deadline for the first round of funding. Librarian Carolyn Chambers noted that these types of grants are very competitive, and the State looks to make sure that the proposed facility meets the needs of the community. She concurred that some items may have to be done later.

BOARD MATTERS

MAY 2002 EMPLOYEE OF THE MONTH
ALBERT PIERCE, RSVP CLERK
RESOLUTION NO. 2002-60

At the recommendation of Kim Pickering of the County Administrative Office, and by motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-60, which recognizes RSVP Clerk Albert Pierce with the Housing and Community Action Agency, as Shasta County's May 2002 Employee of the Month.

Mrs. Pickering also introduced Janet Redmond, who has been selected to serve as the Interim Director of Housing and Community Action Agency.

(See Resolution Book No. 43)

ASPHALT COWBOYS/FOUNDING MEMBER REX WITTER
RESOLUTION NO. 2002-61

By motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-61, which recognizes the community accomplishments of the Asphalt Cowboys and founding member Rex Witter.

(See Resolution Book No. 43)

PROCLAMATION: WILDLIFE DEFENSIBLE SPACE MONTH

At the recommendation of Fire Warden Duane Fry and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 2002 as "Wildfire Defensible Space Month" in Shasta County.

PROCLAMATION: EMERGENCY MEDICAL SERVICES WEEK

At the recommendation of Mark Belden, Operations Supervisor for American Medical Response, and by motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 19-25, 2002 as "Emergency Medical Services Week" in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on information regarding the State Budget and the likelihood of funding shifts from the State to counties and the impact on Shasta County.

Supervisors reported on issues of countywide interest.

CLERK OF THE BOARD

APPROVAL OF MINUTES: APRIL 23, 2002

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors approved the minutes of the meeting held on April 23, 2002, as submitted. Supervisor Wilson abstained from taking action on this item since she was not present at the meeting.

LIBRARY

AGREEMENT: SHASTA UNION HIGH SCHOOL DISTRICT

At the recommendation of Librarian Carolyn Chambers and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a Joint Use Cooperative Agreement with the Shasta Union High School District to provide shared electronic library services from the date of signing through January 16, 2024.

SUPPORT SERVICES

HUMAN RESOURCES DIVISION

**FISCAL YEAR 2001-2002 CLASSIFICATION MAINTENANCE PROGRAM
SALARY RESOLUTION NO. 1196**

At the recommendation of Deputy Director of Support Services Marty Bishop and by motion made, seconded (Wilson/Clarke), and unanimously carried, the Board of Supervisors approved the Fiscal Year 2001-2002 Classification Maintenance Program, adopted Salary Resolution No. 1196, which reclassifies various positions and makes certain salary adjustments, effective May 5, 2002; and approved three new job specifications.

(See Salary Resolution Book)

TREASURER-TAX COLLECTOR

QUARTERLY REPORT OF INVESTMENTS

At the recommendation of Treasurer-Tax Collector Lori Scott and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors accepted the Quarterly Report of Investments for the quarter ending March 31, 2002.

HEALTH AND WELFARE

SOCIAL SERVICES

BUDGET AMENDMENT

At the recommendation of Deputy Director of Social Services Barbara McKend and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved a budget amendment which increases appropriations and state and federal revenues in the amount

of \$7,799,751 to reflect final program allocations and unforeseen expenditures, including the TANF Incentive Recoupment, noted during the Fiscal Year 2001-2002 mid-year review.

BUDGET AMENDMENT

At the recommendation of Deputy Director of Social Services Barbara McKend and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors approved a budget amendment which increases state and federal revenues and appropriations in the amount of \$644,073 to reflect caseload growth in the foster care and adoptions program noted during the Fiscal Year 2001-2002 mid-year review.

BUDGET AMENDMENT

At the recommendation of Elizabeth Leslie, Opportunity Center Assistant Manager, and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved a budget amendment to the Opportunity Center budget which increases appropriations in Client Payroll and revenues in Contract Services by \$55,000.

LAW AND JUSTICE

DISTRICT ATTORNEY - FAMILY SUPPORT DIVISION

LEASE: JUNE GIRARD FUND LIMITED LIABILITY COMPANY BUDGET AMENDMENT

At the recommendation of Director of Child Support Services Steve Baer and by motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a 15-year lease with the June Girard Fund Limited Liability Company in the amount of \$55,600 per month (\$1.39 per square foot) for 40,000 square feet of office space at 300 Locust Street, Redding to house the District Attorney-Family Support Division, with annual increases of 3.5 percent; approved a budget amendment establishing a fixed asset line item in the amount of \$375,000 for workstations, offset by savings in Regular Salaries and Services and Supplies; authorized the County Administrative Officer to approve change orders during the construction phase of the project not to exceed five (5) percent of the estimated tenant improvements; and directed the Auditor-Controller to establish a fund balance designation in the initial amount of \$2,000,000, and commencing one year from the rent commencement date, annually reduce the designation by \$133,333.

PUBLIC WORKS

BUDGET AMENDMENT

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Clarke/Wilson), and carried, the Board of Supervisors approved a budget adjustment in the amount of \$54,100 to facilitate the purchase of right of way for the Knighton Road extension project. Supervisor Hawes abstained from taking action on this item.

SCHEDULED HEARINGS**RESOURCE MANAGEMENT****PLANNING DIVISION****CONDITIONAL CERTIFICATE OF COMPLIANCE NO. 02-01**
DAN LAKMANN, BELLA VISTA AREA
RESOLUTION NO. 2002-62

Planner Andre Benoist presented the staff report on the request by Dan Lakmann to approve the issuance of Conditional Certificate of Compliance No. 02-01 to recognize property located in the Bella Vista area as a developable parcel. Slides of the project area were shown, and Mr. Benoist recommended approval of the project.

The public hearing was opened, at which time no one spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-62, which authorizes the issuance of Conditional Certificate of Compliance No. 02-01 to recognize property as a developable parcel which meets the Shasta County Development Standards.

(See Resolution Book No. 43)

CERTIFICATE OF COMPLIANCE NO. 01-06
LEW GARBUTT AND PATRICIA CRAMER
ANDERSON AREA
RESOLUTION NO. 2002-63

Planner Andre Benoist presented the staff report on the request by Lew Garbutt and Patricia Cramer for issuance of Conditional Certificate of Compliance No. 02-01 to recognize property located in the Bella Vista area as a developable parcel. Slides of the project area were shown and Mr. Benoist recommended approval of the project.

The public hearing was opened, at which time applicant Patricia Cramer questioned why staff was requesting the requirement to chip and seal the road since the existing road is very good and serves them well. She also questioned why this was not made a requirement when the property was split in the 1970's. Applicant Lew Garbutt stated his objections to the road requirements (chip seal/secondary access) being imposed now when they had nothing to do with the division of the land, and reviewed the history of those land splits. He stated they are not planning to divide the property, only build a single home on it. Mr. Garbutt noted other residents on the road are not in a financial position to help improve the road to the standards being requested and asked that the requirements be modified. No one else spoke for or against the project, and the public hearing was closed.

Responding to the comments regarding the secondary access requirement, Mr. Benoist explained there are no roads in the area that would connect with Dersch Road and provide the required emergency access route. Regrading the chip and seal condition, he stated property changed hands without requirements because it was done outside the County process and before the requirements under the Subdivision Map Act; however, the applicants must meet the current development standards.

The public hearing was reopened, at which time Mr. Garbutt reviewed the process of splitting the land. He requested that the standards required at the time of the property split only be applied. Mr. Garbutt described a secondary access route that could be used in an emergency and noted there is a fully-loaded water truck kept on the Cramer property for fire suppression.

Mrs. Cramer described development of some of the parcels, and Don Doss, engineer for the applicants, stated that some of the parcels being discussed were created by parcel maps and recorded subsequent to the time that this illegal division happened; there were no requirements for road paving at that time. No one else spoke for or against the project, and the hearing was closed.

Discussion ensued regarding the fact that there were no requirements for road improvements or secondary access roads in 1978; the requirements were not put into effect until the early 1980's. The Board asked whether or not they could legally approve the certificate of compliance without applying the road standards. Deputy Director of Public Works Scott Wahl first stated chip and seal is the lowest standard that can be required, and then reviewed the findings the Board would have to make in order to approve this project without the road requirements, by a 4/5 vote. The Members of the Board indicated they could not make those findings for this project, and the County approved standards need to be followed.

By motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-63, which authorizes the issuance of Conditional Certificate of Compliance No. 01-06, Garbutt/Cramer, as recommended by staff, to recognize two properties located in the Anderson area as developable parcels which meet the Shasta County Development Standards.

(See Resolution Book No. 43)

ZONE AMENDMENT NO. 02-004
SMALL WIND ENERGY SYSTEMS ORDINANCE

Senior Planner Bill Walker presented the staff report on the request to approve Zone Amendment No. 02-004, known as the Small Wind Energy Systems Ordinance. He displayed slides showing an existing system and recommended approval.

The public hearing was opened, at which time no one spoke for or against the project, and the public hearing was closed.

By motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth by the Planning Commission; made the required findings to amend the Zoning Plan text to include Section 17.88.035, Small Wind Energy Systems; and introduced and waived the reading of the Shasta County Code ordinance approving the zone amendment.

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 Hansen vs. Schubert and PG&E Bankruptcy, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with Negotiator to discuss price and terms regarding acquisition of property located at 1535 Oregon Street, Redding, and owned by Union Pacific, pursuant to Government Code Section 54954.2.

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

12:15 p.m.: The Board of Supervisors recessed from Closed Session.

12:20 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Hawes, Kehoe, and Fust, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Christie Jewell 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 and property negotiation, and on a unanimous vote, referred the defense of the County in the matter of Hansen vs Schubert to the firm of Angelo, Kilday & Kilduff. No other reportable action was taken.

12:21 p.m.: The Board of Supervisors adjourned.

Chairman

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy