

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, November 26, 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
Administrative Board Clerk - Linda K. Mekelburg

INVOCATION

Invocation was given by the Reverend James Wilson, PrayNorthstate.

PLEDGE OF ALLEGIANCE

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

MOMENT OF SILENCE

A moment of silence was held for three persons who have recently passed away: Mazie Sanders, who was active in the Anderson community; David Peterson, son of Shasta County's lobbyist, Don Peterson; and Officer David Mobilio, a recently murdered Red Bluff policeman.

INTRODUCTIONS

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

PUBLIC COMMENT PERIOD - OPEN TIME

Robert L. Nelson spoke regarding California Health and Safety Code §104830, which allows elementary/secondary-age school children the opportunity to receive topical fluoride applications, and §104840, which allows the county health officer to operate such programs. Supervisor Fust requested County Administrative Officer Doug Latimer to contact the Public Health Department regarding this issue.

Russ Wade discussed air pollution credits for the Knauf plant and the recent test results for the plant.

Arnold Erickson discussed the recent newspaper article regarding the Knauf plant's failure to meet emission requirements.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled from the Consent Calendar for discussion and separate action the request of the Sheriff/Office of Emergency Services for continuation of a proclamation of a local emergency due to a severe rainfall reduction. This item was acted upon later in the meeting.

CONSENT CALENDAR

By motion made, seconded (Hawes/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 \$345,609.18 for County operating funds and special districts, as submitted. (Auditor-Controller)

Approved the minutes of the meeting held on November 12, 2002, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1860, which approves Zone Amendment No. 02-014, Urricelqui (McArthur/Pittville area), as introduced on November 5, 2002. (Clerk of the Board)
(See Zoning Ordinance Book)

Took the following actions regarding Shasta County's booth at the State Fair: Approved and authorized the Chairman to sign the entry form, authorized the Shasta County State Fair Exhibit Committee (SCSFEC) to be the lead organization for the development and construction of the County's booth, and authorized any prize monies that may be received to be immediately awarded to the SCSFEC for expenses. (County Administrative Office)

Authorized the Director of Housing and Community Action Programs to sign and submit a grant application to the Scripps Howard Foundation in the amount of \$10,000 to enhance the Shasta County RSVP Literacy Program. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign an agreement with Compuscribe Transcription Services in an estimated amount of \$36,000 per year (\$0.12 per typed line) to transcribe crime reports from cassette tapes for a three-year period commencing from the date of signing. (Sheriff)

Approved and authorized the Chairman to sign at a later date an amendment to the facilities sublease agreement with the Cities of Redding and Anderson to reduce rents with respect to the SHASCOM project, and adopted Resolution No. 2002-196, which authorizes its execution and delivery to allow for refinancing of the lease revenue bonds for the facility. (Sheriff)

(See Resolution Book No. 43)

Approved a collateral position for Sheriff's Administrative Services Officer to accommodate the absence of the incumbent during vacation preceding actual retirement for the period December 15, 2002 through April 19, 2003. (Sheriff)

Acting on behalf of County Service Area No. 17 - Cottonwood Sewer, approved and authorized the Chairman to sign an agreement with Carleton Bigelow to maintain the work required by Conditional Certificate of Compliance No. 01-03 for the period of one year from the date of signing; accepted security guaranteeing the work in the amount of \$20,000; and adopt Resolution No. 2002-197, which accepts sewer system improvements for operation and maintenance. (Public Works)

(See Resolution Book No. 43)

Waived Section 12.2.A.3. of the Personnel Rules on a one-time basis to allow Engineering Technician III Don Smith to accrue vacation leave beyond the leave allowed by the Rules. (Public Works/Support Services-Personnel)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the Breslauer Waterline Project and record it within ten days of actual completion of the work. (Public Works)

Approved and authorized the Director of Public Works to sign a Notice of Completion for construction on the Seismic Retrofit of Deschutes Road Bridge at Sacramento River effective November 22, 2002. (Public Works)

Approved and authorized the Director of Public Works to release security guaranteeing street maintenance of Santa Barbara Estates for Tract No. 1853 in the amount of \$31,000. (Public Works)

Approved and authorized the Chairman to sign an agreement to pay Pacific Gas and Electric Company \$22,909.53 to relocate existing utilities along a section of Deschutes Road in Palo Cedro. (Public Works)

REGULAR CALENDAR

AGRICULTURAL COMMISSIONER/SHERIFF/OFFICE OF EMERGENCY SERVICES

CONTINUATION OF PROCLAMATION LOCAL DISASTER DUE TO DROUGHT CONDITIONS

Agricultural Commissioner/Sealer of Weights and Measures Mary Pfeiffer reported that notification has been received from the U.S. Department of Agriculture that a national disaster area has been declared for several counties due to drought conditions; local growers are now eligible for aid from the federal government. Therefore, there is no necessity to continue the local disaster proclamation, and no further action is necessary.

PRESENTATION

PRESENTATION: WHISKEYTOWN NATIONAL RECREATION AREA

Superintendent Jim Milestone distributed the most recent of *The Whiskeytown Nugget* and presented an update on activities at the Whiskeytown National Recreation Area, which include the following:

1. The replacement bridge across Clear Creek going toward the N.E.E.D. Camp should be completed by December.
2. Assistance has been received from the Sheriff's Office in removing several marijuana gardens from National Park Service lands around Whiskeytown Lake.

3. Fire crews from the Recreation Area traveled to seven states this last summer and fought on 44 different fires.
4. During the summer, rangers began giving kayak tours of the Lake.
5. Staff has begun planning the 40th anniversary celebration of the National Recreation Area; festivities are scheduled for September 27-28, 2003.

BOARD MATTERS

PROCLAMATION: LUNG CANCER AWARENESS MONTH

At the recommendation of Esther Peel and Flora Pearson and by motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors adopted a proclamation which designates November 2002 as Lung Cancer Awareness Month.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer noted that the Legislature is still in recess.

Supervisors reported on issues of countywide interest.

ASSESSOR-RECORDER

ABATEMENT OF PENALTY: C.C. FERGON

Deputy Assessor-Recorder Jim Langum presented the staff report explaining the chronology of the late filing of the required Change of Ownership Statement by C.C. Fergon and the penalty amount of \$434.34. Ron and Audie Largent requested the Board of Supervisors abate the penalty.

By motion made, seconded (Fust/Hawes), and carried, the Board of Supervisors denied the request of C.C. Fergon to abate the penalty assessed for failure to timely file a Change of Ownership Statement. Supervisors Wilson and Clarke voted no.

COUNTY COUNSEL

ADMINISTRATIVE POLICY 1-101 **POLICY RESOLUTION 2002-3**

At the recommendation of Senior Deputy County Counsel John Loomis and by motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors adopted Policy Resolution No. 2002-3, which amends Rule 9.b. of Administrative Policy 1-101 amending procedures to be followed when a member of the Board of Supervisors has a financial interest in a matter to be considered by the Board.

(See Policy Resolution Book)

LAW AND JUSTICE**SHERIFF****AGREEMENT: ON LINE ELECTRIC
FIRE ALARM CONSULTING SERVICES
BUDGET AMENDMENT**

Administrative Services Officer Florence Dougan presented the staff report and recommended approval of the agreement with On Line Electric. In response to a question from the Board of Supervisors regarding the bid process, Supervising Engineer John Crowe of the Department of Public Works explained that On Line Electric designed and installed the first phase of the alarm system remodel, using certain proprietary information; they are also a well respected company, and their price for the services requested was competitive. By motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with On Line Electric in an amount not to exceed \$31,360 to provide fire alarm consulting services for the period from the date of signing to December 31, 2003, and approved a budget amendment increasing appropriations and revenues by \$35,000 from the Sheriff's Inmate Welfare Fund to cover the cost of the agreement including contract administration by Public Works.

**AGREEMENT: IDENTIX
INTERFACE AUTOMATION SERVICE AND RELATED SERVICES
BUDGET AMENDMENT**

Administrative Services Officer Florence Dougan presented the staff report and recommended approval of the agreement with IDENTIX. In response to a question from the Board of Supervisors, she noted that IDENTIX is a sole-source provider. By motion made, seconded (Wilson/Clarke), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with IDENTIX in an amount not to exceed \$23,770 to provide an interface automation server and related services from the date of signing to November 30, 2003, and approved a budget amendment to the Sheriff's budget recognizing new revenue and increasing expenditures of \$23,770 from the CAL ID program Automated Fingerprint Identification Fund to implement specific provisions of the agreement.

RESOURCE MANAGEMENT

10:20 a.m.: Supervisor Hawes recused himself due to a conflict with his wetlands bank business and left the room.

**PRESENTATION: NATURAL COMMUNITY CONSERVATION PLANNING/FEDERAL
HABITAT CONSERVATION PLANNING FOR THE SHASTA PLAINS
LETTER OF NON-PARTICIPATION**

Director of Resource Management Russ Mull presented the staff report. Several state and federal agencies, along with the County of Shasta and the City of Redding, have discussed participation in the State Natural Community Conservation Planning (NCCP) and Federal Habitat Conservation Planning (HCP) processes. The goal of the NCCP program is to protect California's natural diversity while reducing conflicts between protection of the State's wildlife heritage and reasonable use of natural resources for economic development. In Shasta County, the area under discussion for inclusion in the process extends roughly from Interstate 5 east to the foothills and from the Sacramento River north to Jones Valley (the Shasta Plains).

Because the City of Redding and the County of Shasta serve as lead agencies under the California Environmental Quality Act, they will have significant exposure if litigation on the plan occurs (as has occurred in other areas of the State where the process has been implemented).

Additionally, there would be a significant General Fund commitment for staff to work on the process and a significant and unknown cost to acquire and manage lands in the area. Staff recommends non-participation in the process and requests the Board of Supervisors send a letter to the State Director of Fish and Game requesting that the unincorporated area of Shasta County be excluded from an NCCP process at this time.

State Department of Fish and Game Conservation Planning Supervisor Jim Nelson noted that the Department of Fish and Game believes there are benefits for all participants in the program. Grants have been sought and received to cover administrative costs of participants. It is true there are liability risks; however, when "incidental take" permits are issued, the State also shares in the risk. Another benefit includes having a voice with federal and state agencies as to the management of area resources. In response to a question from the Board of Supervisors, Mr. Nelson explained if the County chooses to not participate in the process and adoption of a plan for the area, the existing regulatory processes would remain in place.

Mr. Mull said that the County is being requested to sign the planning document, but there are significant issues in the document which are unresolved and likely to remain unresolved for several years. Staff recommends not signing the document until the issues are resolved.

In response to concerns expressed by Supervisors regarding the lack of notification to and participation by the landowners in the area involved, Mr. Nelson explained that a public review period would occur before adoption of the planning agreement. Mr. Mull also explained that choosing not to participate at this time would not be an irrevocable action. Following further discussion, by motion made, seconded (Fust/Wilson), and carried, the Board of Supervisors authorized the Chairman to sign a letter to the Director of the State Department of Fish and Game supporting the adequacy of existing regulatory programs for the preservation of threatened and endangered species and asking that the unincorporated area of Shasta County be excluded from any NCCP effort at this time.

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 *MacCullough v. City of Shasta Lake, et al.*, pursuant to Government Code Section 54956.9, subdivision (a);
2. Discuss a public employee appointment as Veterans Service Officer pursuant to Government Code Section 54957;
3. Discuss a public employee discipline/dismissal/release pursuant to Government Code Section 54957; and
4. 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.

11:02 a.m.: The Board of Supervisors recessed to Closed Session.

12:41 p.m.: The Board of Supervisors recessed from Closed Session.

12:44 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Hawes, Kehoe, and Fust, County Counsel Karen Jahr, and Administrative Board Clerk Christie N. Jewell present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Karen Jahr reported that the Board of Supervisors met in Closed Session to discuss existing litigation, a public employee appointment, a public employee discipline/dismissal/release, and labor negotiations.

The following action was taken:

1. David J. Lanford was recognized as the new Veterans Services Officer; and
2. On a unanimous vote, the Board of Supervisors approved assignment of MacCullough v. City of Shasta Lake, et al. to the Law Firm of Gary Brickwood.

No other reportable action was taken.

12:45 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy