

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, July 22, 2003

**REGULAR MEETING**

9:00 a.m.: Chairman Clarke 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  
Deputy Clerk of the Board - Christie N. Jewell

**INVOCATION**

Invocation was given by Pastor Bill Gillis, First Baptist Church of Redding.

**PLEDGE OF ALLEGIANCE**

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

**ITEMS PULLED FROM CONSENT CALENDAR**

Supervisor Hawes pulled for discussion the item regarding the amendments to the indigent defense contracts. Chairman Clarke, Supervisor Fust, and Supervisor Kehoe all expressed concern that there is widespread discontent throughout the community regarding the indigent defense program. In reply, CAO Latimer stated that the 2003-2004 Budget requests a public defender position, and at this point, the amendments to the contracts will allow public defender services. If approved by the Board of Supervisors, a review and recommendations for a transition will be appropriate.

Supervisor Kehoe pulled for clarification the item regarding the amendment to the agreement with Kitchell CEM regarding negotiation with Kleinfelder. Public Works Director Pat Minturn stated the project currently under construction is a 100,000 square foot building with a 100,000 square foot parking garage. Fair and equitable price for this type of construction for testing materials services is \$0.50 to \$0.70 per square foot. The parking garage is somewhat less on a square footage basis than what has been spent in the past. In response to a question from Supervisor Kehoe, Mr. Minturn stated the County will pay approximately \$93,000 pursuant to the contract with Kitchell with a five percent markup for any subcontractors.

Supervisor Hawes pulled for clarification the item from Public Works regarding Tract 1829, Stevens (Southeast Anderson area) and questioned whether it would affect current ACID easements. Public Works Director Pat Minturn stated this action would only affect the County accepting new offers of dedications and not affect the existing ACID easements.

**CONSENT CALENDAR**

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, with Supervisor Kehoe recusing on the item regarding the agreement with Western Shasta Resource Conservation District because it is involved with County Title III funding through the Resource Advisory Committee:

Approved and authorized the Chairman to sign the following contract amendments to provide indigent defense for the period July 1, 2003 through June 30, 2004: Stephen Kennedy, in the amount of \$449,412; Jack Suter, in the amount of \$449,412; Jeffrey Jens, in the amount of \$384,960; Rhonda Hixon, in the amount of \$316,608; and Erin O'Toole-McNally, in the amount of \$213,336 and in the amount of \$219,732 for the period July 1, 2004 through June 30, 2005. (Administrative Office)

Adopted Resolution No. 2003-124, which approves expenditures in support of Employee Recognition Programs, and authorized the Auditor-Controller to process related claims. (Administrative Office)

(See Resolution Book No. 44)

Adopted Resolution No. 2003-125, which approves the discharge of accountability for insufficient-fund checks in the amount of \$214 for the period April 10, 2000 through June 27, 2002. (Assessor-Recorder)

(See Resolution Book No. 44)

Authorized the issuance of warrants totaling \$119,378.52 for County operating funds and special districts, as submitted. (Auditor-Controller)

Reappointed Alan Gugin and Russell Tollefson and appointed Clarence Finmand and Kenneth R. Kramer (alternate) to the Board of Employee Appeals to terms expiring January 2005. (Clerk of the Board)

Approved and authorized prepayment of a three-year premium in the amount of \$24,633 (for a savings of \$1,489) for the County's crime and honesty (faithful performance) bond for the period July 1, 2003 through June 30, 2006. (Support Services-Human Resources Division)

Approved and authorized the Treasurer-Tax Collector to sell up to 53 tax-defaulted properties at a public auction to the highest bidder on October 3, 2003 and re-offer at a lower minimum bid amount any parcel that does not sell. (Treasurer-Tax Collector-Public Administrator)

Approved and authorized the Chairman to sign the following renewal agreements with Northern Valley Catholic Social Service to provide the following programs/services for the period July 1, 2003 through June 30, 2004, with the option to renew for two additional one-year terms: The Intensive Lifted Off The Streets (ILOTS) program and the Lifted Off The Streets (LOTS) supportive housing/case management program in annual amounts not to exceed \$125,000 for the ILOTS program and \$47,615 for the LOTS program; the Day Rehabilitation Services program in an annual amount not to exceed \$396,752; and the Youth Mental Health Services program in an annual amount not to exceed \$281,130. (Mental Health)

Approved and authorized the Chairman to sign an agreement with Judy E. Tarkington, L.M.F.T. in an annual amount not to exceed \$20,000 to provide mental health services to Medi-Cal beneficiaries from the date of signing through June 30, 2004, with the option to renew for two additional one-year periods. (Mental Health)

Approved and authorized the Chairman to sign a renewal contract with the City of Anderson in an amount not to exceed \$45,300 for the Opportunity Center to provide janitorial services from the date of signing through June 30, 2004. (Social Services-Opportunity Center)

Took the following actions regarding the various Permanent Road Divisions: Found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved the plans and specifications, and directed the Director of Public Works to advertise for bids, and authorized opening of bids on or after August 8, 2003 at 11 a.m. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with Kitchell CEM in an amount not to exceed \$97,860 (for a total not to exceed \$1,434,325) to include special testing and inspection services in the scope of work for the Administration Center Project. (Public Works)

For Tract 1829, Stevens (Southeast Anderson area); approved the final map for filing; accepted on behalf of the public offers of dedication for public access rights along Deschutes Road and Gaines Lane as shown on the final map; and did not accept offers of dedication for irrigation easements or any other public use easements. (Public Works)

Approved and authorized the Chairman to sign an agreement with Western Shasta Resource Conservation District in an amount not to exceed \$140,667 to provide Fire Safe Council Education programs from the date of signing through June 30, 2004. (Public Works)

Adopted Resolution No. 2003-126, which approves issuance of Certificate of Compliance No. 03-003, Downing and Hale (Shasta Lake area), to recognize three separate, legally created parcels. (Resource Management)

(See Resolution Book No. 44)

## **REGULAR CALENDAR**

### **PRESENTATIONS**

#### **PRESENTATION: RETIREMENT PLAQUE** **MARY PERRON, SHASTA COUNTY OPPORTUNITY CENTER**

In recognition of more than 36 years of service to Shasta County and the Opportunity Center, the Board of Supervisors presented a plaque expressing appreciation to Mary Perron on the occasion of her retirement.

#### **PRESENTATION: SHASTA COUNTY PRIVATE INDUSTRY COUNCIL, INC.**

Private Industry Council Director Anna Brassart presented an update on the activities of the Shasta County Private Industry Council, Inc. They experienced layoffs and reduction in the size of centers as a result of budget cuts in 2002. In April 2003, they received a 32 percent cut in Federal allocations, causing the elimination of 12 positions and the closure of the SMART Community Employment Centers in Anderson and Burney; however, agencies in both cities have agreed to provide SMART services. Additional programs include diploma and GED preparation for Shasta County Jail inmates, business advocacy, job search assistance, and work experience opportunities for CalWORKs clients.

## **GENERAL GOVERNMENT**

### **ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

#### **LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer noted that there has been little progress on the State Budget. He stated that Superintendent Jack O'Connell will file suit in the

State Supreme Court to reduce the two-thirds majority to 55 percent, which may reduce some of the political impact and encourage conclusion. The State also realizes that Shasta is one of three counties that rely heavily on Vehicle License Fees (VLF); therefore, the 90-day gap from the restoration of VLF and when the State starts receiving them will be considered a loan from the counties to the State until the year 2006. The three counties that receive more than 34 percent of the revenue from the fees would be reimbursed immediately as it is a large portion of their revenue.

Chairman Clarke reported there is language in a Congressional budget document regarding distribution of Older Americans' Act money. Federal money comes to the State but is delayed by the budget crisis and not distributed. Since this is a part of Shasta County's Legislative Platform, Chairman Clarke requested that letters be written in support of funds being distributed to States to support local Area Agencies On Aging during state budget impasses.

Supervisor Fust reported that he and Veterans Service Officer Dave Lanford attended a meeting with the Citizens Honoring Our Troops, a new group of local people organizing a memorial for troops that served in the 1991 Gulf War, as well as in the current war. He has invited the group to appear in the near future before the Board of Supervisors.

Supervisor Kehoe reported that he attended a Superior California Economic Development District meeting, and he and CAO Latimer attended the retirement luncheon for former County Fire Chief Duane Fry.

Supervisors reported on issues of countywide interest.

### **CLERK OF THE BOARD**

#### **APPROVAL OF MINUTES: JULY 15, 2003**

Supervisor Fust requested that the minutes of the July 15, 2003 meeting be corrected as follows: On page 158, the second and third sentences should read, "In the past two years, the funds, approximately \$578,000 per year, were spent on Title II Projects. This year, approximately \$583,000 will be split between Title II and Title III, with *Title II* projects. . . ."

Chairman Clarke requested that the minutes of the July 15, 2003 meeting be corrected as follows: On page 168, under the Zone Amendment No. 03-015, Jeff Davis Cottonwood Area, the first sentence should read, "By motion made, seconded (Fust/Wilson), and *carried*. . . ."

By motion made, seconded (Fust/Wilson), and carried, the Board of Supervisors approved the minutes of the meeting held on July 15, 2003, as amended. Supervisor Hawes abstained from taking action on the minutes as he was not present at the meeting.

### **RESOURCE MANAGEMENT**

#### **COMMUNITY EDUCATION SECTION**

#### **LOCAL GOVERNMENT WASTE TIRE PUBLIC EDUCATION AND AMNESTY DAY GRANT RESOLUTION NO. 2003-127**

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-127, which authorizes the Department of Resource Management to apply for the Local Government Waste Tire Public Education and Amnesty Day Grant in the amount of \$50,000 on behalf of the County of Shasta and the Cities of Anderson and Shasta Lake.

(See Resolution Book No. 44)

**SCHEDULED HEARING****RESOURCE MANAGEMENT****PLANNING DIVISION****CERTIFICATE OF COMPLIANCE NO. 03-004  
ROBERT LAMMERS, JONES VALLEY AREA  
RESOLUTION NO. 2003-128**

This was the time set to conduct a public hearing and consider the issuance of Certificate of Compliance No. 03-004, Robert Lammers (Jones Valley area), with conditions to recognize one separate, legally created parcel. Senior Planner John Stokes presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time Jennifer and Don Lutz spoke against the project request, asserting their concerns if Mr. Lammers has physical access on Christian Road they questioned whether he would also have legal access; and if he subdivided the property at a later time, there would be erosion and damage to the road on Christian Way because of traffic. No one else spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-128, which authorizes the issuance of Certificate of Compliance No. 03-004 with conditions to recognize one separate, legally created parcel.

(See Resolution Book No. 44)

**CLOSED SESSION ANNOUNCEMENT**

Chairman Clarke 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 *Woolf v. County of Shasta*, and *Leavitt 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.
3. Conduct its annual review of pending civil cases pursuant to Government Code Section 54956.9, subdivision (a), as follows:
  1. Abby, Elsie v. Hernandez, et al.
  2. Andresen, Michelle v. City of Shasta Lake, et al.
  3. Barnes, Justin v. County of Shasta, et al.
  4. Beaver, Robert v. County of Shasta, Sheriff's Office
  5. Bishop, Kirk v. Greene, et al.
  6. Brewster, Thomas v. County of Shasta, et al.
  7. Cardona, Jennifer v. County of Shasta, et al.
  8. Cozo, Betty v. Fox, et al.

9. Goebel, Donna and Douglas v. County of Shasta
10. Hansen, Mark v. Schubert, et al.
11. Hinds, Daniel C. v. County of Shasta
12. Jayne, Michael Aaron v. Jim Pope, et al.
13. Laskiewicz, David v. Department of Social Services
14. Laws, Gail v. County of Shasta
15. Legion Insurance Company v. County of Shasta
16. Levin, Richard and Kim v. Tom Barner, et al.
17. MacCullough, David v. City of Shasta Lake, et al.
18. Merlette, John Jr. v. The State of Utah, et al.
19. Michel, Tena v. Shasta County
20. O'Connell, Donald & Deborah v. County of Shasta
21. Peters, Diana, et al. v. County of Shasta
22. Peters, Pete & Laurenda v. County of Shasta
23. Plants, Twayna v. County of Orange, et al.
24. Preheim, Richard v. County of Shasta
25. Pringle, Jeanette v. Jim Blalock, et al.
26. Ragar, Brandon v. County of Shasta, et al.
27. Richardson, Willow; Gomez, Caroline; Riley, Cleo & Mark v. County of Shasta
28. Schwermann, Connie v. State of California, et al.
29. Travelers Property and Casualty Ins. Co. v. Shasta County
30. Valdez, Albert v. City of Redding, et al.
31. Walling, Shelley v. County of Shasta
32. Whitmore Union School District v. County of Shasta

10:00 a.m.: The Board of Supervisors recessed to Closed Session.

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

1:30 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Fust, Hawes, Wilson, and Clarke, Assistant County Counsel Michael Ralston, and Chief Deputy Clerk of the Board Glenda Tracy 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. In the matter of Woolf v. County of Shasta, the Board of Supervisors on a unanimous vote approved a settlement of \$37,590. In the matter of Leavitt v. County of Shasta, the Board of Supervisors on a unanimous vote authorized referral to the law firm of Remy, Thomas & Moose. No other reportable action was taken.

1:31 p.m. The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

H. DOUGLAS LATIMER  
Clerk of the Board of Supervisors

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