

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 3, 2004

REGULAR MEETING

9:00 a.m.: Chairman Hawes 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 - Linda Mekelburg

INVOCATION

Invocation was given by Pastor Richard McCoy, Faith Christian Fellowship.

PLEDGE OF ALLEGIANCE

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

CONSENT CALENDAR

By motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, with Supervisor Kehoe abstaining on the item regarding the Cooperative Road Agreement with the U.S. Forest Service due to his association with that agency:

Authorized the issuance of warrants totaling \$44,698.20 for County operating funds and special districts, as submitted. (Auditor-Controller)

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. (Administrative Office)

Approved the minutes of the meeting held on January 20, 2004, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement for legal services with the law firm of Somach, Simmons & Dunn. (County Counsel)

Authorized the Director of the Housing and Community Action Programs to sign and submit a Community Development Block Grant (CDBG) application, and any subsequent amendments, for \$15,000 for the City of Redding to continue funding the Adult Literacy Program; and adopted Resolution No. 2004-22, which authorizes the Director of Housing and Community Action Programs to execute all necessary applications, contracts, payment requests, agreements, and amendments for the purposes of securing CDBG funds on behalf of the Shasta County Retired Senior Volunteer Program Adult Literacy Program and to implement and carry out the purposes specified in the CDBG application. (Housing and Community Action Programs)

(See Resolution Book No. 45)

Approved and authorized the Chairman to sign an agreement with DaLene Forester, LMFT, in an amount not to exceed \$20,000 annually to provide mental health services to Medi-Cal beneficiaries from the date of signing through June 30, 2004, with an automatic renewal for two additional one-year period. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Patricia A. Seargeant, LCSW, in an amount not to exceed \$20,000 annually to provide mental health services to Medi-Cal beneficiaries from the date of signing through June 30, 2004, with an automatic renewal for two additional one-year periods. (Mental Health)

Approved the following appointments/reappointments to the medical staff of the Shasta Psychiatric Hospital:

Appointments:

Stuart Glickman, M.D.
Kavitha Raja, M.D.

Joanne Roux, M.D.
Shelia Stocks, Ph.D.

Reappointments:

Anil Assudani, M.D.
Jim Born, Psy.D.
Patrick Brown, M.D.

Fred Gideon, L.C.S.W.
John Mahoney, Ph.D.

(Mental Health)

Approved and authorized the Chairman to sign an addendum to the Road Cooperative Agreement with the United States Forest Service (USFS) to allow USFS to use Trinity Mountain Road and require the USFS to make repairs to the road if damaged by the timber company. (Public Works)

For the McArthur Road at Fall River Bridge Replacement project, adopted Resolution No. 2004-23, which makes a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration with a de minimis finding of significance; approved plans and specifications and direct the Director of Public Works to advertise for bids; and authorized opening of bids on or after March 12, 2004 at 11 a.m. (Public Works)

(See Resolution Book No. 45)

9:03 a.m.: The Board of Supervisors recessed and reconvened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

SHASTA COUNTY WATER AGENCY

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Directors of the Shasta County Water Agency took the following actions, which were listed on the Shasta County Water Agency Consent Calendar:

Approved and authorized the Chairman to sign an agreement for legal services with the law firm of Somach, Simmons & Dunn. (Public Works)

9:04 a.m.: The Shasta County Water Agency recessed and reconvened as the Board of Supervisors.

REGULAR CALENDAR

BOARD MATTERS

RETIREMENT PLAQUE

SUPERVISING ASSESSOR-RECORDER CLERK HELEN BREMER

At the recommendation of Assessor-Recorder Cris Andrews and in recognition of more than 23 years of service to Shasta County the Board of Supervisors presented Supervising Assessor-Recorder Helen Bremer with a plaque of appreciation upon the occasion of her retirement.

FEBRUARY 2004 EMPLOYEE OF THE MONTH

STAFF SERVICES MANAGER LEANNE LINK

RESOLUTION NO. 2004-24

At the recommendation of Public Health Director Marta McKenzie and by motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2004-24, which recognizes Staff Services Manager Leanne Link as Shasta County's February 2004 Employee of the Month.

(See Resolution Book No. 45)

PROCLAMATION: AMERICAN HEART MONTH

AND WEAR READ FOR WOMEN DAY

By motion made, seconded (Kehoe/Clarke), and unanimously carried, the Board of Supervisors adopted a proclamation which designates February 2004 as American Heart Month and February 6, 2004 as Wear Red for Women Day in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on specific legislation of importance to Shasta County, noting that the Legislature is in recess. It has been learned that the proposed property tax shift (ERAF Shift 2) is considered by the governor to be a permanent shift. There is a question, however, whether the shift is legal; CAO Latimer will follow up on this issue.

Supervisor Fust explained that he attended a Regional Council of Rural Counties (RCRC) meeting last week, and at the meeting, they discussed a proposal by California Insurance Commissioner John Garamendi to decrease automobile insurance rates in five urban counties which would also increase rates in all other counties in California. By consensus, the Board of Supervisors directed that a letter opposing the automobile insurance rate changes be placed on the February 10, 2004 meeting for approval.

Supervisor Fust also noted he will attend a Resource Advisory Committee (RAC) with Supervisor Clarke later this week.

Supervisor Hawes will attend the CSAC Agricultural and Natural Resources Committee meeting later this week.

Supervisors reported on issues of countywide interest.

COUNTY COUNSEL

PUBLIC RECORDS ACT REQUEST **EXACT SALARIES OF COUNTY EMPLOYEES**

This item was continued from the January 27, 2004 Board of Supervisors' meeting. The Record Searchlight has made a Public Records Act request for the exact salaries of all County employees. County Counsel Karen Jahr reviewed the past practices of Shasta County regarding the release of salary information for its employees and introduced Support Services Director Joann Davis. Ms. Davis explained that after the Board of Supervisors' action to allow time for employee unions and unrepresented employees to be contacted, 114 employees in single-occupant positions were contacted to ascertain their opinion regarding the release of their salaries. The Support Services Department has received requests from the Shasta County Employees Association (SCEA) and United Public Employees of California (UPEC) for a meeting, and middle-management and confidential employees have provided feedback regarding the request. Ms. Davis has arranged to meet with all groups on February 10.

In response to a question from Supervisor Kehoe regarding the timeline for Public Records Act requests, Ms. Jahr explained that the Act requires that the public entity respond within a 10-day or extended 20-day time period as to the nature of the records to be released but does not provide a specific time period within which the records must actually be released. However, the records should be released as quickly as possible, and the Record Searchlight has been informed as to the County's progress in this matter.

In response to a question from Supervisor Hawes, Ms. Davis noted that she hopes to have a response to present to the Board of Supervisors after next week's meeting with the employee unions.

Record Searchlight Managing Editor Greg Clarke explained that the request was not a request by the Record Searchlight but was on behalf of the citizens of Shasta County, that they are not requesting specific names of County employees, and that there is a strong public interest in finding how the County spends its money. He requested a final decision no later than February 17, 2004.

In response to a question from Supervisor Kehoe, Ms. Jahr explained that any response under the Public Records Act must be made in harmony with other laws to ensure those laws are not violated. Specifically, in this instance, court cases indicate that a change in privacy rights (such as has been created by the deviation from past practices regarding the release of salary information) is a meet-and-confer condition under the Myers-Milias-Brown Act. At the end of the meet-and-confer process, the Board of Supervisors may then decide how to proceed

regarding the request for exact salaries of the remaining 114 employees in single-occupant positions.

By consensus, the Board of Supervisors directed that this matter be placed on the February 17, 2004 Agenda.

PUBLIC WORKS

LETTER OF PROTEST

IMPOSITION OF FEES BY WATER RESOURCES CONTROL BOARD

At the recommendation of Associate Engineer Eric Wedemeyer and acting on behalf of the County Services Areas (CSAs), by motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a Letter of Protest against the imposition of additional water rights fees by the State Water Resources Control Board; and authorized the CSAs to take action to challenge the fees.

AGREEMENT: CRITICAL SOLUTIONS, INC.

SHASTA COUNTY LIBRARY-REDDING MAIN PROJECT

Associate Engineer Eric Wedemeyer presented the staff report and recommended approval of the agreement. Supervisor Kehoe suggested changing the clause requiring the consultant to attend Board of Supervisors' meetings as requested be amended to include the Redding City Council. In response to a question from County Counsel Karen Jahr, Critical Solutions, Inc.'s representative Tom Hedges stated that their intent has always been to keep both the County of Shasta and the City of Redding informed. Mr. Wedemeyer noted that another clause in the agreement requires the consultant to assist in the preparation, coordination, and presentations of all required agency and/or community reviews and approvals.

Following further discussion and by motion made, seconded (Wilson/Fust), and carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Critical Solutions, Inc. in an amount not to exceed \$749,970 to provide project management services for the Shasta County Library-Redding Main Project from date of signing through December 31, 2007, as recommended by the Department of Public Works. Supervisor Kehoe voted no, stating that he is in favor of the agreement, but the City of Redding should be included as a matter of courtesy given the proximity of the library to the City of Redding complex.

By motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors stipulated that progress reports on the library will be made available to all the entities involved in the project, including New Library Now! and other community organizations, the City of Redding, the City of Anderson, and the City of Shasta Lake.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 03-023

ROSEBURG RESOURCES COMPANY

MONTGOMERY CREEK AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 03-023, Roseburg Resources Company, which would rezone approximately 40 the Montgomery Creek area from a Timber Production (TP) District to a

Timberland (TL) District. Senior Planner Bill Walker presented the staff report and recommended approval of the project. 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 no one spoke for or against the proposal, and the hearing was closed.

By motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 03-023, Roseburg Resources Company (Montgomery Creek) area:

1. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding significance, with the findings as specifically set forth in Planning Commission Resolution No. 04-015;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 040-015; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 03-023 as requested.

10:37 a.m.: The Board of Supervisors recessed and reconvened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR

SHASTA COUNTY WATER AGENCY

LETTER OF PROTEST

IMPOSITION OF FEES BY WATER RESOURCES CONTROL BOARD

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Directors of the Shasta County Water Agency approved and authorized the Chairman to sign a Letter of Protest against the imposition of additional water rights fees by the State Water Resources Control Board; and authorized the Water Agency to take action to challenge the fees.

10:39 a.m.: The Shasta County Water Agency adjourned, and the Board of Supervisors reconvened.

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes 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 *McFadyen 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.

10:40 a.m.: The Board of Supervisors recessed to Closed Session.

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

11:47 a.m.: The Board of Supervisors reconvened in Open Session with Supervisors Hawes, Kehoe, and Fust, County Counsel Karen Jahr, and Deputy Clerk of the Board Linda Mekelburg 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 McFadyen v. County of Shasta, by a unanimous vote, the Board of Supervisors authorized assignment of the case to the Brickwood Law Firm for defense. No other reportable action was taken.

11:48 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy