

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 23, 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 K. Mekelburg

INVOCATION

Invocation was given by Pastor Rowland, First Baptist Church of Cottonwood

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Patricia Schneider requested that the Board of Supervisors keep the Shasta Psychiatric Health Facility open through the end of the fiscal year.

CONSENT CALENDAR

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

Authorized the issuance of warrants totaling \$142,416.86 for County operating funds and special districts, as submitted; and authorized the issuance of checks totaling \$149.91 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on March 16, 2004, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with James M. Underwood of the firm of Underwood & Omstead to provide legal counsel to the County Assessment Appeals Board in an amount not to exceed \$7,500 for the period April 1, 2004 through March 31, 2005. (Clerk of the Board)

Appointed Chad Arseneau to the Burney Basin Mosquito Abatement District for a two-year term to expire January 2006. (Clerk of the Board)

Adopted Resolution No. 2004-37, which accepts the Canvass of the March 2004 Primary Election. (County Clerk-Elections Administration)

(See Resolution Book No. 45)

Adopted Resolution No. 2004-38, which amends the Personnel Rules to reflect implementation of various benefits and policies for Unrepresented Confidential Employees and other technical changes. (Support Services-Human Resources Division)

(See Resolution Book No. 45)

Reappointed Mickie Berry, Joanne McCarley, Timothy Shell, and Jerry Towne to the In-Home Supportive Services Advisory Committee for three-year terms each to expire March 2007. (In-Home Supportive Services Public Authority)

Approved and authorized the Chairman to sign a renewal lease with South End Enterprises in the amount of \$5,698.69 per month for 5,500 square feet of office space (\$1.036/square foot) at 1670 Market Street, Suite 300, for the Housing and Community Action Programs for the period April 1, 2004 through February 28, 2005, with an option to hold over on a month-to-month tenancy. (Housing and Community Action Programs)

Approved and authorized the Chairman to sign an agreement with Charis Youth Center in an amount not to exceed \$50,000 annually to provide residential and mental health services to Medi-Cal eligible children for the period December 11, 2003 through June 30, 2004, with an automatic renewal for two additional one-year periods. (Mental Health)

Approved and authorized the Chairman to sign an agreement with Family Service Agency in an amount not to exceed \$5,000 to provide mental health services from the date of signing through June 30, 2004. (Mental Health)

Approved and authorized the Chairman to sign an application/agreement with the California Department of Health Services to electronically bill for Medi-Cal services provided by its California Children's Services program. (Public Health)

Approved and authorized the Chairman to sign a contract amendment with the University of California, Davis to allow the contractor to purchase two laptop computers to facilitate the provision of Northern Regional Welfare Consultant services for the period September 9, 2003 through June 30, 2004. (Social Services)

Adopted Resolution No. 2004-39, which approves and authorizes the Chairman to sign an amendment to the contract with the California Department of Rehabilitation retaining the term of July 1, 2003 through June 30, 2004 and reducing the maximum compensation amount by \$46,330 (for a total of \$153,670) for Fiscal Year 03-04 to provide employment services for people with mental illness. (Social Services-Opportunity Center)

(See Resolution Book No. 45)

Approved and authorized the Chairman to sign a contract with Far Northern Regional Center in the amount of \$95,616 for the period April 1, 2004 through March 31, 2005 to provide transportation services to Opportunity Center clients at such times and places when alternate transportation is not readily available. (Social Services-Opportunity Center)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the West Central Landfill Phase II Unit 3 Expansion Project and record it within ten days of actual completion of the work. (Public Works)

Approved and authorized the Chairman to release the securities guaranteeing faithful performance and payment for Parcel Map No. 99-013, Lindsay (Palo Cedro area). (Public Works)

Approved and authorized the Chairman to sign an agreement with LPA, Inc. in an amount not to exceed \$1,390,000 to provide architectural engineering services for the Shasta County Library-Redding Main Project from the date of signing through December 31, 2007. (Public Works)

Adopted Resolution No. 2004-40, which approves the discharge of accountability for certain fixed assets. (Public Works)

(See Resolution Book No. 45)

Adopted Resolution No. 2004-41, which authorizes the Department of Resource Management to apply for the City/County Payment Program funds for beverage container recycling and litter abatement programs in the amount of \$28,619 on behalf of the County of Shasta and the Cities of Anderson and Shasta Lake, appoints the Director of Resource Management as the agent for Shasta County for the purposes of the Program, authorizes the Department of Resource Management to include program expenditures in the Fiscal Year 04-05 budget, and authorizes the Auditor-Controller to pay claims for said expenditures. (Resource Management-Community Education Division)

(See Resolution Book No. 45)

Approved and authorized the Chairman to sign an agreement with California Broadcasting, Inc., KRCC Channel 7 in the amount of \$3,020 for the period March 1, 2004 through March 28, 2004 for 52 thirty-second television commercials to provide information to homeowners on the importance of providing a defensible space around their homes. (County Fire)

9:05 a.m.: The Board of Supervisors recessed and convened as the Shasta County Redevelopment Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

SHASTA COUNTY REDEVELOPMENT AGENCY

Supervisor Clarke pulled for discussion the item which requested the Board of Directors of the Redevelopment Agency adopt a resolution which amends the SHASTECH Redevelopment Project budget for Fiscal Year 03-04 to approve a loan not to exceed \$300,000 from the SHASTECH Housing Set-Aside Fund to the SHASTECH Capital Fund to assist with land acquisition for the Shasta County Veterans' Home. In response to question from Supervisor Clarke as to whether the land for the Veterans' Home was donated and whether taxpayers should purchase additional land, CAO Latimer noted that although 40.8 acres of land was donated for the site, approximately 15 acres was allocated for wetlands mitigation, flood plain, and future street rights of way, leaving 26.2 acres for the site. In order to meet State requirements for the site, an additional 10 acres has been located at a cost of \$300,000. Supervisor Clarke noted that she would be unable to support the staff recommendation unless an appraisal is done and the land offer made on a contingency basis (the land being purchased only if the Veterans' Home is built). Following further discussion, by motion made, seconded (Kehoe/Clarke), and unanimously carried the Board of Supervisors deferred action until such time as a more comprehensive report on the requested action can be presented.

9:10 a.m.: The Shasta County Redevelopment Agency adjourned, and the Board of Supervisors reconvened.

REGULAR CALENDAR**BOARD MATTERS****PROCLAMATION: SEXUAL ASSAULT AWARENESS MONTH**

At the recommendation of RESPECT Coordinator Linda Toney Cadd and by motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 2004 as Sexual Assault Awareness Month in Shasta County.

GENERAL GOVERNMENT**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer presented an update on the Veterans' Cemetery, noting that several County representatives met last week with the State Department of Veteran Affairs and reached agreement on the remaining issues: Shasta County will supply five work-release inmates to provide maintenance services, re-address the road maintenance issue after ten years, and pay up to \$7,500 annually for water service to the cemetery.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES**HUMAN RESOURCES DIVISION****SALARY ADJUSTMENT****DIRECTOR/ASSISTANT DIRECTOR OF RESOURCE MANAGEMENT****SALARY RESOLUTION NO. 1249**

Support Services Director Joann Davis explained that the Personnel Division recently conducted two failed recruitments for the Assistant Director of Resource Management. The Resource Management Department has requested that the salary for the position be increased to attract more qualified applicants, and Personnel now recommends a 20 percent increase in salary based on market trends. Ms. Davis noted, however, that a 20 percent increase would place the Assistant Director's salary extremely close to that of the Director of Resource Management.

Supervisor Fust noted that it may be difficult to justify an other increase in addition to the salary increased recently given to department heads and assistant department heads. Supervisor Clarke noted that a salary increase may be necessary, but perhaps not 20 percent. Supervisor Clarke made a motion to adopt a salary resolution which increases the salary of the Assistant Director of Resource Management by 12 percent; and directed staff to try another recruitment and return to the Board of Supervisors at a later date with a comparison of other department head salaries and a recommendation of how to address the issue in the future.

Supervisor Fust explained that he could support an increase of 10 percent. Director of Resource Management Russ Mull noted that the Resource Management Department will be severely impacted in the next few years by the upcoming retirements of its division heads. Supervisor Hawes said that Shasta County needs to be prepared for the future and take proper steps at this time.

Supervisor Clarke amended her previous motion to provide a 10 percent salary increase rather than 12 percent, and Supervisor Fust seconded the motion. The motion failed by the following vote:

AYES: Supervisors Fust and Clarke
 NOES: Supervisors Kehoe, Hawes, and Wilson

Supervisor Hawes explained that he could not support the 10 percent salary increase as he did not think it would be enough of an increase.

By motion made, seconded (Clarke/Wilson), and carried, the Board of Supervisors adopted Salary Resolution No. 1249, which increases the salary of the Assistant Director of Resource Management by 15 percent; and directed staff to try another recruitment and return to the Board of Supervisors at a later date with a comparison of other department head salaries and a recommendation of how to address the issue in the future. The vote was as follows:

AYES: Supervisors Hawes, Wilson, and Clarke
 NOES: Supervisors Kehoe and Fust

Supervisors Kehoe and Fust voted no as they could not support a 15 percent increase.
 (See Salary Resolution Book)

HEALTH AND WELFARE

PUBLIC HEALTH

PUBLIC HEALTH ADVISORY BOARD **APPOINTMENTS** **AMENDMENTS TO BY-LAWS** **YEAR-END REPORT**

Public Health Advisory Board Co-Chair Cindy Dodds presented the year-end report of the Advisory Board and discussed the proposed changes to the Board's by-laws.

At the recommendation of Public Health Director Marta McKenzie and by motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding the Public Health Advisory Board: Appointed John Coe, M.D. for a three-year term to expire March 2007; appointed Cassandra Ryan to fill an unexpired term to March 2005; reappointed Dean Germano and Cindy Dodds for three-year terms each to expire March 2007; and approved amendments to the by-laws.

10:10 a.m.: The Board of Supervisors recessed and convened as the Governing Body of the Shasta Psychiatric Hospital.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR

GOVERNING BODY OF THE SHASTA PSYCHIATRIC HOSPITAL

PROPOSED CLOSURE OF THE SHASTA PSYCHIATRIC HEALTH FACILITY

Mental Health Director Dr. Don Kingdon acknowledged and thanked the Board of Supervisors, the Mental Health Board, and the Shasta Psychiatric Health Facility Community Committee for the support and commitment they have shown in recommending actions to be taken regarding the Shasta Psychiatric Health Facility. He explained that any transition must meet four goals:

1. Safe, quality care;
2. Access at the point of need;
3. Flexibility for a changing future; and
4. Financial responsibility.

This transition will occur only as alternatives are available that meet these goals. The Mental Health Department will make every effort to sustain its staff and contract partners too see patients through this time of crisis.

Leila Nankervis requested that whatever date the Psychiatric Health Facility closes, there be an action plan already in place and that the transition will be seamless.

Patricia Burrell expressed her hopefulness that the transition will be seamless and smooth and questioned whether all possible funding sources within Shasta County had been exhausted.

Sue Adams stated that she and her colleagues at Mental Health are dedicated to treating the mentally ill in whatever environment they may be.

Tish Harris, Community Committee Member/Anderson Chief of Police Neil Purcell, and Chris Bradford requested the Board of Supervisors make sure a plan is in place before closing the Facility.

Community Committee Member Flora Pearson supported Dr. Kingdon and his plan to close the Facility and keep the outpatient clinic open.

Community Committee Member/United Advocates for Children in California President Cindy Bither-Bradley supported Dr. Kingdon's plan and expressed her hope for true shared decision-making with families and consumers.

Community Committee Member/Shasta National Alliance for the Mentally Ill (NAMI) President Marge Hall requested that the Board of Supervisors take the recommendations of the Community Committee into consideration.

Linda Sharp expressed her concern that if the Facility is closed, there will be no safe place to fall back on.

Dr. Kingdon noted that although he is asking for the authority to close the Facility, the closure will be accomplished in a planned and organized manner, and he will enter into negotiations with providers, contractors, and the three hospitals and move ahead with a plan that promotes change. The transition may take days, weeks, or even months.

Supervisor Clarke noted that necessary partnerships with private institutions to ease the transition will be unable to be put in place before the direction is given to close the Facility.

Supervisor Kehoe noted that the recommendations provided by the Community Committee give a higher level of security and confidence than the plan as recommended by the Mental Health Plan.

By motion made, seconded (Clarke/Fust), and carried, the Board of Supervisors took the following actions: In order to assure the safe patient transition and adequate notice to staff, recommended closure of the Shasta Psychiatric Hospital on June 30, 2004 or sooner if staffing levels or state and federal requirements can no longer be met; directed the Mental Health Department to make proper notifications to state and federal licensing and certification agencies; and directed the Mental Health Department to work with the Shasta County Mental Health Board not less than monthly to monitor the implementation of the patient transition plan. Supervisor Kehoe voted no as he supports the recommendations as provided by the Community Committee.

Poll of vote: AYES: District 2/Fust
 District 3/Hawes
 District 4/Wilson
 District 5/Clarke

NOES: District 1/Kehoe

10:50 a.m.: The Governing Body of the Shasta Psychiatric Hospital adjourned, and the Board of Supervisors reconvened.

HEALTH AND WELFARE

MENTAL HEALTH

PROPOSED CLOSURE OF THE SHASTA PSYCHIATRIC HEALTH FACILITY

At the recommendation of Mental Health Director Dr. Don Kingdon and by motion made, seconded (Clarke/Fust), and carried, the Board of Supervisors ratified the following actions of the Governing Body of the Shasta Psychiatric Hospital: In order to assure the safe patient transition and adequate notice to staff, recommended closure of the Shasta Psychiatric Hospital on June 30, 2004 or sooner if staffing levels or state and federal requirements can no longer be met; directed the Mental Health Department to make proper notifications to state and federal licensing and certification agencies; and directed the Mental Health Department to work with the Shasta County Mental Health Board not less than monthly to monitor the implementation of the patient transition plan. Supervisor Kehoe voted no.

SOCIAL SERVICES

REPORT ON GENERAL ASSISTANCE PROGRAM STANDARD OF NEED

Social Services Director Del Skillman reported that in March 2004, the General Assistance Program was reduced to \$297 per months, which eliminates a projected budget shortfall of \$44,000 and aligns Shasta County with surrounding county general assistance programs.

By motion made, seconded (Kehoe/Clarke), and unanimously carried, the Board of Supervisors accepted the report on the General Assistance Program Standard of Need.

PUBLIC WORKS

AGREEMENT: J.F. SHEA COMPANY, INC. McARTHUR ROAD AT FALL RIVER BRIDGE

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors awarded to the low bidder, J.F. Shea Company, Inc., on a unit-cost basis, the contract for the McArthur Road at Fall River Bridge project in the amount of \$1,502,487.

11:00 a.m.: Chairman Hawes recused himself due to a conflict of interest because of his ownership of a mitigation bank in this area and left the hearing room. Vice Chairman Kehoe presided.

KNIGHTON ROAD EXTENSION PROJECT
VALLEY ELDERBERRY LONGHORN BEETLE MITIGATION PLAN

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors took the following actions regarding the Knighton Road Extension Project Valley Elderberry Longhorn Beetle Mitigation Plan: Directed the Auditor-Controller to establish an interest-bearing trust fund in the amount of \$335,000 for the Plan; and approved the budget for 2003-04.

11:02 a.m.: Chairman Hawes returned to the room and presided.

SCHEDULED HEARING

RESOURCE MANAGEMENT

PLANNING DIVISION

11:03 a.m.: Supervisor Kehoe recused himself due to his association with the U.S. Forest Service and the U.S. Forest Service's amendment of the University of California's Special Use Permit.

PARTIAL WILLIAMSON ACT CANCELLATION
BIDWELL RANCHES, INC.
RESOLUTION NO. 2004-42

This was the time set to consider the request of Bidwell Ranches, Inc. to cancel a portion of the Williamson Act Contract for a 512-acre ranch in the Hat Creek area. Senior Planner John Stokes presented the staff report and recommended approval of Mr. Bidwell's request for partial cancellation of the Contract. He explained that 72.4 acres of land will be leased to the University of California to expand the Hat Creek Observatory. Mr. Stokes also noted that since the request to withdraw acreage from the Williamson Act Contract is in the public's best interest, there is no need for the Board of Supervisors to approve a partial non-renewal of the Contract.

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

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors recognized the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration as adopted by the University of California; adopted Resolution No. 2004-42, which certifies the cancellation fee of \$8,600 and approves tentative cancellation of a portion of the Williamson Act contract for 72.4 acres of a 512-acre ranch; and approved and authorized the Chairman to sign an amended Williamson Act Contract.

11:08 a.m.: Supervisor Kehoe returned to the room.

WORKSHOP

PUBLIC WORKS/RESOURCE MANAGEMENT

ILLEGAL DISPOSAL OF SOLID WASTE ON PRIVATE AND PUBLIC PROPERTY

Resource Management Director Russ Mull noted there is often a problem with residents disposing of solid waste on private and public property. He introduced Public Works Director Pat Minturn, who noted that the County operates West Central Landfill, operates 11 solid waste transfer stations, and has franchise garbage collection in unincorporated areas. Garbage collection is available in even the most remote areas of Shasta County, and the cost is quite reasonable.

Myron Hollum of Waste Management, Inc. stated that mandatory garbage collection is not the answer; Shasta County needs to explore more enforcement.

Gracious Palmer noted that Shasta County may want to institute fines for illegal dumping.

Rick King of Waste Management, Inc. suggested that better signage informing people of penalties, in addition to additional enforcement, might help the problem.

Mel Fisher explained that many people who dump illegally cannot afford the collection or landfill fees, and adjusting fees may be the answer.

CAO Latimer expressed his appreciation for the comments received and recommended the Board of Supervisors consider putting strongly stated signs out and encouraging the Sheriff and District to enforce violations.

In response to a question from Supervisor Kehoe as to how other counties handle the issue of illegal dumping, Bill Mannell of Waste Management, Inc. explained that Butte County recently raised landfill gate fees and allocates a portion of the gate fees to each supervisor to subsidize non-profit clean-up organizations. Landfills also accept white goods, along with televisions and computer monitors, at no charge.

Tom Ghiorso of Burney Disposal noted that illegal garbage dumping has been a problem for more than 20 years, even when there was no landfill; enforcement will be a necessary component of the solution. He suggested that before building permits are signed off, permittees must show a receipt from a legitimate dump or transfer station that construction debris has been disposed of properly.

Supervisor Fust explained that the County's refuse collection and disposal ordinance contains a rebuttable presumption that if a person's name is found in garbage, it is that person's garbage, and the District Attorney can prosecute. He also noted that other workshops on this issue will be held in the future, and he recommended the Sheriff and District Attorney be invited to future workshops.

Supervisor Kehoe suggested also involving the community and having the County's federal, state, and local government employees inform law enforcement when violations are observed.

Supervisor Clarke noted that education and peer pressure are important to changing the mindset of the public; enforcement is also necessary.

Mr. Mull suggested the Board of Supervisors also invite the environmental prosecutor assigned to this area to the next workshop; Resource Management will coordinate with the Sheriff and the District the date of the next workshop. Supervisor Clarke suggested that Board of Supervisors also invite and request the input of the several private companies that have had problems with people dumping on their lands.

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 Millard v. County of Shasta and Vischjager v. Wallace, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its counsel to discuss one case of anticipated litigation pursuant to Government Code section 54956.9, subdivision (c).
3. 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, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code Section 54957.6.

11:45 a.m.: The Board of Supervisors recessed to Closed Session.

1:13 p.m.: The Board of Supervisors recessed from Closed Session.

1:20 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Hawes, Kehoe, and Fust, Assistant County Counsel Michael Ralston, and Deputy Clerk of the Board Linda K. 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 and anticipated litigation, as well as labor negotiations. In the matter of Millard v. County of Shasta, the Board of Supervisors unanimously approved a Compromise and Release Agreement in the amount of \$75,000, less credit for permanent disability advances previously paid. In the matter of Vischjager v. County of Shasta, the Board of Supervisors, with Supervisor Hawes recused, authorized referral of the matter to Brickwood Law Firm for defense purposes. No other reportable action was taken.

1:21 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy