

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, December 17, 2002

**REGULAR MEETING**

9:01 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  
Deputy Clerk of the Board - Linda Mekelburg

**INVOCATION**

Invocation was given by the Reverend Lyle Faudree, Redding Christian Fellowship.

**PLEDGE OF ALLEGIANCE**

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

**INTRODUCTIONS**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Joy Newcom spoke regarding emissions at the Knauf Fiberglass facility and suggested replacing the facility with cottage industries.

Russ Wade requested the Board of Supervisors require the Knauf Fiberglass facility to meet their permit requirements.

Iraja Sivadas, Media Liaison Officer of the Shasta County Green Party, read a statement of the Shasta County Green Party requesting the Knauf Fiberglass facility be held to the nitrogen oxide limits as stipulated by Knauf in their permit application.

Arnold Erickson discussed the various tests performed at the Knauf Fiberglass facility and the inability of the public to discover the capacity at which the facility operates during testing due to confidential business information.

Mary Scott questioned whether a new Prevention of Significant Deterioration (PSD) permit process is required for the Knauf Fiberglass facility due to the increased nitrous oxide emissions and questioned whether the County has enforced compliance of the PSD permit.

Sheriff Jim Pope introduced Lieutenant Dave Dean, who provided an update on recent storm damage.

### **ITEMS PULLED FROM CONSENT CALENDAR**

At the recommendation of Russ Wade, the Board of Supervisors pulled for discussion the item regarding the contract for asbestos abatement at the former Shasta County Hospital. Mr. Wade questioned the relationship between the work to be performed under the terms of the contract and the December 2000 incident where employees became ill due to exposure to poison oak. County Administrative Officer (CAO) Latimer noted that the contract is for asbestos removal and is not related to the December 2000 incident.

Supervisor Clarke pulled for discussion the items regarding the indigent defense contracts and the transfer of duties and positions from the Marshal's Civil Division to the Sheriff's Office.

County Budget Officer Elaine Kavanaugh explained that with the expiration of the indigent defense contracts, a decision needed to be made whether to renegotiate the contracts, issue a Request For Proposal, or establish a County department. She expects to return to the Board of Supervisors in February with recommendations for a permanent solution; in the meantime, a six-month extension of current contracts is recommended.

CAO Latimer noted that with the trial court funding in place, the new system does not allow the Marshal's Office to provide certain civil duties. Staff recommends transferring these civil duties back to the Sheriff's Office.

### **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:

Introduced and waived the reading of an ordinance which authorizes reimbursement to members of the Grand Jury for travel and mileage expenses during official activities of the Grand Jury at the same rate as County employees and repeals Ordinance Nos. 494-238, 494-289, and 617. (Administrative Office)

Approved and authorized the Chairman to sign the following contract amendments to provide indigent defense for the period January 1, 2003 through June 30, 2003: Stephen Kennedy, in the amount of \$218,160; Jack Suter, in the amount of \$218,160; Jeffrey Jens, in the amount of \$186,870; Rhonda Hixon, in the amount of \$153,690; and Erin O'Toole-McNally, in the amount of \$103,560. (Administrative Office)

Adopted Resolution No. 2002-206, which rescinds Resolution No. 90-105 and restores to the Sheriff the duty to serve all writs, notices, and other process issued by any state court or other competent authority; and adopted Salary Resolution No. 1215, which transfers 7.0 fulltime equivalent position allocations in the Marshal's Civil Division to the Office of the Sheriff. (Administrative Office)

(See Resolution Book No. 43)  
(See Salary Resolution Book)

Authorized the issuance of warrants totaling \$208,881.32 for County operating funds and special districts, as submitted. (Auditor-Controller)

Received a Report on Financial Transactions Audit of the Retired Senior Volunteer Program, Adult Literacy Program, and Cesar Chavez Day Programs of the Department of Housing and Community Action Programs for the period from inception of the programs through June 30, 2002. (Auditor-Controller)

Approved the minutes of the meeting held on December 10, 2002, as submitted. (Clerk of the Board)

Appointed C. Richard Gandy to the Fall River Mills Cemetery District Board of Directors to fill an unexpired term to November 2003. (Clerk of the Board)

Approved and authorized the Chairman to sign an amendment to the October 29, 1991 agreement for legal services with John Hagar to increase billing rates. (County Counsel)

Approved and authorized the Chairman to sign an agreement for legal services with Pandell Law Firm, Inc. (County Counsel)

Approved a side letter to the Memorandum of Understanding (MOU) with United Public Employees of California General Unit providing terms for 12-hour shifts and modifying shift differential compensation for nursing staff between 12 midnight and 6 a.m.; and adopted Resolution No. 2002-207, which waives Personnel Rule 19.3 and related sections of the Rules and Memorandums of Understanding so the salary on promotion for the appointment of the Assistant Director of Mental Health Nursing will be based on base salary plus specialty pay. (Mental Health/Support Services)

(See Resolution Book No. 43)

Approved and authorized the Chairman to sign an amendment to the agreement with Shasta County Chemical People, Inc. in the amount of \$11,000 (for a total of \$147,000) to provide alcohol and other drug prevention activities from the date of signing through June 30, 2003. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign an amendment to the subcontract with Shasta Head Start Child Development, Inc. in the amount of \$37,709 (for a total of \$70,326) to continue a Children and Families First Commission Healthy Beginnings Project to decrease rates of childhood anemia and obesity for the period January 1, 2002 through December 31, 2003. (Public Health)

Approved and authorized the Chairman to sign a contract with Northern California Rural Consulting Services in the amount of \$99,998 to provide a Northern Regional Child Welfare Consultant for the period January 1, 2003 through December 31, 2003. (Social Services)

Approved and authorized the Chairman to sign a three-year renewal lease with Seven Crown Resorts, Inc. (Bridge Bay) in the amount of \$1,688 per month for the period January 1, 2003 through December 31, 2005 for the Sheriff's Boating Safety Unit to continue use of 896 square feet of office space, eight moorage slips, and dry dock shop/storage area at Shasta Lake. (Sheriff)

For Tract No. 1847 (Hayes), Centerville area, approved the final map for filing. (Public Works)

Awarded to the low bidder, Allied Environmental, Inc., the contract for asbestos abatement at the former Shasta County Hospital in the amount of \$118,798.80. (Public Works)

Took the following actions regarding the Parkville Road at Bear Creek Bridge Replacement Project: Adopted Resolution No. 2002-208, which makes a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration with a de minimis finding of significance; and awarded to the low bidder, Clemens Construction, on a unit-cost basis, the contract for construction in the amount of \$877,778. (Public Works)  
(See Resolution Book No. 43)

Approved a budget amendment decreasing appropriations by \$18,175 from one fixed asset (roadside mower) and increasing appropriations for the purchase of a 10-wheel dump truck in the amount of \$6,244, a water truck in the amount of \$2,413, and a mobile sweeper in the amount of \$9,518. (Public Works)

Approved and authorized the Chairman to sign a Land Conservation (Williamson Act) Contract with Clyde C. Greco, Helen J. Greco, and Clyde C. Greco, Jr. limiting the use of 738.6 acres to agricultural and compatible uses for a period of not less than 10 years from the date of signing. (Resource Management-Planning Division)

Approved and authorized the Chairman to sign a Land Conservation (Williamson Act) Contract with The Nature Conservancy limiting the use of 1,800 acres to agricultural and compatible uses for a period of not less than 10 years from the date of signing. (Resource Management-Planning Division)

## **REGULAR CALENDAR**

### **PRESENTATIONS**

#### **PRESENTATION: RETIREMENT PLAQUE**

#### **DONALD McBROOME, AGRICULTURAL & STANDARDS INVESTIGATOR III**

In recognition of more than 32 years of service to Shasta County, the Board of Supervisors presented Agricultural & Standards Investigator III Donald McBroome with a plaque of appreciation upon the occasion of his retirement.

#### **PRESENTATION: SHERIFF'S OFFICE MARIJUANA ERADICATION TEAM**

United States Bureau of Land Management Field Manager Charles Schultz introduced Special Agent David Burns, who updated the Board of Supervisors on the efforts of the Sheriff's Office Marijuana Eradication Team and presented Detective Todd Larson and Sergeant Tim McDonald of the Sheriff's Office with an award from the Bureau of Land Management.

## **BOARD MATTERS**

#### **POTENTIAL AIR QUALITY OFFSETS**

Director of Resource Management Russ Mull reported on the potential air quality offsets for the Knauf Fiberglass facility in the City of Shasta Lake. He explained that the California Environmental Quality Act (CEQA) requires that projects be evaluated for environmental significance and that the City of Shasta Lake is the lead agency for the Knauf facility. In order to mitigate emissions that would impact the City of Shasta Lake's General Plan, emissions offsets were used. With increased emissions from oxides of nitrogen, the Knauf facility has contacted a local owner of air quality credits. Under state law, when a facility with emissions goes out of business, under certain circumstances, the emissions from the facility can be "banked" with the local air district. The air districts have no control as to how the credits are sold or purchased; they only verify that the credits meet state law and are a valid use for the purpose for which they are proposed. Therefore, neither the Air Pollution Control Board nor the Board of Supervisors

has a discretionary approval mechanism for the credits for the Knauf Fiberglass facility, should they be used.

**SUPPORT CITIZEN'S RIGHTS TO KEEP AND BEAR ARMS  
RESOLUTION NO. 2002-209**

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-209, which reaffirms the right of law-abiding citizens of the County of Shasta to keep and bear arms.

(See Resolution Book No. 43)

**GENERAL GOVERNMENT**

**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

**LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer explained that there was no legislation to report on at this time.

Supervisors reported on issues of countywide interest.

**ASSESSOR-RECORDER**

**ABATEMENT OF PENALTY: MICHAEL AND VIRNA BABB**

Deputy Assessor-Recorder Gary Estep presented the staff report, explaining the chronology of the late filing of the required Change of Ownership Statement by Michael and Virna Babb and the penalty amount of \$526.80. By motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors approved the request of Michael and Virna Babb to abate the penalty assessed for failure to timely file a Change of Ownership Statement. Supervisors Fust and Kehoe voted no, noting that the reasons given by the property owners did not seem to meet the criteria for "reasonable cause" for late filing.

**ABATEMENT OF PENALTY: AJIT AND PEARL GARCHA**

Deputy Assessor-Recorder Gary Estep presented the staff report, explaining the chronology of the late filing of the required Change of Ownership Statement by Ajit and Pearl Garcha and the penalty amount of \$288.33. By motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors denied the request of Ajit and Pearl Garcha to abate the penalty assessed for failure to timely file a Change of Ownership Statement.

**AUDITOR-CONTROLLER**

**FINAL ADJUSTMENTS: FISCAL YEAR 2001-02**

At the recommendation of Auditor-Controller Rick Graham and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved final adjustments to the Fiscal Year 2001-02 budget, increasing appropriations by a net of \$6,051,253 and increasing total revenues by \$3,620,201, and using available fund balance or retained earnings by a net of \$2,431,052 for various budget units and special districts under the Board of Supervisors.

## LIBRARY

### REAPPOINTMENT: NORTH STATE COOPERATIVE LIBRARY SYSTEM

At the recommendation of Assistant Librarian Betsy Emory and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors reappointed Evelyn Poole to the Advisory Board of the North State Cooperative Library System for a six-month term beginning January 1, 2003 and ending June 30, 2003.

### ANNUAL REPORT: NORTH STATE COOPERATIVE LIBRARY SYSTEM

Assistant Librarian Betsy Emory introduced Evelyn Poole, Shasta County Library System Advisory Board Representative, who presented the annual report on the North State Cooperative Library System.

## SUPPORT SERVICES

### FIXED ASSET: FLEET MANAGEMENT BUDGET TRANSFER

At the recommendation of Director of Support Services Joann Davis and by motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors approved creation of a new fixed asset in Fleet Management in the amount of \$23,880.03 to purchase a replacement Sheriff's vehicle, and approved a budget transfer of \$13,902.50 in insurance revenues and \$9,977.53 in vehicle replacement revenues to fund this purchase.

## SUPPORT SERVICES-PERSONNEL DIVISION

### COMPREHENSIVE MEMORANDUM OF UNDERSTANDING: TEAMSTERS LOCAL #137 MONTHLY GROUP HEALTH CONTRIBUTIONS RESOLUTION NOS. 2002-210 AND 2002-211 SALARY RESOLUTION NO. 1216

At the recommendation of Director of Support Services Joann Davis and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-210, which approves a comprehensive memorandum of understanding (MOU) with the Teamsters Local #137 (Trades and Crafts Unit) for the period January 1, 2003 through December 31, 2005; adopted Salary Resolution No. 1216, which implements the salary adjustments for all Teamsters-represented employees and approves increases of 4 percent on December 29, 2002, 3 percent on December 28, 2003, and 3 percent on December 26, 2004; and adopted Resolution No. 2002-211, which formally notifies the Public Employees' Retirement System (PERS) of the changes in the monthly group health contributions for the Trades and Crafts Unit.

(See Resolution Book No. 43)  
(See Salary Resolution Book)

### COMPREHENSIVE MEMORANDUM OF UNDERSTANDING: SHERIFF'S ADMINISTRATIVE ASSOCIATION MONTHLY GROUP HEALTH CONTRIBUTIONS RESOLUTION NOS. 2002-212 AND 2002-213 SALARY RESOLUTION NO. 1217

At the recommendation of Director of Support Services Joann Davis and by motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-212, which approves a comprehensive MOU with the Sheriff's

Administrative Association (SAA) for the period January 1, 2003 through December 31, 2005; adopted Salary Resolution No. 1217, which implements the salary adjustments for all SAA-represented employees and approves increases of 4.5 percent on December 29, 2002, 3.5 percent on December 28, 2003, and 2 percent on December 26, 2004; and adopted Resolution No. 2002-213, which formally notifies PERS of the changes in the monthly group health contributions for SAA.

(See Resolution Book No. 43)

(See Salary Resolution Book)

## HEALTH AND WELFARE

### PUBLIC HEALTH

#### SALARY RESOLUTION NO. 1218

#### AGREEMENT: ANDREW W. DECKERT, M.D., M.P.H.

#### HEALTH OFFICER SERVICES

Public Health Director Marta McKenzie presented the staff report. She explained that new bioterrorism requirements for 24-hour-per-day, 7-day-per-week coverage of essential communicable disease surveillance, assessment, and response functions have made critical the need for a successful recruitment of the position of Deputy Health Officer. However, recruitment has not been successful due to the wage of the position. Recent market comparisons for equal positions in similar-sized counties show salaries 35 to 47 percent higher than in Shasta County. Therefore, an increase in the Deputy Health Officer salary range of 18 percent was recommended, along with an increase of 20.5 percent for the Health Officer to place that position at a salary range comparable to two other specialized physician classifications in Shasta County. The majority of the salary increases would be reimbursed through various federal- and state-funded programs.

A motion was made and seconded (Clarke/Wilson) to adopt the proposed salary for the Deputy Health Officer and adopt the salary range for the Health officer at five percent above the Deputy Health Officer. Under discussion, Supervisor Fust noted that he understood that the increases would not be funded through General Fund money, but the increases would still cost taxpayer money. Supervisor Kehoe explained that he was supportive of the motion as it applied to the Deputy Health Officer but would like more information on the Health Officer position.

The Board voted on the motion; however, the motion failed. The vote was as follows:

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

A motion was made by Supervisor Hawes to accept staff recommendation; however, the motion died for lack of a second.

A motion was made and seconded (Kehoe/Clarke) to adopt the staff recommendation as it applied to the Deputy Health Officer. Supervisor Clarke stated that the recruitment needs to proceed, although the issue of the Health Officer salary needs to be addressed. Under discussion, Director of Support Services Joann Davis noted that the Personnel Rules give her authority to set the salary for a supervisor overseeing a like professional at five percent above the subordinate's salary when there is less than five percent difference in the two salary ranges; however, the Board could take action to make an exception to that Rule.

The Board voted on the motion; however, the motion failed to pass. The vote was as follows:

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

The Board discussed the possibility of having the two positions at the same salary range and performing separate duties. Ms. McKenzie explained that, statutorily, there is only one Public Health Officer per jurisdiction. She also noted that the recruitment will probably result in the hiring of someone at a less-experienced level who will need supervision.

Following further discussion, by motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors adopted Salary Resolution No. 1218, which adjusts the salary range of the Deputy Health Officer by 18 percent to Salary Range 68.2 and the Health Officer to by 18 percent to Salary Range 69.2; and approved an amendment to the Health Officer Employment Agreement with Andrew W. Deckert, M.D., M.P.H. Supervisors Kehoe and Fust voted no.

(See Salary Resolution Book)

## **SOCIAL SERVICES**

### **GENERAL ASSISTANCE PROGRAM CHANGES**

At the recommendation of Del Skillman and by motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors adopted the proposed regulation changes regarding eligibility and services under the General Assistance Program.

## **SCHEDULED HEARING**

### **RESOURCE MANAGEMENT**

#### **PLANNING DIVISION**

#### **GENERAL PLAN AMENDMENT NO. 02-002**

#### **ZONE AMENDMENT NO. 02-016**

#### **JOHN McARTHUR**

#### **McARTHUR AREA**

#### **RESOLUTION NO. 2002-214**

This was the time set to conduct a public hearing and consider the request of John McArthur to approve General Plan Amendment No. 02-002, which would change the General Plan land use maps from Urban Residential (UR) to Commercial (C) land use designation, and Zone Amendment No. 02-016, which would rezone approximately 2.3 acres in the McArthur area from an Unclassified (U) District to a Commercial Light Industrial combined with a Design Review (C-M DR) Zone District and/or other appropriate District. Associate Planner Nancy Polk 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 (Hawes/Clarke), and unanimously carried, the Board of Supervisors took the following actions:

1. Adopted the California Environmental Quality Act determination of a negative declaration with a de minimis finding of significance as specifically set forth in Planning Commission Resolution No. 02-092;
2. Adopted Resolution No. 2002-214, which approves General Plan Amendment No. 02-002;
3. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 02-092; and

4. Introduced and waived the reading of the ordinance approving the zone amendment rezoning as requested.

(See Resolution Book No. 43)

11:31 a.m.: The Board of Supervisors recessed.

11:49 a.m.: The Board of Supervisors reconvened.

### **SCHEDULED WORKSHOP**

#### **PUBLIC WORKS**

#### **WORKSHOP: SHASTA COUNTY ADMINISTRATION CENTER**

Public Works Director Pat Minturn introduced Les Melburg of Nichols, Melburg and Rossetto, who updated the Board of Supervisors on the County Administration Center Project. The project is currently in the design development phase, the second of five phases. Stuart Coulter of Kitchell CEM reported that the project is on schedule, and the estimated cost is under budget.

#### **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 Richardson, Gomez, and Riley v. County of Shasta; Laws v. County of Shasta; Peters v. County of Shasta; Goebel v. County of Shasta; Tanya P./Mary-Yvone Disney v. County of Orange; and Merlette v. State of Utah, pursuant to Government Code Section 54956.9, subdivision (a).
2. Conduct employee performance evaluations pursuant to Government Code Section 54957 for the County Administrative Officer and County Counsel.
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, 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.

12:11 p.m.: The Board of Supervisors recessed to Closed Session.

1:30 p.m.: Supervisor Fust left the Closed Session.

1:45 p.m.: The Board of Supervisors recessed from Closed Session.

1:50 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Hawes, and Clarke, 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, public employee performance evaluations, and labor negotiations. On a unanimous vote, the Board of Supervisors authorized the assignment of Tanya P./Mary-Yvone Disney v. County of Orange to the Law Office of Gary Brickwood; no other reportable action was taken.

1:51 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

H. DOUGLAS LATIMER  
Clerk of the Board of Supervisors

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