

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, November 9, 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. 5 - Supervisor Clarke

District No. 4 - Supervisor Wilson - Absent

County Administrative Officer - Doug Latimer  
 County Counsel - Karen Jahr  
 Chief Deputy Clerk of the Board - Glenda Tracy

**INVOCATION**

Invocation was given by Pastor Paul Shrum, Grace Fellowship Foursquare Gospel.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Auditor-Controller Richard Graham acknowledged the issuance of the Award for Achieving Excellence in Financial Reporting for the year 2003.

Frieda Kiefer stated that in honor of Veterans Day, a "penny crusade" is taking place to raise funds for the Veterans' Cemetery. She advised that six fire stations in Shasta County are accepting rolls of pennies.

**ITEMS PULLED FROM CONSENT CALENDAR**

Supervisor Fust pulled for clarification the item regarding the ordinance which amends section 2.04.010 of the Shasta County Code, questioning the language stating "each Tuesday," as the Board does not meet on holidays that fall on Tuesdays. County Counsel Karen Jahr advised that the Board of Supervisors selects which meetings will be canceled each year.

Supervisor Kehoe pulled for discussion the item regarding the approval of County claims as some of the items listed should have required a contract. County Administrative Officer (CAO) Doug Latimer requested Undersheriff Larry Schaller to return to the Board of Supervisors at the next meeting with information as to the purchase of T-shirts at the cost of

\$1,865.46. It was agreed that the claims would be paid so that all vendors listed would not have to wait for payments.

Supervisor Hawes noted that the minutes of the meetings held on October 26 and November 2, 2004 were pulled at the request of the department.

### **CONSENT CALENDAR**

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

Adopted Resolution No. 2004-158, which approves a short-term loan in the amount of \$200,000 to the Mayers Memorial Hospital District from the County General reserve. (Administrative Office)

(See Resolution Book No. 45)

Authorized the issuance of warrants totaling \$3,897.35 requiring special board action (Auditor-Controller)

Canceled the December 28, 2004 meeting of the Board of Supervisors. (Clerk of the Board)

Appointed Dale Kroschel to the Pine Grove Mosquito Abatement District to fill an unexpired term to January 2005. (Clerk of the Board)

Introduced and waived the reading of an ordinance which amends section 2.04.010 of the Shasta County Code to change the location of meetings of the Board of Supervisors from the County Courthouse to the County Administration Center. (County Counsel)

Approved the appointment of Max F. Ruffcorn at Step "E" of the Senior Deputy Public Defender classification. (Public Defender)

Approved and authorized the Chairman to sign a contract with Valley Clinical and Consulting Services in an amount not to exceed \$25,000 to continue to administer psychological tests for the Sheriff's Office from the date of signing through October 31, 2005, with an option for two additional one-year terms. (Sheriff-Coroner)

9:15 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

### **SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR**

#### **SHASTA COUNTY WATER AGENCY**

By motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Directors of the Shasta County Water Agency took the following action, which was listed on the Consent Calendar:

Approved and authorized the Chairman to sign an agreement with the law firm of Somach, Simmons & Dunn to provide legal services.

9:16 a.m.: The Shasta County Water Agency adjourned and reconvened as the Board of Supervisors.

**REGULAR CALENDAR****BOARD MATTERS****NOVEMBER 2004 EMPLOYEE OF THE MONTH**  
**ACCOUNT CLERK II CAROLINA HUTSON**  
**RESOLUTION NO. 2004-159**

At the recommendation of Shasta County Mental Health Director Dr. Donald Kingdon and by motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2004-159, which recognizes Account Clerk II Carolina Hutson as Shasta County's November 2004 Employee of the Month.

(See Resolution Book No. 45)

**PROCLAMATION: CELEBRATING NONPROFITS DAY**

At the recommendation of Association of Nonprofit Professionals President James Montgomery and by motion made, seconded (Fust/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates November 19, 2004 as Celebrating Nonprofits Day in Shasta County.

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

County Administrative Officer (CAO) Doug Latimer had no report.

Supervisors reported on issues of countywide interest.

**SCHEDULED HEARINGS****LAW AND JUSTICE****DISTRICT ATTORNEY****MISDEMEANOR PRE-COMPLAINT DIVERSION PROGRAM**  
**RESOLUTION NO. 2004-160**

This was the time set to consider the request of the District Attorney to introduce and waive the reading of an ordinance which establishes a fee for the District Attorney's Office for services and administration associated with implementation of a misdemeanor pre-complaint diversion program, and to adopt a resolution which authorizes the designation of funds received for the program in the Public Safety Fund to be used for a probation officer to supervise and monitor misdemeanor offenders. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

District Attorney Gerald Benito described the proposed misdemeanor pre-complaint diversion program that would be used by offenders. A \$300 fee would be paid by the individual who committed the crime, possibly to be paid on a sliding scale. Western Corrections will monitor participation of the individuals in the assigned program. Half the fee collected would go to Western Corrections, and the other half would go to the Shasta County Public Safety's special fund to pay for a probation officer. Offenders may only participate once in the program.

The public hearing was opened, at which time Shasta County Undersheriff Larry Schaller, Anderson Police Chief Neil Purcell, Redding Police Captain Peter Hansen, Shasta County Public Defender Neal Periera, Shasta County Deputy Chief Probation Officer Brian Richart, and Western Corrections President/CEO Jeff Scott spoke in support of the program.

In response to a question from Supervisor Fust, Mr. Scott outlined the misdemeanor pre-complaint diversion program, advising that the teaching concepts, such as principals of honor and how to handle peer pressure, are completed by correspondence.

In response to a question from Supervisor Kehoe regarding the sliding scale charge, Mr. Scott advised that a full or partial fee waiver is available for income-eligible participants, and payments over time are accepted.

Gracious Palmer inquired as to how the program was reinforced with the offenders. District Attorney Gerald Benito stated that when the program was completed, their office would send a letter of congratulations, stating they did not expect to see them again.

In response to a question from Supervisor Fust regarding language in the proposed ordinance, Senior Deputy County Counsel John Loomis stated he would modify the language in Section 3 to add, "The fee charged to participants shall be reduced for those participants unable to pay the full fee. The fee charged to participants shall be waived for those participants unable to pay any fee." Additionally, an Automatic Repealer section will be added to state, "This Ordinance shall remain in effect only until December 31, 2006, and as of that date is repealed, unless another ordinance deletes or extends that date."

No one else spoke for or against the item, and the public hearing was closed.

By motion made, seconded (Clarke/Fust) and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which establishes a fee for the District Attorney's Office for services and administration associated with implementation of a misdemeanor pre-complaint diversion program; and adopted Resolution No. 2004-160, which authorized the designation of funds received for the program in the Public Safety Fund to be used for a probation officer to supervise and monitor misdemeanor offenders.

(See Resolution Book No. 45)

## **PUBLIC WORKS**

### **AGREEMENT: CALTRANS**

#### **TRAFFIC SIGNAL ON STATE ROUTE 299 AT DESCHUTES ROAD**

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a cooperative agreement with CalTrans to construct a traffic signal on State Route 299 at Deschutes Road.

**RESOURCE MANAGEMENT****COMMUNITY EDUCATION SECTION****MEMORANDUM OF UNDERSTANDING**  
**WASTE TIRE AMNESTY DAY GRANT**  
**RESOLUTION NO. 2004-161**

At the recommendation of Resource Management Staff Services Manager Ronni Harman and by motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2004-161, which authorizes the Director of Resource Management to apply for a Waste Tire Amnesty Day grant for Fiscal Year 2004-05 in an amount not to exceed \$75,000 on behalf of Shasta County and the Cities of Anderson and Shasta Lake; and authorized the Chairman to sign memoranda of understanding with the Cities of Anderson and Shasta Lake authorizing the County to apply for and administer the grant on their behalf.

(See Resolution Book No. 45)

**CLOSED SESSION ANNOUNCEMENT**

Chairman Hawes announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Balma v. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).

10:25 a.m.: The Board of Supervisors recessed to Closed Session.

10:55 a.m.: The Board of Supervisors recessed from Closed Session.

11:04 a.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Hawes, and Fust, Assistant County Counsel Mike Ralston, and Chief Deputy Clerk of the Board Glenda Tracy present.

**REPORT OF CLOSED SESSION ACTIONS**

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation; however, no reportable action was taken.

11:05 a.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

H. DOUGLAS LATIMER  
Clerk of the Board of Supervisors

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