

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, February 21, 2023

REGULAR MEETING

5:30 p.m.: Chair Jones called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Crye
District No. 2 - Supervisor Garman
District No. 3 - Supervisor Rickert
District No. 4 - Supervisor Jones
District No. 5 - Supervisor Kelstrom

Deputy County Executive Officer - Erin Bertain
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Stefany Blankenship

INVOCATION

Invocation was given by Pastor Janet Chapman, First Christian Church of Redding.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

PRESENTATIONS

CERTIFICATE OF RECOGNITION: JOE AND CATHY ADAMSON

Supervisor Crye discussed the service provided to the community by Joe and Cathy Adamson through their local business by encouraging health and fitness in the area.

There was no public comment.

By motion made, seconded (Crye/Rickert), and unanimously carried, the Board of Supervisors presented a Certificate of Recognition to Joe and Cathy Adamson, recognizing their 29 years of service to the community.

PRESENTATION: CALIFORNIA CONSERVATION CORPS

Dana Howard, Director of Communications, Outreach, Recruitment, and Enrollment of the California Conservation Corps (CCC), gave a presentation on the CCC program and its accomplishments. Mr. Howard discussed the benefits for CCC members and the opportunities the program offers.

In response to questions by Supervisor Crye, Lori Mathiesen, Shasta Cascade District Director, discussed the number of members in the local CCC areas. Mr. Howard stated that there were 20 positions available in the Redding area for youths aged 18 to 25. Ms. Mathiesen discussed the opportunities for CCC members to travel both nationally and internationally.

Public comment was opened.

Monique Welin discussed her experiences with the CCC.

Public comment was closed.

BOARD MATTERS

PALO CEDRO TOWN CENTER SPECIFIC PLAN RESOURCE MANAGEMENT

Adam Fieseler, Assistant Director of Resource Management, gave a presentation regarding the Palo Cedro Town Center Specific Plan. Mr. Fieseler discussed the development of the Specific Plan, land use planning in general and in the Palo Cedro area, and the grants previously intended to be used for planning and development in Palo Cedro.

Public comment was opened.

Bill Walker, Laura, Liz Machado, Elaine Tucker, and Andy Main spoke in support of the Palo Cedro Town Center Specific Plan.

Chelly Mack, Ron Holmstrom, Lani Bangay, Kelly Landry, Jason Hall, Freedom speaking on behalf of a Palo Cedro resident, Aaron Rader, Josh, and Kristen Minugh opposed the Palo Cedro Town Center Specific Plan.

Public comment was closed.

Paul Hellman, Director of Resource Management, discussed the meetings held since the Fall of 2022, when the Board directed staff and the community to work together to resolve their differences over the potential grant funding and plan for the Palo Cedro area. Mr. Hellman stated that there was no grant funding currently available, so there should not be any concerns about State requirements attached to the grants. He clarified that, due to the lack of grant funding, any costs arising from developing a plan for the Palo Cedro area would come out of the General Fund.

In response to questions by Supervisor Kelstrom, Mr. Hellman discussed the options available for planning in the Palo Cedro area through the use of either a Design Review District, which could be done by staff and would affect mostly the appearance of future development, or a Specific Plan, which would involve an outside consultant and would be more comprehensive in its effect, including potential zoning changes. He stated that a Specific Plan would make it more difficult for individual property owners to change the zoning for specific properties, but would set out standardized rules for future planning. Mr. Hellman explained that the cost of a Specific Plan would depend on the standards and zoning desired by the community.

In response to questions by Supervisor Garman, Mr. Hellman explained that developers may request changes to Planning Development zones in order to build housing. He further explained that a Specific Plan could restrict the types of zoning allowed in the area, so that development would be constrained by those allowed zoning types.

Supervisor Rickert made a motion for two members of each group to meet with Resource Management staff to develop a plan for the Palo Cedro area that would be amenable to each group. Supervisor Garman seconded the motion.

Supervisor Jones made a substitute motion to direct staff to cease preparing a specific plan and other planning efforts for the Palo Cedro area. Supervisor Kelstrom seconded the motion.

In response to questions by Supervisor Crye, Mr. Hellman stated that the grant funding from Senate Bill 2 was not attached to any plans for Palo Cedro.

The Board discussed options for Palo Cedro residents to work together to form a plan for their area.

The substitute motion failed by the following vote:

AYES: Supervisors Jones and Kelstrom

NOES: Supervisors Rickert, Garman, and Crye

By motion made, seconded (Rickert/Garman), and carried by roll call vote with Supervisor Jones voting no, the Board of Supervisors received a presentation regarding the preparation of the Palo Cedro Town Center Specific Plan and/or other planning efforts for Palo Cedro and directed staff to meet with two members from each of the opposing groups in order to form a plan for the Palo Cedro area amenable to all parties concerned, and to bring back the result of such meetings at the Board meeting scheduled for March 14, 2023.

RESOLUTION IN SUPPORT OF SECOND AMENDMENT

County Counsel Cruse presented the staff report. Mr. Cruse discussed the resolution as originally submitted by the California Rifle and Pistol Association (CRPA) and the legal concerns with the language in the CRPA's submitted resolution, as well as the amendments suggested by County Counsel.

Mr. Cruse discussed the roles of the legislature and judicial branches of the government and the importance of the oath taken by County employees upon taking office to uphold both the United States Constitution and California Constitution. Mr. Cruse explained that, as determined by a ruling of the California State Supreme Court, the Board of Supervisors does not have the authority to determine which laws do or do not violate the U.S. or California Constitutions. He further explained that requiring County employees to annually renew their oaths of office violated a ruling of the California Supreme Court, which states that local, supplemental requirements to the oath as laid out in the California Constitution are prohibited. Mr. Cruse recommended approval of the resolution with amendments as suggested by County Counsel.

In response to questions by Supervisor Jones regarding a Cease and Desist Order received from a local citizens' group, Mr. Cruse stated that the Order indicated that the description of the item on the agenda did not sufficiently identify what the Board's action was, and that in his opinion, the description given in the agenda was sufficient, according to an applicable ruling from the California Court of Appeals. He stated that the essential nature of the item being considered, adopting a resolution in support of the Second Amendment, was stated on the agenda and that any future actions taken by the Board regarding specific policies, or actions taken in light of the resolution, would be on future Board meeting agendas, pursuant to the Brown Act.

In response to further questions by Supervisor Jones regarding a potential conflict of interest, Mr. Cruse stated that, based on the information he was aware of, Supervisor Jones did not have a disqualifying conflict of interest on the matter at hand. He explained that, in order for there to be a disqualifying conflict of interest, the Board's decision would need to have a unique material financial effect on Supervisor Jones' financial interests that was distinguishable from its effect on the public generally. Mr. Cruse stated that the resolution did not appear to have such a unique effect, as it expressed policies applicable to the public generally, and, to the extent to which it impacts the sale of firearms, it would not affect Supervisor Jones differently than any other retailer of firearms in the County.

In response to questions by Supervisor Jones regarding other concerns expressed regarding the Board's authority to determine the Constitutionality of laws, Mr. Cruse reiterated his earlier statements that the Board of Supervisors did not have the authority to unilaterally decide what was or was not Constitutional, or to impose additional oath requirements on County staff.

Kevin Small, the Advocacy and Outreach Director of the CRPA, described the history and advocacy of the CRPA. Mr. Small endorsed the resolution as originally submitted on behalf of the CRPA and read a letter in support of the resolution from Chuck Michel, President of the CRPA Board of Directors and an attorney working in the field of Second Amendment cases.

Gary Oxley, representing the local chapter of CRPA, spoke in support of the resolution as originally submitted.

Public comment was opened.

Richard Gallardo; Jess Hoopes; Nathan H.; Janet Chandler; Monique Welin; Lori Bridgeford; Jess Harris, Northern California Program Representative for CRPA; Kathy Stainbrook; Freedom; Terry Rapoza; Deidre Holliday; Richard K.; Gary Oxley; Mark Kent; Regina Sharrett; Bob H.; Brenda; Margaret Hansen; and Jim Burnett spoke in support of the resolution as submitted.

Susan Weiss; Christian Gardinier; Missy McArthur, President of the local League of Women Voters; Judy Salter; Ray Thomas; Jean King; Jenny; Benjamin Nowain; Robert; Jeff Gorder; Sheriff Michael L. Johnson; and Susanne opposed the resolution as submitted.

Public comment was closed.

CLOSED SESSION ANNOUNCEMENT

Chair Jones announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

Confer with its Labor Negotiators, Deputy County Executive Officer Erin Bertain, Personnel Director Shelley Forbes, Assistant Personnel Director Monica Fugitt, and Chief Labor Negotiator Gage Dundy, Boutin Jones Inc., to discuss the following employee organizations: Deputy Sheriffs Association – Correctional Officer-Deputy Sheriffs, Management Council Mid-Management, and General Teamsters #137-Deputy Coroner Investigators Unit, pursuant to Government Code section 54957.6.

9:19 p.m.: The Board of Supervisors recessed to Closed Session.

9:38 p.m.: The Board of Supervisors returned from Closed Session and reconvened in Open Session with all Supervisors, Deputy County Executive Officer Erin Bertain, and County Counsel Rubin E. Cruse, Jr., present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin E. Cruse, Jr., reported that the Board of Supervisors met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

REGULAR CALENDAR, CONTINUED**RESOLUTION IN SUPPORT OF SECOND AMENDMENT, CONTINUED**

The Board and Mr. Cruse discussed the proposed amendments to the CRPA resolution. Mr. Cruse clarified the roles of the judicial and legislative branches of government. The Supervisors spoke about their intent in bringing the resolution forward.

Supervisor Kelstrom made a motion to adopt the resolution as written, but removing the sections pertaining to annual oaths of office and to the annual review and attestation of the resolution. Supervisor Jones seconded the motion.

Supervisor Garman made a motion to adopt the resolution as amended by County Counsel. The motion failed for lack of a second.

In response to questions by Supervisor Rickert, County Counsel stated that adopting the resolution with only the changes suggested by Supervisor Kelstrom would leave the County open to legal liability.

The original motion failed by the following roll call vote:

AYES: Supervisors Jones and Kelstrom
NOES: Supervisors Rickert and Garman
ABSTAIN: Supervisor Crye

Supervisor Crye stated that his reason for abstention was a desire to seek legal counsel as to personal legal liability if the proposed resolution was adopted by the Board.

By motion made, seconded (Crye/Jones), and carried by roll call vote with Supervisors Rickert and Garman voting no, the Board of Supervisors directed staff to bring the resolution back for further discussion and possible action at the Board meeting scheduled for March 14, 2023.

ITEMS PULLED FROM CONSENT CALENDAR

Chair Jones noted that the items regarding Harbert Roofing, the Grand-Funded Emergency Drought Relief Program, and the Memorandum of Understanding (MOU) with Teamsters Local 137 had been pulled for discussion.

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

AGREEMENT: HARBERT ROOFING, INC.

Al Cathey, Director of Public Works, presented the staff report and discussed the bid process. Mr. Cathey explained that a Request for Qualifications was done through Purchasing, which was sent out to the Shasta County Builders' Exchange and advertised on the County's e-bid board, which is regularly used by Purchasing for this type of bid. In response, only one certified roofing company submitted a bid, although seven other roofers were contacted by direct email.

In response to questions by Supervisor Garman, Mr. Cathey explained that only certified roofing companies were qualified to bid on County projects. He discussed the bid process and the timeline for bid preparation and approval.

There was no public comment.

Supervisor Garman made a motion to re-open the project for bid to allow other certified, interested roofing companies to bid. The motion failed for lack of a second.

By motion made, seconded (Kelstrom/Crye), and carried with Supervisor Garman voting no, the Board of Supervisors approved a contract with Harbert Roofing, Inc., in an amount not to exceed \$200,000, with no single project to exceed \$60,000, for roofing repairs, removal, replacement, inspections, and modifications on County-owned or leased buildings for a period of one year, effective date of signing, with one automatic one-year renewal. (Public Works)

**SHASTA COUNTY GRANT-FUNDED EMERGENCY DROUGHT RELIEF PROGRAM
RESOLUTION NO. 2023-015**

Supervisor Garman recognized County staff for their work on the Grant-Funded Emergency Drought Relief Program (Program) and asked Paul Hellman, Director of Resource Management, to give an update on the status of the Program and the grant funding from the State.

Mr. Hellman described the various services provided by the Program and stated that, to date, the invoices for services provided by the County totaled more than \$1 million. Mr. Hellman explained that staff were still working with the State regarding the specifics of the grant that would fund the Program as well as retroactively pay for services provided.

Supervisor Kelstrom recognized Mr. Hellman and the County staff for the work done through the Program for the community. Mr. Hellman recognized the Public Works staff for their assistance with the Program's services.

In response to questions by Supervisor Jones, Mr. Hellman stated that 109 applications had been submitted to the Program and 103 had been approved. He discussed the eligibility requirements for certain services and stated that County Service Area No. 2-Sugarloaf had received approximately \$200,000 in services, which would be reimbursed by the State grant funding.

Public comment was opened.

Melissa Hunt spoke on behalf of an out-of-area property owner affected by the drought.

Public comment was closed.

By motion made, seconded (Garman/Kelstrom), and unanimously carried, the Board of Supervisors adopted Resolution No. 2023-015 which recognizes that the circumstances and factors that led to the May 31, 2022, proclamation establishing the Shasta County Grant-Funded Emergency Drought Relief Program for the purpose of implementing grant funded work on private water supply systems that supports immediate drought response and mitigates drought impacts have not been resolved and that there is a need for continuation of the emergency proclamation. (Public Works, Resource Management)

(See Resolution Book No. 70)

PUBLIC COMMENT PERIOD - OPEN TIME

Jamie Butcher, Twyla Carpenter, Brian Diederick, Margaret Hansen, Mary Shaver, Catreena Johnson, Jenny, Benjamin Nowain, and Ken Michaud spoke during public comment - open time.

CONSENT CALENDAR

There was no public comment.

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

Approved the minutes of the meeting held on January 24, 2023, as submitted. (Clerk of the Board)

Reappointed Mark Wagner and Kristopher A. Corbell to the Buckeye Fire Protection District Board of Directors to serve four-year terms to December 4, 2026. (Clerk of the Board)

Accepted the donation of a speed feedback sign and associated hardware valued at a total of \$5,736.61 from the Millville Elementary School District for installation on Brookdale Road near Millville Elementary School and found the donation and installation of the sign Categorically Exempt under CEQA Guidelines Section 15301, Class 1 – Existing Facilities. (Public Works)

Awarded to the lowest responsive and responsible bidder, Gifford Construction, Inc., on a lump sum basis, the contract for the “Shasta County Administration Center – Server Room Upgrades Project,” Contract No. 610597, in the amount of \$558,000. (Public Works, Information Technology)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR, CONTINUED**SUCCESSOR MEMORANDUM OF UNDERSTANDING: TEAMSTERS LOCAL 137 -
SHASTA COUNTY TRADES AND CRAFTS BARGAINING UNIT
RESOLUTION NO. 2023-016
SALARY RESOLUTION NO. 1648**

Shelley Forbes, Director of Support Services, presented the staff report and recommended approval. Ms. Forbes described the cost of living pay increases, premium pay for Commercial Drivers License holders, and longevity bonus pay, as well as other changes and stipends in the successor MOU. She recognized both County staff and union representatives for the work done in negotiations for and preparation of the MOU and related documents.

There was no public comment.

By motion made, seconded (Rickert/Kelstrom), and unanimously carried, the Board of Supervisors took the following actions: Adopted Resolution No. 2023-016, which approves a successor Memorandum of Understanding (MOU) with the Teamsters Local 137 - Shasta County Trades and Crafts Bargaining Unit covering the period of January 1, 2023, through December 31, 2025; and adopted Salary Resolution No. 1648, effective February 26, 2023, which amends the Salary Schedule for positions in County Service pursuant to the Teamsters Local 137 - Shasta County Trades and Crafts Bargaining Unit MOU. (Support Services-Personnel)

(See Resolution Book No. 70)
(See Salary Resolution Book)

REGULAR CALENDAR, CONTINUED**GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE**

Deputy County Executive Officer (CEO) Erin Bertain presented an update on County issues and specific legislation of importance to Shasta County, including a discussion of the Fiscal Year (FY) 2023-24 budget process and the proposed FY 2023-24 State budget. Ms. Bertain stated that the County's legislative advocates would provide an update on newly-proposed State bills to staff later in the week.

SUPERVISORS' REPORTS

Supervisor Crye reported on issues of countywide interest.

Supervisor Kelstrom reported on issues of countywide interest.

Supervisor Garman reported on issues of countywide interest.

Supervisor Rickert recently attended a Superior California Economic Development District meeting and reported on issues of countywide interest.

Supervisor Jones reported on issues of countywide interest.

There was no public comment.

LAW AND JUSTICE

SHERIFF

DESIGNATION OF SIGNING AUTHORITY FOR CALIFORNIA GOVERNOR'S OFFICE OF EMERGENCY SERVICES FOR STATE OR FEDERAL FUNDING **RESOLUTION NO. 2023-017**

Mike Lindsey, Deputy Director of Administration, presented the staff report and recommended approval. Mr. Lindsey explained that the resolution would allow signing agents for the County to be able to apply for disaster assistance funding through the California Governor's Office of Emergency Services (CalOES), which is through either CalOES or the Federal Emergency Management Agency, depending on which level a local declared emergency rises to. Mr. Lindsey discussed how local emergencies are declared and handled and the costs associated with them.

In response to questions by Supervisor Jones, Mr. Lindsey stated that there had been a past situation wherein someone not approved as a signing agent had signed a grant agreement. Mr. Lindsey discussed the reasons for the designated signers including the Sheriff, the Fire Chief, and Public Works Director, as well as the CEO, including a continuity of disaster response and application of specialized knowledge during lengthy disaster recoveries, which could take years for County staff to deal with.

Public comment was opened.

An anonymous woman supported having only one designated signatory.

Public comment was closed.

By motion made, seconded (Crye/Jones), and carried with Supervisor Rickert voting no, the Board of Supervisors adopted Resolution No. 2023-017 as amended, which: Repeals Resolution No. 2019-109; and designates signing authority to the County Executive Officer to

execute applications and documents for obtaining financial assistance from the California Governor's Office of Emergency Services (Cal-OES) under the Federal Emergency Management Agency Public Assistance for Disasters and/or the California Disaster Assistance Act for a period of three years.

(See Resolution Book No. 70)

11:33 p.m.: The Board of Supervisors adjourned.

Chair

ATTEST:

MARY WILLIAMS
Acting Clerk of the Board of Supervisors

By _____
Deputy

DRAFT