

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, February 29, 2000

**REGULAR MEETING**

9:03 a.m.: Chairman Fust 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  
 Assistant County Counsel - Mike Ralston  
 Clerk of the Board - Carolyn Taylor

**INVOCATION**

Invocations were given by County Administrative Officer Doug Latimer and Pastor Keith Walker, Cloverdale Community Church.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

John Cleckner, the Vietnam Veterans of American (VVA) Legislative Liaison and a member of the Shasta County Retired Officers Association, introduced Gary McFadden, Vice-President of VVA No. 357, and Art Mix, President of the Shasta County Retired Officers Association. Gary McFadden presented a plaque to County Administrative Officer Doug Latimer in recognition of his patriotism and support of veterans. Art Mix presented a letter of commendation to Mr. Latimer from the Retired Officers Association, and Mr. Cleckner read the letter of commendation.

Linda Andrews addressed the Board of Supervisors expressing her concern about pedophiles who have been released in Shasta County. She asked for the actual number of those who have been placed into the County. Chairman Fust explained that the Board did not have this information and he recommended that Ms. Andrews discuss this issue further with the County Administrative Officer after the meeting.

Russ Wade, Betty Doty, Arnold Erickson, and Carol Calvert all spoke in opposition to the location of the proposed Knauf Fiberglass Plant in Shasta Lake City and pointed out problems which they said occurred at Knauf's Lanette, Alabama facility.

Edward Coleman expressed his objections to having prayer during the Board of Supervisors' meetings. Rick Levin requested that the Board hold a public forum on the use of marijuana for medical purposes, as approved under Proposition 215 and that guidelines be prepared for the public and law enforcement. Richard Schlapfer requested that cigarette tax funds go to children's programs instead of being diverted to a building fund. It was explained that the funds placed in an interest-bearing account were from litigation settlement funds, not cigarette tax funds.

**ITEMS PULLED FROM CONSENT CALENDAR**

At the request of a member of the public, Arnold Erickson, the request to adopt a resolution approving an amendment to the Conflict of Interest Code for the Western Shasta Resource Conservation District was pulled for clarification. Clerk of the Board Carolyn Taylor explained that this request was simply to approve the addition of "designated position" required to complete a Statement of Economic Interest.

Dwight Bailey asked that the minutes be pulled for a correction. He requested that the minutes include County Counsel's statement that County Ordinance No. 601 became ineffective by operation of law when "Proposition 208 failed to pass." It was the concurrence of the Board of Supervisors that this language should be added.

The request for approval of a contract with the Office of Transportation Safety for a Child and Adolescent Automobile Safety Program was pulled by Supervisor Kehoe in order to compliment Public Health Officer Andrew Deckert and his staff on the project goals.

Supervisor Kehoe pulled the request which would authorize Shasta County's withdrawal from the Juvenile Ward Authority and the termination of the Regional County of Rural Counties-sponsored regional juvenile detention program, effective June 30, 2000 instead of February 29, 2000. He stated that this would be the fourth extension and questioned whether or not the June 30<sup>th</sup> date would give sufficient time to clear up this matter. Supervisor Fust responded that it would.

The request for approval of an agreement with Jon S. Ebeling, Ph.D., to provide evaluation services and training to the four Health Improvement Partnership Community Grant projects was also pulled by Supervisor Kehoe for clarification. He asked if a formal request for proposal had been conducted, and Public Health Officer Andrew Deckert explained that an informal request for proposal had been conducted and responded to questions regarding the program.

**CONSENT CALENDAR**

By motion made, seconded (Clarke/Kehoe), 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 February 22, 2000, as amended. (Clerk of the Board)

Adopted Resolution No. 2000-39 which approves an amendment to the Conflict of Interest Code for the Western Shasta Resource Conservation District. (Clerk of the Board)  
(See Resolution Book No. 41)

Adopted Resolution No. 2000-40 which rescinds Resolution No. 99-175 and authorizes the withdrawal from the Juvenile Ward Authority and the termination of the Regional Program, effective June 30, 2000 instead of February 29, 2000. (County Counsel)  
(See Resolution Book No. 41)

Approved and authorized the Chairman to sign an agreement with Jon S. Ebeling, Ph.D., in the amount of \$15,050 to provide evaluation services and training to the four Health Improvement Partnership community grant projects during the period of February 29, 2000 through June 30, 2001.  
(Public Health)

Approved and authorized the Chairman to sign an agreement with the County Medical Services Program - Wellness and Prevention Project in the amount of \$145,096 to strengthen community-based collaboration and increase access to preventive medical services in Shasta Lake City. (Public Health)

Approved and authorized the Chairman to sign an agreement with the California Office of Transportation Safety in the amount of \$243,500 to augment child car-seat awareness and distribution programs during the period of March 1, 2000 through February 28, 2003. (Public Health)

Adopted Resolution No. 2000-41 which authorizes the issuance of Certificate of Compliance No. 2000-1 (Shasta Butte Electric Workers), without conditions, to recognize the legal status of two five-acre parcels located in the Redding Municipal Airport area. (Planning Department)  
(See Resolution Book No. 41)

Approved and authorized the Chairman to sign an abatement agreement with Bernice Reynolds and Cindy Chambers to resolve existing Shasta County Code violations and to allow the continued use of a commercial coach trailer as a business office with one employee until no later than 90 days from the date of approval of this abatement agreement. (Planning Department)

## **REGULAR CALENDAR**

### **BOARD MATTERS**

#### **REGIONAL COUNCIL OF RURAL COUNTIES** **DRAFT WATER POLICY**

By motion made, seconded (Clarke/Hawes), and unanimously carried the Board of Supervisors adopted the prepared response to the proposed Regional Council of Rural Counties (RCRC) draft water policy which Supervisor Fust will present at the next RCRC meeting.

## **GENERAL GOVERNMENT**

### **ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

#### **LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer presented an update on legislation of importance to Shasta County.

Agriculture Commissioner Mary Pfeiffer reviewed with the Board of Supervisors information regarding new regulations being proposed for field fumigation with Methyl Bromide. Ms. Pfeiffer explained that Methyl Bromide is used in Shasta County primarily by the strawberry nursery industry. Of particular concern is the proposed requirement regarding buffer zones which would prohibit the buffer zones from extending into adjacent properties, regardless of the size, if there is a home or other designated uses on the property. The proposed regulation would apply whether the adjacent property was a residential subdivision or a rural 300-acre parcel with only one home. This regulation would have a significant impact on the strawberry industry in Shasta County. She pointed out that current County permits are subject to restrictions and stringent review. She assured the Board that appropriate safety factors are built into Shasta County's permit regulations. It was the consensus of the Board that Ms. Pfeiffer should prepare a letter of response for the Chairman's signature and that individual letters should be sent by the Supervisors as well.

Commissioner Pfeiffer also stated that she had been informed that consideration is being given to cutting the USDA Wildlife Management Services Budget, and she stated this could have a negative impact on Shasta County's Predatory Animal Control Program. It was the consensus of the Board that Ms. Pfeiffer draft a letter of response for the Chairman's signature.

Supervisors reported on issues of countywide interest.

10:15 a.m.: Supervisor Hawes stated that he would have to abstain from acting upon the following item due to a possible conflict of interest, and he left the hearing room.

ANNEXATION: CITY OF REDDING STILLWATER INDUSTRIAL PARK AREA  
COUNTY SERVICE AREA NOS. 1 - FIRE AND 15 - STREET LIGHTING  
RESOLUTION NO. 2000-42

County Administrative Officer Doug Latimer presented the staff report and Jim Zauher of the Economic Development Corporation, Frank Sawyer of Sharrah, Dunlap and Sawyer, and Frank Strazzarino of the Redding Chamber of Commerce all spoke in support of the proposal and urged the Board of Supervisors to approve the request.

By motion made, seconded (Kehoe/Wilson), and carried, the Board of Supervisors adopted Resolution No. 2000-42 which provides for the transfer of tax revenues for a reorganization proposal involving the annexation of territory to the City of Redding and the detachment of territory (proposed Stillwater Industrial Park area) from County Service Area (CSA) No. 1 - Fire Protection and CSA No. 15 - Street Lighting. The vote was as follows:

AYES: Supervisors Clarke, Fust, Wilson, and Kehoe  
NOES: None  
ABSTAIN: Supervisor Hawes

(See Resolution Book No. 41)

10:29 a.m.: Supervisor Hawes returned to the hearing room.

FISCAL YEAR 1999-2000 MID-YEAR REPORT

County Administrative Officer (CAO) Doug Latimer reviewed the highlights of the Fiscal Year (FY) 1999-2000 Mid-Year Report and responded to questions by the members of the Board. Supervisor Clarke asked what the Wildlife Control Funds were being used for. CAO Latimer explained that while he did not have that information at this time, he would provide it to the Board later. Public Works Director Ron Hill responded to questions regarding Utilities Administration funding.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted the FY 1999-2000 Mid-Year Report, and directed departments to make spending adjustments necessary to stay within the approved net cost contained in the FY 1999-2000 Budget, as amended.

**AUDITOR-CONTROLLER**

COUNTY CLAIMS

By motion made, seconded (Wilson/Clarke), and unanimously carried, the Board of Supervisors authorized the issuance of warrants totaling \$198,102.80 for County operating funds and special districts, as submitted by Auditor-Controller Rick Graham, and authorized the issuance of warrants totaling \$845.60 requiring special Board action.

**PUBLIC WORKS**

AGREEMENT: CITIES OF ANDERSON AND SHASTA LAKE  
WASTE DIVERSION CREDITS

At the recommendation of Public Works Director Ron Hill, City of Shasta Lake Electric Systems Manager Gerry Cupp, City of Anderson Public Works Director Mike Knight and by motion made, seconded (Clarke/Wilson), and carried the Board of Supervisors approved and authorized the Chairman to sign a joint powers agreement with the Cities of Anderson and Shasta Lake for the purpose of sharing waste diversion credits.

The vote was as follows:

AYES: Supervisors Clarke, Fust, Wilson, and Kehoe  
 NOES: None  
 ABSTAIN: Supervisor Hawes

Supervisor Hawes indicated that he abstained from voting on this matter, because he receives and uses some of this waste diverted material.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Fust 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 Henry v. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).
2. Conduct a public employee performance evaluation of the Public Health Officer/Director of Public Health, pursuant to Government Code Section 54957.
3. Confer with its Labor Negotiator, County Administrative Officer Doug Latimer, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriff’s 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.

10:54 a.m.: The Board of Supervisors recessed to Closed Session.

11:50 p.m.: The Board of Supervisors recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Members, Deputy County Counsel John Loomis, and Administrative Board Clerk Pamela English present.

**AFTERNOON CALENDAR**

**REPORT OF CLOSED SESSION ACTIONS**

Deputy County Counsel John Loomis announced that the Board of Supervisors met in Closed Session to discuss existing litigation and labor negotiations and to conduct a public employee performance evaluation; however, no reportable action was taken.

**SCHEDULED HEARINGS**

**RESOURCE MANAGEMENT - PLANNING DIVISION**

Chairman Fust explained that General Plan Amendments can only be acted upon three times per year, so any action on the following two projects will be combined. However, for the purposes of the public hearings, each item will be heard separately.

GENERAL PLAN AMENDMENT 99-2 AND  
ZONE AMENDMENT 99-17, RICHARD BENTLEY,  
SOUTH REDDING CLEAR CREEK ROAD AREA

This was the time set to consider a request from Richard Bentley for approval of General Plan Amendment 99-2 and Zone Amendment 99-17 which would authorize the following actions:

1. Amend the General Plan by changing approximately 17 acres of a 23-acre parcel from an Industrial land use designation, combined with an Interim Mineral Resource overlay land use designation, to a Natural Resources Protection-Habitat, one dwelling unit per 40 acres, combined with an Interim Mineral Resource overlay land use designation.
2. Rezone the same area from a General Industrial District, combined with a Design Review District, an Interim Mineral Resource District, and a Restrictive Flood District to a Habitat Protection District, combined with an Interim Mineral Resource District and a Restrictive Flood District.

Associate Planner Bill Walker outlined the staff report explaining that on January 13, 2000 the Planning Commission conditionally approved a use permit for a gravel extraction operation for eleven years on 12 acres of the 23-acre parcel, and a reclamation plan to create a pond for wildlife habitat following the gravel extraction, both contingent upon Board of Supervisors' approval of the proposed General Plan Amendment (GPA) and rezoning. He recommended approval of the proposed action. Mr. Walker also responded to questions from the Board Members. The affidavit of publication and notice of public hearing are on file.

The public hearing was opened, at which time Jack Kilpatrick spoke against the proposal. He described current operations in this area as generating "unbearable noise levels" at inappropriate hours and lacking any type of vegetation or trees. He expressed his wish that the entire area be designated as a wildlife habitat. Mr. Kilpatrick urged the Board of Supervisors to deny the use permit.

Richard Bentley explained that today's hearing was to consider the request for rezoning only. The use permit was previously approved by the Planning Commission and not under consideration during this hearing. He indicated that the neighbors had ample opportunity to comment on the permit during the Planning Commission's hearing. Mr. Bentley commented on his future plans for this property.

No one else spoke for or against the proposal, and the public hearing was closed at this time.

Mr. Walker explained that the hours of operation for this project would be 7:00 a.m. to 9:00 p.m., Monday through Saturday, and the operation will be well within the County noise standards. He also explained that this operation was much lower and better screened than the last project, and the impact of this operation should be nothing compared to the others in this area.

GENERAL PLAN AMENDMENT 99-3 AND ZONE  
AMENDMENT 99-19, TANQUERAY CORP.,  
COLUMBIA PLAN AREA

This was the time set to consider a request from Tanqueray Corporation for approval of General Plan Amendment 99-3 and Zone Amendment 99-19 which would authorize the following actions:

1. Amend the land use map from a Retail Commercial land use designation to a Service Commercial land use designation.
2. Rezone from a Community Commercial District to a Commercial-Light Industrial District, combined with a Design Review District, for three parcels fronting on the north side of Old Forty Four Drive.

Senior Planner Marcelino Gonzalez outlined the staff report and recommended approval of this project. The affidavit of publication and notice of public hearing are on file.

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

ACTION: GENERAL PLAN AMENDMENT NOS. 99-2 AND 99-3  
RESOLUTION NO. 2000-43

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-43 which approves General Plan Amendment Nos. 99-2, Richard Bentley, South Redding/Clear Creek Road area, and 99-3, Tanqueray Corporation, Columbia Plan area, adopting the California Environmental Quality Act determinations of mitigated negative declarations with de minimis findings of significance, with the findings as specifically set forth in Planning Commission Resolution Nos. 00-006 and 00-011, respectively.

(See Resolution Book No. 41)

ACTION: ZONE AMENDMENT 99-17

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-17, Richard Bentley, South Redding/Clear Creek Road area:

1. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 00-006.
2. Made the rezoning findings, and introduced and waived the reading of the ordinance to amend the Zone Plan of the County of Shasta identified in Zone Amendment 99-17, as specifically set forth in Planning Commission Resolution No. 00-006.

ACTION: ZONE AMENDMENT 99-19

By motion made, seconded (Wilson/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-19, Tanqueray Corporation, Columbia Plan area:

1. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 00-011.
2. Made the rezoning findings, and introduced and waived the reading of the ordinance to amend the Zone Plan of the County of Shasta identified in Zone Amendment 99-19, as specifically set forth in Planning Commission Resolution No. 00-011.

1:50 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

CAROLYN TAYLOR  
Clerk of the Board of Supervisors

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