

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, July 17, 2001

REGULAR MEETING

9:01 a.m.: Chairman Wilson 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. 3 - Supervisor Hawes
District No. 4 - Supervisor Wilson
District No. 5 - Supervisor Clarke

District No. 2 - Supervisor Fust - Excused

County Administrative Officer - Doug Latimer
Assistant County Counsel - Michael Ralston
Administrative Board Clerk - Linda Mekelburg

INVOCATION

Invocation was given by Reverend Perry Peterson, Crossroads Bible Fellowship.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Marilee Carpenter expressed her thanks to Supervisor Hawes for purchasing her 4-H lamb at the Shasta District Fair and presented him with a quilt she had made as a token of her appreciation.

Russ Wade expressed his opinion regarding the dangers of fiberglass plants and gave examples of individuals whose health has been affected because of fiberglass plant emissions.

Greg Helm addressed the issue of alleged unreasonable search of medical marijuana gardens by the Shasta Interagency Narcotics Task Force.

ITEMS PULLED FROM CONSENT CALENDAR

By motion made, seconded (Hawes/Clarke), and carried, the Board of Supervisors introduced and waived the reading of an ordinance which would amend Ordinance No. 493 to adjust the boundaries of the supervisorial districts as approved on June 12, 2001. Supervisor Kehoe voted no. (County Counsel)

CONSENT CALENDAR

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

Adopted Resolution No. 2001-100, which allows the Centerville Community Services District to form a special assessment district for the purpose of extending water service to residents of the Honeybee Road and Texas Springs Road area. (Administrative Office/Board of Supervisors)

(See Resolution Book No. 42)

Accepted the Audit Report of Project Costs for the State Transportation Improvement Program. (Auditor-Controller)

Authorized the issuance of warrants totaling \$96,711.81 for County operating funds and special districts, as submitted and authorized the issuance of warrants totaling \$1,568.86 requiring special Board action. (Auditor-Controller)

Approved the minutes of the meetings held on June 19 and 26, 2001, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1842, which approves Zone Amendment No. 01-004, Boehlert, Shingletown area, as introduced on June 5, 2001. (Clerk of the Board)

(See Zoning Ordinance Book)

Enacted Ordinance No. 618, which repeals Ordinance No. 601, which established voluntary campaign expenditure limits for candidates for local offices, as introduced on June 26, 2001. (Clerk of the Board)

(See General Ordinance Book)

Enacted Ordinance No. 378-1843, which approves Zone Amendment No. 99-21, Gabrych, East Happy Valley/Olinda/Northwest Anderson areas, as introduced on June 27, 2000. (Clerk of the Board)

(See Zoning Ordinance Book)

Approved and authorized the Chairman to sign a contract with Northern Valley Catholic Social Service for the receipt of \$140,000 to provide CalWORKs activities for Fiscal Year 2001-2002. (Housing and Community Action Programs/RSVP Program)

Approved and authorized the Chairman to sign an amendment to the agreement with Dr. Michael O'Neill increasing the maximum amount from \$59,800 to \$63,800 for the provision of psychiatry services for Fiscal Year 2000-2001. (Mental Health)

Approved and authorized the Chairman to sign an agreement with Diane J. Kinney, P.A. in an amount not to exceed \$40,000 for the provision of physician assistant services from date of signing through June 30, 2002. (Mental Health)

Approved and authorized the Chairman to sign an agreement with David McGee-Williams, Ph.D. in an amount not to exceed \$2,400 for the provision of neuropsychological testing and associated documentation review services from date of signing through June 30, 2002. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Bridges to Community, Inc. in an amount not to exceed \$29,808 for the provision of non-acute, 24-hour care to individuals with mental illness from date of signing through June 30, 2002. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Del Norte County for the receipt of \$36,000 to provide psychiatric hospital inpatient services during Fiscal Year 2001-2002. (Mental Health)

Took the following actions: (1) Approved and authorized the Chairman to sign an agreement with the Office of Traffic Safety in the amount of \$182,000 to fund activities to reduce the number of youth bicycle-related injuries in Shasta County for the period October 1, 2001 through September 30, 2002, and (2) adopted Resolution No. 2001-101, which authorizes the submittal of a grant application and appoints the Director of Public Health as agent for the County for final scope of work, budget negotiations, and project revisions. (Public Health)

(See Resolution Book No. 42)

Approved and authorized the Chairman to sign an amendment to the Department of Health Services Women, Infants, and Children contract which increases the Fiscal Years 2000-2001 and 2001-2002 budgets by \$39,750 and \$17,775 respectively for a total increase of \$57,575 and a total three-year maximum grant of \$1,886,456, for the period October 1, 1999 through September 30, 2002. (Public Health)

Approved the appointment of Janice Morton at Step E of the Physical Therapist II salary range. (Social Services)

Adopted Resolution No. 2001-102, which authorizes the District Attorney to resubmit a grant application to the Department of Insurance for continued funding of the Investigation and Prosecution of Workers' Compensation Insurance Fraud grant in the amount of \$270,000. (District Attorney)

(See Resolution Book No. 42)

Adopted Resolution No. 2001-103, which authorizes the District Attorney to resubmit a grant application to the Department of Insurance for continued funding of the Investigation and Prosecution of Automobile Insurance Fraud grant in the amount of \$61,754. (District Attorney)

(See Resolution Book No. 42)

Adopted Resolution No. 2001-104, which authorizes the District Attorney to apply for renewal of the Spousal Abuser Prosecution Program grant in the amount of \$84,000 for Fiscal Year 2001-2002. (District Attorney)

(See Resolution Book No. 42)

Adopted Resolution No. 2001-105, which authorizes the District Attorney to act as the Board of Supervisors' agent to manage the Shasta County Child Abuse Treatment Program and execute and submit all documents to the Office of Criminal Justice Planning. (The grant is in the amount of \$138,097 and requires a 20 percent in-kind match, which will be met with volunteers from the Women's Refuge, Family Service Agency, and the Victim/Witness Center.) (District Attorney)

(See Resolution Book No. 42)

Approved and authorized the Chairman to sign an amendment to the agreement with Goehring Forensic Laboratory which extends the term of the agreement for 90 days to September 30, 2001. (Probation)

Approved and authorized the Chairman to sign an agreement with the County Office of Education in the amount of \$76,889 for the purpose of continued funding of one full-time and one half-time Deputy Probation Officer for probation intervention services at Live Oak School and Educational Resource Center for the period July 1, 2001 through June 30, 2002. (Probation)

Accepted a grant deed and authorized the Chairman to sign a real property purchase agreement with Debra Pinasco-Tomasin in the amount of \$87,500 for two parcels on the southeast corner of Sacramento Street and West Street in the City of Redding to be developed as a parking lot. (Public Works)

Took the following actions regarding construction in various Permanent Road Divisions: (1) Approved plans and specifications and directed the Director of Public Works to advertise for bids; and (2) authorized the opening of bids on August 3, 2001 at 11:00 a.m. (Public Works)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the 2001 County Overlay Project and record it within ten (10) days of actual completion of the work. (Public Works)

Adopted Resolution of Need No. 2001-106 for the replacement of the Foster Road at Mark Creek bridge. (Public Works)

(See Resolution Book No. 42)

Adopted Resolution No. 2001-107, which authorizes the Department of Resource Management to apply for a Local Government Waste Tire Public Education and Amnesty Day Grant in the amount of \$10,000. (Community Education Section)

(See Resolution Book No. 42)

Approved the following: (1) California Department of Veterans Affairs (CDVA) Medi-Cal Certificate of Compliance, and (2) CDVA Subvention Certificate of Compliance. (Veterans Service Office)

REGULAR CALENDAR

GENERAL GOVERNMENT

BOARD OF SUPERVISORS

JULY 2001 EMPLOYEE OF THE MONTH

RESOLUTION NO. 2001-108

At the recommendation of Social Services Director Dennis McFall by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2001-108, which recognizes Social Worker Supervisor Kathy Hupal as Shasta County's July 2001 Employee of the Month.

(See Resolution Book No. 42)

AUGUST 2001 EMPLOYEE OF THE MONTH

RESOLUTION NO. 2001-109

At the recommendation of Social Services Director Dennis McFall by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2001-109, which recognizes Social Worker Supervisor Richard Ryan as Shasta County's August 2001 Employee of the Month.

(See Resolution Book No. 42)

REGIONAL COUNCIL OF RURAL COUNTIES
PROTEST OF WESTLANDS WATER DISTRICT

This item was a continuation of a discussion begun at the June 26, 2001 Board of Supervisors meeting. Supervisor Clarke explained that neither she nor Supervisor Fust will be able to attend the July 18, 2001 Regional Council of Rural Counties (RCRC) retreat, where the area-of-origin water-rights filing issue will be discussed. In their absence, Public Works Director Pat Minturn will represent Shasta County's interests in this matter. Mr. Minturn explained that the County's past position on this issue has been to abstain from voting. It was the consensus of the Board that: (1) on issues where there is conflict among member counties, RCRC should remain neutral and allow individual counties to resolve these conflicts; and (2) after the July 18 meeting, Supervisors Fust and Clarke will present a proposed position for the Board of Supervisors on how to aggressively pursue Shasta County's neutrality on this issue.

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on the State budget, which passed the Assembly July 16, 2001 by the exact number of votes necessary.

Supervisors reported on issues of countywide interest.

PUBLIC WORKS

KNIGHTON ROAD EXTENSION PROJECT

At the recommendation of Public Works Director Patrick Minturn and by motion made, seconded (Clarke/Kehoe), and carried, the Board of Supervisors took the following actions regarding the Knighton Road Extension Project: (1) Approved plans and specifications and directed the Director of Public Works to advertise for bids upon CalTrans approval of funding; and (2) authorized the opening of bids after a minimum two-week advertising period. Supervisor Hawes abstained from taking action on this matter.

SHASTA COUNTY FIRE

FIRE WARDEN

AGREEMENT: MOUNTAIN GATE FIRE PROTECTION DISTRICT
RESOLUTION NO. 2001-110

At the recommendation of Fire Warden Duane Fry and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2001-110, which authorizes the Chairman to sign an agreement with the Mountain Gate Fire Protection District for the provision of fire protection and suppression services in the Shasta Lake/Interstate 5 corridor area for Fiscal Year 2001-2002.

(See Resolution Book No. 42)

ADOPTION: COUNTY FIRE DEPARTMENT POLICY AND PROCEDURES MANUAL

At the recommendation of Fire Warden Duane Fry and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted the revised personnel policies for the Shasta County Fire Department Policy and Procedures Manual specifying the authority of the County Fire Warden to terminate a volunteer firefighter and the rights of volunteer firefighters involved in such cases.

CLOSED SESSION ANNOUNCEMENT

Chairman Wilson 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 Counties vs PG&E and County of Shasta vs Cota, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its counsel regarding one case of anticipated litigation, pursuant to Government Code Section 54956.9, subdivision (c).

10:07 a.m.: The Board of Supervisors recessed to Closed Session.

10:40 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors except Supervisor Fust, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Linda 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 litigation, and on a unanimous vote in the matter of the Counties vs PG&E, the Board approved the settlement offer for PG&E for the waiver of a portion of the penalty on a late payment.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 01-02
ANDERSON-COTTONWOOD NEIGHBORHOOD CHURCH
SOUTH ANDERSON AREA

This was the time set to hear the request of the Anderson-Cottonwood Neighborhood Church (Zone Amendment No. 01-02), to rezone approximately 6 acres of property in the South Anderson area to an Office Commercial (C-O) District and/or appropriate district(s). Senior Planner John Stokes presented the staff report and recommended approval of the project. The affidavit of publication and notice of hearing are on file.

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

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted the California Environment Quality Act (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. 01-065; made the rezoning findings as specifically set forth in Planning Commission Resolution No. 01-065; and introduced and waived the reading of an ordinance approving Zone Amendment No. 01-02 to an Office Commercial (C-O) District.

ZONE AMENDMENT NO. 01-009

GEORGE AND CHRISTINE McARTHUR/JOHN AND SHIRLEY McARTHUR

MILLVILLE AREA

RESOLUTION NO. 2001-111

This was the time set to hear the request of George and Christine McArthur and John and Shirley McArthur (Zone Amendment No.01-009) to rezone approximately 212 acres of property in the Millville Area to an Exclusive Agriculture District, combined with an Agricultural Preserve (EA-AP) District and/or appropriate district(s); to rezone approximately 211 acres to an Exclusive Agriculture (EA) District and/or appropriate districts(s); and to adopt a resolution which rescinds the Williamson Act Contract for a portion of Assessor's Parcel Number 093-290-21 and simultaneously enter into a new contract including Assessor's Parcel Number 097-010-21. Senior Planner John Stokes presented the staff report and recommended approval of the project. The affidavit of publication and notice of hearing are on file.

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

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors found the project categorically exempt from CEQA as specifically set forth in Planning Commission Resolution No. 01-068; made the rezoning findings as specifically set forth in Planning Commission Resolution No. 01-068; introduced and waived the reading of an ordinance approving Zone Amendment No. 01-009 to an Exclusive Agriculture District combined with an Agricultural Preserve (EA-AP) District and rezoned approximately 211 acres to an Exclusive Agriculture (EA) District; and adopted Resolution No. 2001-111, which rescinds the Williamson Act Contract for a portion of Assessor's Parcel Number 093-290-21 and simultaneously enters into a new contract including Assessor's Parcel Number 097-010-21 acres, based upon the findings as specifically set forth in Planning Commission Resolution No. 01-068.
(See Resolution Book No. 42)

GENERAL PLAN AMENDMENT NO. 00-04

ZONE AMENDMENT NO.00-20

CERTIFICATE OF COMPLIANCE NO. 00-07

SCOTT SCHWAGER

JONES VALLEY AREA

RESOLUTION NOS. 2001-112 AND 2001-113

This was the time set to hear the request of Scott Schwager (Zone Amendment No. 00-20) to rezone approximately 4.5 acres of property in the Jones Valley area to a Mixed Use (MU) District and Open Space (OS) District. Associate Planner Scott Kaminski presented the staff report and recommended approval of the project. The affidavit of publication and notice of hearing are on file.

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

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted the CEQA finding of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 01-072; adopted Resolution No. 2001-112, which conceptually approves General Plan Amendment No. 00-04, to be combined at a future date with General Plan Amendment No. 01-01; made the rezoning findings as specifically set forth in Planning Commission Resolution No. 01-072; introduced and waived the reading of an ordinance approving Zone Amendment No. 00-20 to a Mixed Use (MU) District and an Open Space (OS) District; and adopted Resolution No. 2001-113, which authorizes issuance of Certificate of Compliance No. 00-07 to recognize the remainder parcel of Parcel Map 97-24 as a developable parcel.

(See Resolution Book No. 42)

10:50 a.m.: The Board of Supervisors adjourned.

Chairman

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy