

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, December 2, 2003

**REGULAR MEETING**

9:01 a.m.: Chairman Clarke 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 Undersheriff Larry Schaller.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Celeste Draisner expressed her optimism for the future.

**CONSENT CALENDAR**

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

Authorized the issuance of warrants totaling \$149,998.92 for County operating funds and special districts, as submitted. (Auditor-Controller)

Adopted the Shasta County Appropriations Limit for Fiscal Year 2003-04 in the amount of \$84,471,639, a cost-of-living factor of 2.31 percent incorporating the change in per capita personal income as provided by the California Department of Finance, and a population factor of 1.53 percent reflecting the change in population within the incorporated areas of Shasta County as provided by the Demographic Section of the Department of Finance. (Auditor-Controller)

Approved and authorized the Chairman to sign a contract with Patricia Crawford in a maximum amount of \$12,000 to provide emergency shelter care to foster children from the date of signing through June 30, 2004. (Social Services)

Authorized the Sheriff to assign the use of a County-owned Ford Crown Victoria to the Sheriff's Office Citizens' Volunteer Patrol in Cottonwood; and authorized Fleet Management to assign a surplused Sheriff's vehicle to the Sheriff's Office Citizens' Volunteer Patrol in Cottonwood, subject to certain specified conditions. (Sheriff)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the Old 44 Drive at Stillwater Creek Bridge Replacement Project and record it within ten days of actual completion of the work. (Public Works)

## **REGULAR CALENDAR**

### **PRESENTATION**

#### **CERTIFICATES OF APPRECIATION VARIOUS FIRE COMPANIES**

Supervisor Fust introduced County Fire Warden Ken McLean, who discussed the recent fires in Southern California. Over 750,000 acres burned in 14 fires throughout six counties. Shasta County sent eight fire companies to assist in fighting fires. Chairman Clarke presented Certificates of Appreciation to Shasta County Fire Department Company 33 (Bella Vista), Shasta County Fire Department Company 50 (Igo), Shasta County Fire Department Company 66 (Platina), Shasta County Fire Department Company 10 (Cassel), Redding Fire Department, Shasta Lake Fire Protection District, Shasta Fire Protection District, and Burney Fire Protection District.

### **BOARD MATTERS**

#### **DECEMBER 2003 EMPLOYEE OF THE MONTH SENIOR PUBLIC HEALTH ASSISTANT LINDA ALLEN RESOLUTION NO. 2003-230**

At the recommendation of Public Health Director Marta McKenzie and by motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-230, which recognizes Senior Public Health Assistant Linda Allen as Shasta County's December 2003 Employee of the Month.

(See Resolution Book No. 44)

### **URGENCY ITEM**

#### **FINDING OF URGENCY**

Karen Jahr reported that on December 1, the County was notified by the landlord of the central records facility on California Street that a water pipe had burst and flooded the basement, causing many of the County's records to get wet.

By motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors made a finding that an urgency situation exists with regard to a broken pipe in the basement of the central records facility on California Street.

WATER DAMAGE: CALIFORNIA STREET RECORDS STORAGE FACILITY

Ms. Jahr recommended that the County contract with a company qualified to dry out the records in order to prevent mold from forming on the records and thereby protect employees who must work with the records from any health issues. She estimated the cost to be approximately \$44,000, which will be the responsibility of the landlord. Facilities Manager Craig Moen noted that the City of Redding notified the Fire Department, who shut the water off Sunday, November 30. The Fire Department then left a telephone message for Public Works on Sunday, which was retrieved Monday morning. Supervisors Fust and Hawes discussed the possibility of requesting the landlord install an alarm so that these situations are noticed earlier. Public Works Director Pat Minturn explained that the landlord has probably assessed the risk and made a judgment that the cost of such a system outweighs any risk. Supervisor Fust noted that he would like to such a system in place where the County has records storage in the future.

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors approved and authorized the County Administrative Officer to sign a contract with an appropriate company to dry out the records.

**BOARD MATTERS**PROCLAMATION: PEARL HARBOR DAY

At the recommendation of Pearl Harbor survivors Mel Fisher (U.S.S. Whitney), Dick Lamb (U.S.S. Curtiss), and Hilton Reynolds (U.S.S. Detroit) and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation which designates December 7, 2003 as Pearl Harbor Day in Shasta County.

HEALTH, MENTAL HEALTH, AND SOCIAL SERVICES REALIGNED PROGRAMS  
RESOLUTION NO. 2003-231

By motion made, seconded (Kehoe/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-231, which supports future efforts to provide adequate funding for health, mental health, and social services realigned programs.

(See Resolution Book No. 44)

MILITARY BASES IN CALIFORNIA  
RESOLUTION NO. 2003-232

By motion made, seconded (Wilson/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-232, which supports the retention and expansion of military bases in California.

(See Resolution Book No. 44)

RURAL COMMUNITIES AND SCHOOLS RESTORATION ACT OF 2000  
RESOLUTION NO. 2003-233

By motion made, seconded (Fust/Hawes), and carried, the Board of Supervisors adopted Resolution No. 2003-233, which supports the reauthorization and enhancement of The Rural Communities and Schools Restoration Act of 2000. Supervisor Kehoe abstained due to his association with the U.S. Forest Service.

(See Resolution Book No. 44)

**GENERAL GOVERNMENT**

**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

**LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Doug Latimer presented an update on specific legislation of importance to Shasta County, noting that the Governor has repealed the statute allowing undocumented immigrants to obtain driver's licenses and has called a special session of the Legislature to try and get a bond act passed.

Supervisors reported on issues of countywide interest.

**TREASURER-TAX COLLECTOR**

At the recommendation of Treasurer/Tax Collector Lori Scott and by motion made, seconded (Wilson/Kehoe), and unanimously carried, the Board of Supervisors authorized the Auditor to transfer \$113,592.50 in unclaimed monies from the Tax Collector Trust Fund to the County General Fund in accordance with Government Code section 50053.

**LAW AND JUSTICE**

**SHERIFF**

**SACRAMENTO RIVER RAIL-TRAIL**

Undersheriff Larry Schaller introduced Debbie Miller of the Bureau of Reclamation and Francis Berg, Bill Kuntz, and Chuck Schultz of the Bureau of Land Management, who discussed improvements made to the Sacramento River Rail-Trail, improvements for off-highway vehicle access in the Rail-Trail area, and plans for future development of the area.

Undersheriff Schaller presented the staff report and recommended approval of the ordinance, which includes the repeal of the "sunset clause" subsection. At the request of Supervisor Kehoe, Chairman Clarke polled the audience to request comments on the ordinance; there were none. By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which re-enacts Chapter 9.10 of the Shasta County Code, *Unlawful Operation of Motorized Vehicles and Discharge of Firearms and Other Weapons On and Within One Hundred Feet of the Sacramento River Rail-Trail, Unlawful Discharge of Firearms and Other Weapons At and Within One Hundred Feet of the Keswick Lake Boat Launch Facility, and Nighttime Closure of the Sacramento River Rail-Trail and the Keswick Lake Boat Launch Facility*, and repeals section 9.10.060 of the chapter.

**SCHEDULED WORKSHOP**

**COUNTY ADMINISTRATIVE OFFICE**

**VEHICLE LICENSE FEES**

County Budget Office Kim Pickering presented a history of the Vehicle License Fee (VLF) since its inception in 1935. In 1986, Proposition 47 was approved, which constitutionally dedicated all VLF revenues to counties and cities. In 1998, with a thriving economy in California, the State offset or "reduced" the individual taxpayers' VLF by 25 percent effective

January 1, 1991 and “backfilled” the loss in revenue to counties by paying the money from state funds. In 2000, this offset was increased to 35 percent and to 67.5 percent in 2002.

By 2003, however, the State had a \$20 billion deficit. The VLF Law requires that if there are insufficient moneys in the State General Fund to fully reimburse local governments for losses resulting from the VLF offset, the offset amount must be reduced in proportion to the shortfall in funding to reimburse local governments for those losses. In November 2003, the newly elected governor by executive order reinstated the offset.

Vehicle license fees represent approximately 33 percent of the County’s General Fund revenue. The areas hit hardest by the lack of VLF revenue are the health and welfare programs, which represent 20 percent of the General Fund. Mental Health has the potential to lose \$900,000 in funding, Public Health has the potential to lose \$5,000,000, and Social Services has the potential to lose \$300,000. The General Fund has the potential to lose \$7,400,000. Approximately \$4,150,000 in resources have been identified to offset the loss, leaving an approximate \$3,200,000 shortfall.

It appears at this point that the VLF problem is a one-time problem and not an ongoing situation. The Legislative Analyst’s Office has stated that the State is obligated next year to continue funding of the backfill revenues.

The County Administrative Office has developed a possible plan of action in case the State Legislature does not concur with the governor’s financial plan. The County’s plan of action consists of the following:

1. Implement a full hiring freeze;
2. Implement a letter-writing campaign to government officials;
3. Meet with department heads to discuss possible actions;
4. Delete 200 vacant positions at mid-year; and
5. Return to the Board of Supervisors at mid-year with further proposals.

CAO Latimer also recommended that his office update the Board of Supervisors every two weeks to keep the Board fully informed on the situation. The County will continue to live within its income, although there may come a time when services, although mandated by the State and Federal governments, may have to be maximized on a reduced funding stream.

Chairman Clarke pointed out that it is important the public be educated that the County cannot continue to provide services at previous levels without continued funding so they in turn can convince their legislators that there is a problem. Supervisor Kehoe noted that the County needs to take a balanced and decisive approach to resolving its financial problems. Supervisor Fust encouraged the public to contact government officials to inform them of the impacts felt at the local level and observed that the proposed plan of action is incremental, not drastic, and can put the County on a correct path to continuing to function and provide services to the public.

By consensus, the Board of Supervisors directed the County follow the plan of action as presented by the County Administrative Office.

### **CLOSED SESSION ANNOUNCEMENT**

Chairman Clarke announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled *Scalera v. Coldwell Banker, et al.*, *Cozo v. County of Shasta*, and *Siler v. County of Shasta*, pursuant to Government Code Section 54956.9, subdivision (a).

10:58 a.m.: The Board of Supervisors recessed to Closed Session.

11:45 a.m.: The Board of Supervisors recessed from Closed Session.

1:31 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Mike Ralston, and Deputy Clerk of the Board Linda Mekelburg present.

### **AFTERNOON CALENDAR**

#### **REPORT OF CLOSED SESSION ACTIONS**

Assistant County Counsel reported that the Board of Supervisors met in Closed Session to discuss existing litigation. By a unanimous vote, the Board of Supervisors took the following actions:

1. In the matter of Scalera v. Coldwell Banker, et al., referred the case to County Counsel;
2. In the matter of Cozo v. County of Shasta, authorized a settlement of \$5,000; and
3. In the matter of Siler v. County of Shasta, referred the case to the Law Office of Gary Brickwood for defense.

No other reportable action was taken.

### **SCHEDULED HEARINGS**

#### **RESOURCE MANAGEMENT - PLANNING DIVISION**

##### **FLYING J TRAVEL PLAZA**

This was the time set to conduct a public hearing and consider the request to deny the request of Flying J Travel Plaza for a general plan amendment changing the designation from a Part-Time Agricultural and Cropland (A-cg) and Commercial (C) designations to a Commercial designation (Highway) and for a zone amendment to change the zoning from a Planned Development District combined with a Restrictive Flood District (PD-F-2) and a Limited Agricultural District combined with a Restrictive Flood District (A-1-F-2) to a Highway Commercial combined with a Restrictive Flood District (C-H-F-2). The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Chairman Clarke explained that the Board of Supervisors had received a letter from Flying J, Inc. requesting a continuance of the matter. By motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors denied the request for a continuance.

Chairman Clarke explained that the letter also contained the following wording:

Notwithstanding our request for a continuance of the December 3, 2003 hearing on the above referenced matters, should the Board determine that such a continuance is not to be granted, pursuant to Chapter 17.92 of the Shasta County Zoning Code, we hereby withdraw Flying J, Inc.'s applications for the above-referenced entitlements. Flying J, Inc. very much appreciates all of the effort that all parties have expended on this proposed project.

Chairman Clarke requested that Terrence Bride, representing Flying J, Inc., confirm that Flying J is withdrawing the application, is withdrawing the pending use permit and parcel map presently before the Planning Commission, and further, that this action would terminate the contract with Shasta County for the Environmental Impact Report (EIR) process. Mr. Bride stated that he confirmed the document and all it concludes. Supervisor Kehoe requested clarification as to the consequences of his statement and his letter. Mr. Bride stated that he had no further statement at this point in time. In response to a question from Chairman Clarke, Assistant County Counsel Mike Ralston stated that his interpretation of the letter is as follows:

1. The subject line references Flying J Travel Plaza, General Plan Amendment 98-01, Zone Amendment 98-08, Use Permit 98-07, Parcel Map 98-13 and consideration of a Final Environmental Impact Report.
2. The body of the letter states that if a continuance is not granted, as has been by vote of the Board of Supervisors, then Flying J withdraws its "applications for the above-referenced entitlements."

It is his opinion that the entitlements set forth in the subject line includes not only the matters in front of the Board of Supervisors but also includes both those matters still pending before the Planning Commission and the consideration of the Final EIR. His interpretation is that Flying J is withdrawing its application in its entirety and terminating its obligations contained within the EIR contract. Mr. Bride confirmed that this interpretation is correct and Flying J has withdrawn its application in its entirety.

Chairman Clarke noted that no further action of the Board of Supervisors is necessary.

1:40 p.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

H. DOUGLAS LATIMER  
Clerk of the Board of Supervisors

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