

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, December 13, 2005

REGULAR MEETING

9:00 a.m.: Chairman Kehoe 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 Cibula
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman

District No. 5 - Supervisor Clarke - Absent

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Deputy Clerk of the Board - Elaine Grossman
Deputy Clerk of the Board - Linda Mekelburg
Deputy Clerk of the Board - Tazina Otis

INVOCATION

Invocation was given by County Administrative Officer Doug Latimer.

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS

Introductions of the Members of the Board, County staff, elected officials, and County department heads were made.

PUBLIC COMMENT PERIOD - OPEN TIME

Homecare consumer Robert Stillwell spoke in support of homecare providers preserving clients' dignity, providing family support and a healthy environment.

Homecare workers Sharon "Sunny" Turner, Alta Jamison Koon, and Will Hurst spoke in support of fair homecare workforce negotiations as these workers save taxpayers money and provide safety and compassion for their clients, and they requested assurance of a qualified and trained workforce.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Kehoe announced that the minutes of November 22, 2005 and the North State Security contract amendment item were pulled at the request of the department.

CONSENT CALENDAR

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

Adopted Resolution No. 2005-163, which appoints Mary Pfeiffer as the Agricultural Commissioner/Sealer of Weights and Measures for a fourth four-year term effective January 3, 2006. (Administrative Office)

(See Resolution Book No. 46)

Received the County Administrative Officer's report on contracts signed under his delegated authority during November 2005. (Administrative Office)

Authorized the issuance of warrants totaling \$620.86 requiring special board action. (Auditor-Controller)

Reappointed Dan Gover to the Sacramento River Conservation Area Forum for a two-year term to January 2008. (Clerk of the Board)

Approved and authorized the Chairman to sign a renewal agreement with SBC Pacific Bell in a monthly amount of \$3,600, with a \$4,095 one-time installation fee, to provide, install, and maintain high-speed data communication service from the County's central computer room to Breslauer Way and to Park Marina Drive for seven years from the date of the installation "cutover." (Information Technology)

Approved the appointment of Philip Somervell at Step "F" as an Epidemiologist. (Public Health)

Approved and authorized the Chairman to sign a renewal agreement with the Department of Health Services in the amount of \$3,396,000 to provide continued funding for the Women, Infants, and Children (WIC) Program to provide nutrition counseling and education, breastfeeding promotion, medical care referrals, and vouchers for nutritious foods for women, infants, and children for the period October 1, 2005 through September 30, 2008; and authorized the Public Health Director to approve future budget adjustments that do not exceed five percent of the budget of the WIC agreement. (Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with the Department of Health Services increasing compensation by \$43,020 (for a total not to exceed \$107,020) to provide additional Preventive Health Care for the Aging (PHCA) program services for the period November 1, 2004 through June 30, 2006; an amendment to the agreement with Home Health Care Management, Inc. increasing compensation by \$23,400 (for a total not to exceed \$82,200) to provide ongoing implementation of comprehensive health assessments and health education as part of the PHCA program for the period November 1, 2004 through June 30, 2006; and an agreement with Home Health Care Management, Inc. in the amount of \$50,000 to implement fall-prevention activities for seniors for the period January 1, 2006 through December 31, 2006. (Public Health)

Approved and authorized the Chairman to sign a renewal agreement with Shasta County Chemical People, Inc. in the amount of \$144,426 for substance abuse and violence prevention services from January 1, 2006 through December 31, 2006. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign an amendment to the agreement with Thomas Wright DBA Wright Education Services increasing compensation by \$32,000 (for a total of \$50,000) to provide anger management and domestic violence treatment services to clients of the Children and Family Services Division. (Social Services-Children and Family Services)

Approved and authorized the Chairman to sign a contract with the County of Trinity in the amount of \$85 per day for one space-available bed to place children at Crystal Creek Juvenile Detention Facility from the date of signing through December 13, 2008. (Probation)

Approved and authorized the Chairman to sign an amendment to the agreement with Critical Solutions, Inc. increasing compensation by \$8,585 (for a total not to exceed \$884,094) to pay for increased reimbursable expenses on the Shasta County Library Redding Main project. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with General Environmental Management, Inc. increasing total compensation by \$16,200 (for a total not to exceed \$166,200) to conduct ten household hazardous waste collection events. (Resource Management-Community Education Section)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: CENTRAL SITE FOR CHILD SUPPORT PAYMENTS

Child Support Services Director Terri Love provided information as to the transition to a State Disbursement Unit (SDU) of child support payment collection and distribution. Fifty-eight counties will be linked and Shasta County will join the system in March 2006. Ms. Love discussed possible complaints, collection/payment delays, benefits, and impacts of the system, which her staff is ready to process.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

FEDERAL SAFETY NET PAYMENTS

RESOLUTION NO. 2005-164

County Administrative Officer (CAO) Doug Latimer had no legislative report, but presented a resolution requesting continued funding of PL 106-193 for natural resources benefits.

By motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-164, which requests the President of the United States to include funding for federal safety net payments in the 2006-07 federal budget.

(See Resolution Book No. 46)

Chairman Kehoe reported that the State of the County event was a success due to the Planning Committee and the business and citizen support. The event pamphlet, which includes a Shasta County feedback form, is available from the County Administrative Office.

Supervisors reported on issues of countywide interest.

ASSESSOR-RECORDER/CLERK OF THE BOARD

QUESTYS/LEGISSTREAM SOFTWARE BUDGET TRANSFER

At the recommendation of Chief Deputy Clerk of the Board Glenda Tracy and by motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors approved a budget transfer from the State Property Tax Administration Grant to the Assessor's budget unit increasing appropriations and revenues by \$19,900.52 for Questys/LegisSTREAM software; and directed the Auditor-Controller to pay claims associated with the software purchase and installation of the agenda preparation and tracking software.

LIBRARY

SENIOR INFORMATION TECHNOLOGY ANALYST BUDGET AMENDMENT

Library Director Carolyn Chambers presented the staff report and recommended approval of the budget amendment. A portion of unspecified donated money will be used to fund the position transition from part- to full-time. Chief Technology Officer Charlie Haase confirmed that the public Internet access, library catalog software, and employee network usage require the resources and knowledge of the Senior Information Technology Analyst.

By motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations by \$38,562 to restore the Senior Information Technology Analyst to full-time and increase the book and materials budget.

HEALTH AND WELFARE

PUBLIC HEALTH

AGREEMENT: BURNEY BASIN MOSQUITO ABATEMENT DISTRICT AGREEMENT: SHASTA MOSQUITO AND VECTOR CONTROL DISTRICT ADDITIONAL MOSQUITO CONTROL BUDGET AMENDMENT

At the recommendation of Public Health Director Marta McKenzie and by motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Burney Basin Mosquito Abatement District in the amount of \$19,633 to provide expanded mosquito control in Shasta County for the period August 9, 2005 through June 30, 2006; approved and authorized the Chairman to sign an amendment to the agreement with Shasta Mosquito and Vector Control District increasing compensation by \$55,367 (for a total not to exceed \$65,367) and extending the term through June 30, 2006 to provide additional mosquito control in Shasta County; and approved a budget amendment increasing appropriations and revenue by \$75,000 to finance related mosquito control expenses.

LAW AND JUSTICE**DISTRICT ATTORNEY****CONSUMER FRAUD UNIT
BUDGET AMENDMENT
SALARY RESOLUTION NO. 1279
RESOLUTION NO. 2005-165**

District Attorney Jerry Benito presented the staff report and the proposal to recreate a Consumer Fraud Unit for Shasta County.

By motion made, seconded (Cibula/Hawes), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations and revenues by \$55,000 for costs associated with establishing a consumer fraud unit; adopted Salary Resolution No. 1279, which adds one Deputy District Attorney I/II/III position and one District Attorney Investigator position; approved the purchase of a fixed asset vehicle for the consumer fraud unit increasing the number of vehicles in the County fleet by 1 for a new total of 386; and adopted Resolution No. 2005-165, which declares that the Board of Supervisors will provide General Fund support for three years and describes how fines, fees, and penalties obtained from the activities of the consumer fraud unit will be disbursed.

(See Salary Resolution Book)
(See Resolution Book No. 46)

PUBLIC WORKS**AGREEMENT: PACE CIVIL, INC.
COUNTY SERVICE AREA NO. 17 BUDGET AMENDMENT**

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with PACE Civil, Inc. in the amount of \$119,000 to provide engineering services pursuant to the new waste discharge requirements for County Service Area (CSA) No. 17 - Cottonwood Waste Water Treatment System for the period December 13, 2005 through December 12, 2010; and approved a budget amendment increasing appropriations by \$50,000 in the CSA No. 17 budget unit.

**NORTH CHAPARRAL DRIVE
AND WOGGON LANE PERMANENT ROAD DIVISIONS
BUDGET AMENDMENTS**

At the recommendation of Public Works Director and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors took the following actions: For the North Chaparral Drive Permanent Road Division (PRD), approved a budget amendment increasing revenues by \$15,000 in the PRD fund, and approved a budget amendment increasing appropriations by \$15,000 in the Sacramento Valley Air Pollution Mitigation Fund to cover engineering costs; and for the Woggon Lane Permanent Road Division, approved a budget amendment increasing revenues by \$15,000 in the PRD fund, and approved a budget amendment increasing appropriations by \$15,000 in the Sacramento Valley Air Pollution Mitigation Fund to cover engineering costs.

SCHEDULED HEARINGS**LAW AND JUSTICE****SHERIFF-REMOTE ACCESS NETWORK****DEPARTMENT OF MOTOR VEHICLE FEE TO FUND
ELECTRONIC FINGERPRINT IDENTIFICATION SYSTEM
RESOLUTION NO. 2005-166**

This was the time set to consider continued funding of an electronic fingerprint identification system. Undersheriff Larry Schaller presented the staff report and recommended approval of the proposal. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board. He stated that the Remote Area Network Board is aware of the need for new equipment, as local agencies have absorbed maintenance costs of existing equipment.

Sheriff's Program Manager Janey Myers explained that Livescan machines used at Juvenile Hall, the Jail, for work release, and for registrant fingerprinting are outdated and need to be replaced. Palm print processing, FBI latent print communication, and field print identification can be utilized with additional equipment and a CAL ID machine.

The public hearing was opened, at which time no one spoke for or against the request, and the public hearing was closed. Supervisor Kehoe stated that he prefers a two-year term, then to look at the equipment cost profile.

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors adopted Resolution No. 2005-166, which continues a \$1.00 fee to automobile registrations and a \$3.00 fee to commercial vehicle registrations for the period January 1, 2006 through December 31, 2010 to fund an electronic fingerprint identification system; and directed the Auditor-Controller to deposit the registration fees into the Remote Access Network Board account and to pay claims for expenditures. Supervisor Kehoe voted no as he prefers a shorter term.

(See Resolution Book No. 46)

PUBLIC WORKS**WONDERLAND BOULEVARD PUBLIC EASEMENT ABANDONMENT**

This was the time set to consider adopting a resolution to abandon a portion of an undeveloped public easement to allow proper setback for property improvements. Public Works Director Pat Minturn discussed a new development and revised staff recommendation to reject the resolution. A water meter next to a newly poured cement slab indicates there may be an existing water line under the slab. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, and property owner Thomas Franklin articulated that he is replacing an existing building and has obtained approval from Shasta County.

Mountain Gate Community Services District General Manager Robert "Ken" Mariette stated that his staff needs time to locate and identify the waterline location.

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

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors rejected a resolution which would abandon a portion of an undeveloped public easement along Wonderland Boulevard (Shasta Lake area).

INTERSTATE 5/DESCHUTES ROAD INTERCHANGE
AMEND TRAFFIC IMPACT FEE

This was the time set to consider amending the established development impact fee for improvements to the Interstate 5/Deschutes Road Interchange. Public Works Deputy Director Scott Wahl presented the staff report and recommended approval. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, and Anderson City Manager Scott Morgan recommended approval as this will spur economic development and create jobs. No one else spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which repeals Ordinance No. 635 and establishes a revised traffic impact fee in the amount of \$1,367 to include Phase II improvements at the interchange.

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 05-035
MARYLIN GOGGIN
SHINGLETOWN AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-035, Marylin Goggin, which would rezone approximately 897 acres in the Shingletown area from an Exclusive Agricultural (EA) District to an Exclusive Agricultural and Agricultural Preserve (EA-AP) District, in conjunction with a Land Conservation (Williamson Act) contract. Associate Planner Meri Meraz presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-035, Marylin Goggin, Shingletown area:

1. Found the project categorically exempt from the California Environmental Quality Act (CEQA) as specifically set forth in Planning Commission Resolution No. 2005-150;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2005-150; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-035, as requested.

ZONE AMENDMENT NO. 05-027
WAYNE AND MARGO NORRIS
FALL RIVER MILLS AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-027, Wayne and Margo Norris, which would rezone approximately 3.24 acres in the Fall River Mills area from a Community Commercial (C-2) District to a Commercial-Light Industrial (C-M) District. Associate Planner Nancy Polk presented the staff

report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

In response to a question by Supervisor Kehoe, Ms. Polk replied that letters of opposition discussed noise, traffic, and scenery issues, which are mitigated in the project conditions.

The public hearing was opened, at which time project applicant Margo Norris conveyed that her family has lived in the area for many years, is not making invasive changes, wants to start a community-needed business, and does not want to jeopardize her neighbors.

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

In response to a question by Supervisor Cibula, County Counsel Karen Jahr replied that the letters are a matter of public input and should be part of the record reviewed by the Board of Supervisors.

By consensus, the Board of Supervisors requested copies of the letters for their review prior to an Open Session this afternoon. The matter will be re-examined at that time.

ZONE AMENDMENT NO. 05-033
WILD HORSE SANCTUARY
SHINGLETOWN AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-033, Wild Horse Sanctuary, which would rezone approximately 2,320 acres in the Shingletown area to re-establish an Exclusive Agricultural Preserve (EA-AP) District, in conjunction with a new Land Conservation (Williamson Act) contract. Associate Planner Meri Meraz presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-033, Wild Horse Sanctuary, Shingletown area:

1. Found the project categorically exempt from the California Environmental Quality Act (CEQA) as specifically set forth in Planning Commission Resolution No. 2005-151;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2005-151; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-033, as requested.

ZONE AMENDMENT NO. 05-023
KLAUS RYSER
COTTONWOOD AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-023, Klaus Ryser, which would rezone approximately 112 acres in the Cottonwood area from a Limited Agricultural combined with the Building Site Minimum (A-1-BSM) to a Limited Agricultural (A-1) District. Senior Planner Zach Bonnin presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time project applicant Klaus Ryser stated he intends to divide the property into several parcels.

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

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-023, Klaus Ryser, Cottonwood area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 2005-157;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2005-157; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-023, as requested.

GENERAL PLAN AMENDMENT 05-001 AND ZONE AMENDMENT NO. 05-003
KAYLE SPOON, COTTONWOOD AREA
RESOLUTION NO. 2005-167

This was the time set to conduct a public hearing and consider the request to approve General Plan Amendment No. 05-001 and Zone Amendment No. 05-003, Kayle Spoon, which would rezone approximately 18 acres from Interim Residential (I-R) to a One-Family Residential, 10,000 square-foot minimum District. Senior Planner Zach Bonnin presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time project representative Zeke Langum advised he was present for any questions from the Board of Supervisors.

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

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding General Plan Amendment 05-001 and Zone Amendment No. 05-003, Kayle Spoon, Cottonwood area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated declaration, with the findings as specifically set forth in Planning Commission Resolution Nos. 2005-138, 2005-139, and 2005-140;
2. Adopted Resolution No. 2005-167, which approves the following General Plan Land Use Element map changes as the fourth amendment for 2005 as recommended by the Planning Commission: From Suburban Residential (SR-1) to Suburban Residential (SR-3) land use designation;
3. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2005-139; and
4. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-003, as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe 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 Travelers Insurance and Legion Insurance v. Shasta County, and Fulton v. Belzer, pursuant to Government Code section 54956.9, subdivision (a).

2. Confer with its counsel to discuss appointment of a public employee (County Administrative Officer), pursuant to Government Code section 54957.
3. Confer with its Labor Negotiators, County Administrative Officer Doug Latimer, Personnel Director Joann Davis, and Labor Consultant Becker and Bell, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code section 54957.6.

CAO Latimer announced that the agendized labor negotiations were canceled. Supervisor Cibula advised that he would abstain from the Travelers Insurance and Legion Insurance v. Shasta County item due to a financial holdings conflict.

11:23 a.m.: The Board of Supervisors recessed to Closed Session.

1:05 p.m.: The Board of Supervisors recessed from Closed Session.

1:36 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Cibula, Hartman and Hawes, County Counsel Karen Jahr, and Deputy Clerks of the Board Elaine Grossman and Tazina Otis present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Karen Jahr reported that the Board of Supervisors met in Closed Session to discuss existing litigation and a public employee appointment (County Administrative Officer). In the matter of *Fulton v. Belzer*, on a unanimous vote (with Supervisor Clarke absent), the Board of Supervisors ratified the assignment of defense on that case to the Law Firm of Gary Brickwood.

No other reportable action was taken.

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 05-027 **WAYNE AND MARGO NORRIS** **FALL RIVER MILLS AREA**

This was the time set to reopen the public hearing and re-examine the request to approve Zone Amendment No. 05-027, Wayne and Margo Norris. Chairman Kehoe advised that Senior Planner Nancy Polk provided for review the letters requested during the morning session. Ms. Polk stated that the noise and traffic issues are covered in the mitigated conditions of the project. Chairman Kehoe requested that Ms. Polk prepare correspondence for the authors of the letters advising the mitigations and the result of this hearing.

The public hearing was reopened, and project applicant Wayne Norris stated that the noise and traffic generated from his proposed business would be minimal relative to surrounding land uses. No one else spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-027, Wayne and Margo Norris, Fall River Mills area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 2005-155;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2005-155; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-027, as requested.

1:44 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy