

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, April 12, 2005

REGULAR MEETING

9:02 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

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Chief Deputy Clerk of the Board - Glenda Tracy
Deputy Clerk of the Board - Linda Mekelburg

INVOCATION

Invocation was given by Pastor Nathan Dennis, Church of the Harvest.

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

Patti Crampton stated that there is a minimal amount of parking spaces designated for the disabled in the Administration Center parking.

Curtis Brown and Roy Klibee opposed gate closures at Whiskeytown National Recreation Area Park.

ITEMS PULLED FROM CONSENT CALENDAR

The agenda item regarding the reappointment of members on the Veterans Cemetery Committee was pulled by the department for correction, to be placed on the April 19, 2005 Board of Supervisors meeting.

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

AGREEMENT: JAMES MAXWELL DBA SHASTA REGIONAL DEVELOPMENT
AGREEMENT: QUAD KNOPF, INC.
REGIONAL AUTOMALL PROJECT

President of Churn Creek Bottom Homeowners Association Victor Ogrey objected to citing the selection of Quad Knopf as contractor for the Regional Auto Mall Project, was inadequate work in the Flying J Project. Director of Resource Management Russ Mull stated that his department has total confidence in Quad Knopf.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign the agreements with James Maxwell DBA Shasta Regional Development in the amount of \$128,417 for payment of funds relating to the preparation by a consultant of an Environmental Impact Report (EIR), a Mitigation Monitoring Plan (MMP), and staff costs related to document production and processing of related land use permits for the Regional Auto Mall Project; and with Quad Knopf, Inc. in an amount not to exceed \$ 128,417 to prepare an EIR and MMP from the date of signing through certification of the final EIR and acceptance of the MMP. (Resource Management-Planning Division)

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:

Authorized the issuance of warrants totaling \$6,285.65 requiring special board action. (Auditor-Controller)

Reappointed Patrick Duvall, Eugene Grokenberger, and Don Hampshire to the Halcumb Cemetery District Board of Directors for four-year terms to May 2008. (Clerk of the Board)

Appointed Bob Buick and John Harder to the Millville Fire Protection District in lieu of election to fill unexpired terms to December 2005. (Clerk of the Board)

Approved and authorized the Chairman to sign a contract with RIOH Medical Group, Inc. in an annual amount not to exceed \$80,000 to provide a comprehensive employment physical examination program from the date of signing through April 11, 2008, with two automatic one-year renewals. (Support Services)

Authorized the Chief Probation Officer to sign and submit a grant proposal to the U.S. Department of Health and Human Services - Substance Abuse and Mental Health Services Administration in an annual amount of \$400,000 for three years to expand the Juvenile Drug Court Program. (Probation)

Adopted Resolution No. 2005-34, which certifies that the County maintains 1,191.189 miles of road, annually required as a condition for State funding. (Public Works)
 (See Resolution Book No. 46)

For Tract No. 1876, Four Star Estates, Phases II and III (west Cottonwood area): approved the final map for filing; accepted on behalf of the public offers of dedication for public utility easements; and adopted Resolution No. 2005-35, which consents to but does not accept offers of dedication for private roads, fire access roads, or for any other public use. (Public Works)

(See Resolution Book No. 46)

REGULAR CALENDAR

PRESENTATIONS

BEAR FIRE RECOVERY

U.S. FOREST SERVICE SHASTA-TRINITY NATIONAL FOREST

U.S. Forest Service Shasta Lake District Ranger Kristy Cottini and Mount Shasta-McCloud District Ranger Mike Hupp gave an update regarding operations on the Bear Fire recovery. Ranger Hupp explained that the wood that was salvageable has been sold, and replanting has taken place.

WHISKEYTOWN NATIONAL RECREATION AREA UPDATE

Whiskeytown National Recreation Area Park Superintendent Jim Milestone gave an update on marijuana garden enforcement activities and utility road closures. The gates to be closed are utility access roads, which lead to Pacific Gas & Electric (PG&E) poles where multiple marijuana farms have been discovered. The roads do not interfere with the hiking trails in the park, and local property owners with easement rights have been given keys to the gates.

BOARD MATTERS

PROCLAMATION: NATIONAL CRIME VICTIMS' RIGHTS WEEK IN SHASTA COUNTY

At the recommendation of District Attorney Jerry Benito and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 10-16, 2005 as Crime Victims' Rights Week in Shasta County.

PROCLAMATION: VOLUNTEER RECOGNITION WEEK

At the recommendation of Director of Housing and Community Action Programs Larry Lees and by motion made, seconded (Cibula/Clarke), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 17-23, 2005 as Volunteer Recognition Week in Shasta County.

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, including three ballot initiatives that Governor Schwarzenegger wishes to take before the voters regarding redistricting, school tenure matters, and a budget matter and will require Shasta County to conduct a special election in November.

Supervisor Clarke noted that Assembly Bill 1248 will eliminate the payment of booking fees to the counties, except for a narrowly-defined group of misdemeanors. Regional Council of Rural Counties (RCRC) has opposed and the legislation asked counties to voice their opposition. By consensus, the Board of Supervisors approved and authorized the letter opposing AB1248. Supervisor Clarke also noted the legislature Chairman misuses funds specified for Proposition 42, to be used to support highways and roads. By consensus, the Board of Supervisors approved and authorized the Chairman to sign a letter opposing the funds not being used for the intended road projects.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

FIRE PROTECTION SERVICES

AUTHORITY TO CONDUCT ANALYST OF CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION CONTRACT

At the recommendation of CAO Doug Latimer and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors authorized administrative staff to conduct an analysis of whether the contract with the California Department of Forestry and Fire Protection (CDF) that provides for administration of the Shasta County Fire Department is the most cost-effective method of providing fire protection services to Shasta County.

LAW AND JUSTICE

SHERIFF

SHASTA COUNTY CODE CHAPTER 5.25 PROPOSED ORDINANCE CONCERNING ALARM SYSTEM PERMITS

This was the time set to reopen a public hearing, continued from the April 5, 2005 meeting, to consider introducing and waiving the reading of a proposed ordinance which enacts Chapter 5.25 of the Shasta County Code concerning permits for alarm systems in the unincorporated areas of Shasta County.

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

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors introduced and waived the reading of a proposed ordinance which enacts Chapter 5.25 of the Shasta County Code concerning permits for alarm systems in the unincorporated areas of Shasta County. Supervisor Cibula voted no due to a concern that this would provide an impediment to those attempting to take the appropriate security precautions.

PROPOSED FEE SCHEDULE: SHERIFF'S OFFICE

This was the time set to reopen a public hearing, continued from the April 5, 2005 meeting, to consider introducing and waiving the reading of a proposed ordinance which repeals Ordinance No. 620 and revises the Sheriff's Office fee schedule to more accurately reflect the cost of providing services, including fees for alarm system permits and false alarms.

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

Supervisor Clarke stated that the County should keep a watch to determine if unwanted animals appear to be abandoned because of the fees and if that happens, the matter should be brought back before the Board of Supervisors for possible adjustment.

By motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors introduced and waived the reading of a proposed ordinance which repeals Ordinance No. 620 and revises the Sheriff's Office fee. Supervisor Cibula voted no as there may be individuals who are unable to pay the increased fees.

PUBLIC WORKS

SALE OF PROPERTY **FORMER BALLS FERRY PARK** **RESOLUTION NO. 2005-36**

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors adopted Resolution No. 2005-36, which declares the former Balls Ferry Park site (Anderson area) property to be no longer necessary for County purposes; authorize the sale of the property at a public auction; sets the minimum sale price at \$100,000, with the proceeds to revert to the General Fund; sets the terms of sale and bidding procedures; and the date of June 7, 2005 at 9 a.m. (or as soon thereafter as may be heard) for the Board of Supervisors to receive and consider written and certain oral bids, and record the same. Supervisor Cibula voted no as he favors using the proceeds to build another park in the unincorporated area.

(See Resolution Book No. 46)

11:15 a.m. The Board of Supervisors recessed.

11:20 a.m. The Board of Supervisors reconvened.

NORTHERN CALIFORNIA WATER ASSOCIATION

Northern California Water Association Executive Director David Guy gave a presentation regarding the Sacramento Valley Integrated Regional Water Management Plan to preserve water rights, to prepare for drought or flood, and to meet future water demands.

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Clarke/Cibula), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter of support for the Plan.

OTHER DEPARTMENTS

COUNTY FIRE

SHASTA COUNTY COMMUNITIES **WILDFIRE PROTECTION PLAN**

California Department of Forestry/Shasta County Fire Warden Ken McLean and Battalion Chief Rick Hartly spoke regarding the Shasta County Communities Wildfire Protection Plan, which is a combination of the Shasta-Trinity Fire Plan and local strategic fuels management plans. As the hard copy of the plan had failed to be included in the information given to the Board of Supervisors, this item was continued to the April 19, 2005 Board of Supervisors meeting to allow the members of the Board of Supervisors an opportunity to review the documents.

BUDGET AMENDMENT

At the recommendation of Fire Battalion Chief Scott Holmquist and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors approved a budget amendment increasing revenues and expenditures by \$62,925.88 to replace the contents of the Jones Valley Volunteer Fire Company boat house/storage building due to destruction in the 2004 Bear Fire.

OLD STATION VOLUNTEER FIRE COMPANY
GRANT DEED

At the recommendation of Fire Battalion Chief Scott Holmquist and by motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors approved the acceptance of a donation of real property from the Old Station Volunteer Fire Company; and accepted a grant deed conveying a 0.71-acre parcel of real property from the Old Station Volunteer Fire Company to Shasta County to expand the fire station in the town of Old Station.

SCHEDULED HEARINGS

PUBLIC WORKS

TRACT NO. 1880
CANTO DEL LUPINE PERMANENT ROAD DIVISION (CENTERVILLE AREA)
RESOLUTION NOS. 2005-37, 2005-38, AND 2005-39

This was the time set to conduct a public hearing and consider taking action regarding Tract No. 1880, Canto Del Lupine subdivision (Centerville area). Public Works Supervising Engineer Steve Preszler presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the formation of the proposal. Mr. Preszler noted that in accordance with Proposition 218, the property owners must approve the requested parcel charge, and he delivered the ballot to the Clerk of the Board for tabulation. The clerk opened the ballot; the vote was as follows.

FOR:	1
AGAINST:	0

By motion made, seconded (Cibula/Hawes), and carried, the Board of Supervisors approved the following actions regarding Canto Del Lupine public road division: (Centerville area):

1. Adopted Resolution No. 2005-37, which forms the Canto Del Lupine Permanent Road Division;
2. Adopted Resolution No. 2005-38, which confirms the annual parcel charge report for Fiscal Year 2005-06; and
3. Received the annual parcel charge report.

Supervisor Hartman abstained due to a possible conflict due to campaign donations.

By motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors took the following actions regarding the final map for Tract No. 1880, Canto del Lupine subdivision (Centerville area):

1. Accepted the final map for filing;
2. Accepted on behalf of the public offers of dedication for public roads, public utility easements, fire access road easements, and dedicated access rights;
3. Adopted Resolution No. 2005-39, which consents to but does not accept offers of dedication for private roads or for any other public use easements;
4. Approved and authorized the Chairman to sign an agreement with Canto de las Lupine, LLC for completion of improvements; and

- 5. Accepted a performance security in the amount of \$620,000 and a payment security in the amount of \$310,000.

Supervisor Hartman abstained due to a possible conflict due to campaign donations.
(See Resolution Book No. 46)

SALE OF PROPERTY
ORANGE AVENUE (REDDING AREA)
RESOLUTION NO. 2005-40

11:50 a.m.: Chairman Kehoe recused due to proximity of the location to his residence and left the room. Vice Chairman Clarke presided.

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Hawes/Cibula), and carried, the Board of Supervisors adopted Resolution No. 2005-40, which declares the property on Orange Avenue near Tehama Street (Redding area) to be no longer necessary for County purposes; authorizes the sale of the property at a public auction; sets the minimum sale price at \$36,000; sets the terms of sale and bidding procedures; and sets the date of May 24, 2005 at 9 a.m. (or as soon thereafter as may be heard) for the Board of Supervisors to receive and consider written and certain oral bids, and record the same.
(See Resolution Book No. 46)

11:55 a.m.: The Board of Supervisors recessed

AFTERNOON CALENDAR

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Mike Ralston, Director of Resource Management Russ Mull, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Linda Mekelburg present.

SCHEDULED HEARING

RESOURCE MANAGEMENT

APPEAL: USE PERMIT NO. 04-026
VICKI DONOVAN, ANDERSON AREA
RESOLUTION NO. 2005-41

1:30 p.m.: Chairman Hartman recused due to horse-boarding interests which may affect her business and left the room.

This was the time set to conduct a public hearing and consider an appeal of the Planning Commission's denial of Use Permit No. 04-026, Vicki Donovan (Anderson area). The appellant has requested a change in the use permit conditions to allow an increased number of horses on the property.

Director of Resource Management Russ Mull introduced Associate Planner Brandon Rogers, who presented the staff report and recommended denial of the appeal. The applicant had previously applied for approval to exceed the number of horses permitted in the Limited Agricultural (A-1) zone district, requesting a revised proposal of horses to a maximum of 45 horses, which exceeds the amount of horses permitted in an agricultural zone district (one horse per one-half acre). The Planning Commission denied the applicant's request due to manure management issues, elimination of used bedding, unsafe road conditions on site, and

improper usable acreage of animals on the site. The Planning Commission approved a maximum of 28 horses.

Attorney for appellant Susan Hinz advised that the Donovans own 3-D Ranch. The appellant requests authority to have 44 horses: 28 horses will be housed in the large barn, with individual box stalls; 11 horses will be housed in the small barn, with individual box stalls; and 5 horses will be housed in a shed barn. Ms. Hinz outlined the methods to keep the mud, manure, urine, bedding, and flies under control.

The public hearing was opened, at which time the following individuals spoke:

Stephanie Schauer, Bruce Alexander, Pete Lambert, Shannan Pozzi, Jim Davis, Dottie Surret, Mark Kent, and Shanna Schienle spoke in support of appellant's request.

Gayley Hobson and Ron Merrick spoke in opposition to the appellant's request.

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

Supervisor Clarke moved that the appeal be approved and 44 horses be allowed on the property; Supervisor Cibula seconded the motion. Director of Resource Management Russ Mull stated, in response to a question of Supervisor Kehoe, that a use permit can not be issued for a specific amount of time. The motion failed by the following vote:

AYES: Supervisors Cibula and Clarke
NOES: Supervisors Hawes and Kehoe

Following further discussion, by motion made, seconded (Cibula/Kehoe), and carried, the Board of Supervisors adopted Resolution No. 2005-41, which upholds the appeal with the following amended or additional conditions on the use permit that:

1. Allow 28 horses as part of the commercial facility and that renters in totality may have up to five horses;
2. A condition is added that manure and bedding be disposed in a permitted or legal facility offsite and that storage be done within the existing conditions and the appropriate local or state codes; and
3. Condition No. 4 be amended to read "no more than 33 horses kept on site at any time."
(See Resolution Book No. 46)

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 *Jaynes v. Pope*; *Butler v. County of Los Angeles*; and *Burgess v. Andrews*, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its counsel to discuss anticipated litigation entitled *Cowell v. County of Shasta*, pursuant to Government Code Section 54956.9, subdivision (b).
3. Confer with its counsel to discuss initiation of litigation entitled *County of Shasta v. Walton and Lang*, and *County of Shasta v. Hill* pursuant to Government Code Section 54956.9, subdivision (c).
4. Confer with its Real Property Negotiators, Agency Negotiators County Administrative Officer H. Douglas Latimer, Public Works Director Patrick Minturn, and Director of Resource Management Russ Mull, to negotiate price and terms of payment to Fannie and

Fred Raatz regarding property at 1803 and 1821 Placer Street, Redding, pursuant to Government Code Section 54956.8.

3:15 p.m.: The Board of Supervisors recessed to Closed Session.

4:10 p.m.: The Board of Supervisors recessed from Closed Session.

4:14 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Cibula, Hawes, Hartman, and Clarke, County Counsel Karen Jahr, and Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Linda Mekelburg present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Karen Jahr reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations.

In the matter of Jaynes v. Pope, the Board of Supervisors, on a unanimous vote, authorized Gary Brickwood to defend the plaintiff's appeal following a defense jury verdict in this case; in the matter of Burgess v. Andrews, the Board of Supervisors, on a unanimous vote, approved the assignment of the defense in this case to the office of Gary Brickwood; in the matter of County of Shasta v. Walton and Lang, the Board of Supervisors, on a unanimous vote, authorized the filing of a small claims action for damages arising from an auto accident; and in the matter of County of Shasta v. Hill, the Board of Supervisors, on unanimous vote, authorized the filing of an action for damages arising from an auto accident.

No other reportable action was taken.

4:16 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy