

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 20, 2007

REGULAR MEETING

9:01 a.m.: Chairman Cibula 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. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
County Counsel - Karen Jahr
Chief Deputy Clerk of the Board - Glenda Tracy
Deputy Clerk of the Board - Nancy Rupert
Deputy Clerk of the Board - Valerie Ibarra

District No. 3 - Supervisor Hawes - Absent

INVOCATION

Invocation was given by Pastor John Yount, Little Country Church.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Cathy Darling, County Clerk/Registrar of Voters.

INTRODUCTIONS

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

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled for discussion the proposed contracts with Public Liquidation Systems, Inc. d.b.a. Nationwide Auction Systems and Gabriella Marquex d.b.a. National Auto Sales d.b.a. Orland Public Auto Auction regarding the auction of surplus vehicles and equipment.

Supervisor Cibula pulled for discussion the proposed agreement with CH2M Hill, Inc. to provide structural review services for the Airport Road at Sacramento River Bridge Project.

CONSENT CALENDAR

By motion made, seconded (Hartman/Baugh), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, (Supervisor Cibula recused on the item for Tract Map No. 1852 based on professional representation), as amended:

Approved and authorized the Chairman to sign the County Claims List totaling \$1,686.28 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on March 13, 2007, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with SouthTech Systems, Inc. in an amount not to exceed \$65,000 to provide an automated campaign finance document filing and tracking system from the date of signing through one year from the implementation of the system. (County Clerk/Elections)

Approved and authorized the Chairman to sign a Memorandum of Understanding with the Association of Public Health Laboratories for Shasta County to test suspected anthrax specimens collected from the U.S. Postal Service at the rate of \$150 per sample tested. (Public Health)

Adopted Resolution No. 2007-25, which summarily abandons a superseded alignment of the fire access road in the Canto de las Lupine subdivision. (Public Works)
(See Resolution Book No. 48)

For Tract Map No. 1908, Timber Ridge (Burney area): for the proposed Timber Ridge Permanent Road Division; adopted Resolution No. 2007-26, which forms the Division; adopted Resolution No. 2007-27, which confirms the annual parcel charge report for Fiscal Year 2007-08; and received the annual parcel charge report; and for the final map, approved the final map for filing, accepted on behalf of the public offers of dedication for public road rights of way, public utility easements, sanitary sewer easements, and slope easements, adopted Resolution No. 2007-28, which consents to but does not accept all offers of dedication for drainage easements, and approved and authorized the Chairman to sign an agreement with David Gilmore guaranteeing workmanship on Kirby Court and Chad Court, and accepted security for maintenance in the amount of \$31,000. (Public Works)
(See Resolution Book No. 48)

Released the security in the amount of \$75,000 for Tract Map No. 1852, Rolland Country Estates (Cottonwood area), guaranteeing maintenance of public improvements. (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

GENERAL GOVERNMENT

SUPPORT SERVICES – PURCHASING DIVISION

CONTRACT: PUBLIC LIQUIDATION SYSTEMS, INC.
d.b.a. NATIONWIDE AUCTION SYSTEMS
AUCTION SURPLUS VEHICLES AND EQUIPMENT

In response to a question by Supervisor Kehoe, Director of Support Services Joann Davis explained that both Public Liquidation Systems, Inc. d.b.a. Nationwide Auction (Nationwide) and Gabriella Marquex d.b.a. National Auto Sales d.b.a. Orland Public Auto Auction (Orland) both responded to the Request for Proposal (RFP) regarding the sale of County vehicles selected to be replaced. She stated that Nationwide provides extended services for larger vehicles, has a

website, and provides transport of vehicles that are sold to another location, while Orland focuses on local sales of vehicles and will handle the vehicles with excessive mileage and those that currently operate poorly.

By motion made, seconded (Kehoe/Baugh), and unanimously carried the Board of Supervisors approved and authorized the Chairman to sign a contract with Public Liquidation Systems, Inc. d.b.a. Nationwide Auction Systems to auction surplus vehicles and equipment from the date of signing through March 20, 2008, with two additional one-year terms in the amount of \$65 per hour for transport of vehicles and equipment 10 percent of the gross sale price. (Support Services-Purchasing Division)

**CONTRACT: GABRIELLA MARQUEX d.b.a. NATIONAL AUTO SALES
d.b.a. ORLAND PUBLIC AUTO AUCTION
AUCTION SURPLUS VEHICLES AND EQUIPMENT**

By motion made, seconded (Kehoe/Baugh), and unanimously carried the Board of Supervisors approved and authorized the Chairman to sign a contract with Gabriella Marquex d.b.a. National Auto Sales d.b.a. Orland Public Auto Auction to auction surplus vehicles and equipment from the date of signing through March 20, 2008, with two additional one-year terms in the amount of \$85 per vehicle or \$70 per hour to transport vehicles and equipment by low-bed trailer \$40 per vehicle or equipment to prepare for sale, and 10 percent of the gross sale price. (Support Services-Purchasing Division)

**AGREEMENT: CH2M HILL, INC.
AIRPORT ROAD AT SACRAMENTO RIVER BRIDGE PROJECT**

In response to questions by Supervisors Cibula and Baugh, Public Works Director Pat Minturn advised that improvements on the Airport Road at Sacramento River Bridge Project will provide four-foot shoulders for bicycle access and pedestrian access on the proposed four-lane bridge. Because the building of the bridge is upstream, the traffic flow will be relatively unaffected.

By motion made, seconded (Hartman/Baugh), and unanimously carried the Board of Supervisors approved and authorized the Chairman to sign an agreement with CH2M Hill, Inc. in an amount not to exceed \$87,000 to provide structural review services for the Airport Road at Sacramento River Bridge Project from the date of signing through December 31, 2008. (Public Works)

REGULAR CALENDAR

ITEMS PULLED FROM REGULAR CALENDAR

Chairman Cibula announced that the item regarding a proposed contract with Law Search Associates, LLC d.b.a. Legal Research Associates, LLC to provide legal research assistance and materials to inmates of the Shasta County Jail was pulled at the request of the department.

BOARD MATTERS

PROCLAMATION: THE WEEK OF THE YOUNG CHILD

By motion made, seconded (Kehoe/Baugh), and unanimously carried the Board of Supervisors adopted a proclamation which designates April 22-28, 2007 as The Week of the Young Child in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees presented an update on specific legislation of importance to Shasta County, including Senate Bill (SB) 119, which will address the current drug treatment gap for youth, effecting drug and alcohol abuse contributing to juvenile incarceration and poor academic performance. By consensus, the Board of Supervisors directed that a letter be sent to Senator Gil Cedillo to support SB 119. Additionally, CAO Lees explained that Shasta Community Health Center (SCHC) is a critical local and regional health resource for the uninsured, under-insured, and special needs residents of our region, and there is a need to raise capital dollars to expand their services to better meet the needs of the community. By consensus, the Board of Supervisors directed that a letter be sent to Senator Feinstein and Congressman Herger to support SCHC as an organization worthy of consideration in the federal appropriations process.

Supervisors reported on issues of countywide interest.

CLERK OF THE BOARD

**MEDICAL MARIJUANA IDENTIFICATION CARD FEE SCHEDULE
ORDINANCE NO. 656**

By motion made, seconded (Kehoe/Hartman), and carried the Board of Supervisors enacted Ordinance No. 656, which repeals Ordinance No. 637 and sets fees to be charged for the processing of Medical Marijuana Identification Cards, as introduced March 6, 2007. Supervisor Baugh voted no as he disagrees with the program as the County is placed in the position of endorsing possession of marijuana which is against federal law, as stated at the March 6, 2007 Board of Supervisors meeting.

(See General Ordinance Book)

SUPPORT SERVICES-HUMAN RESOURCES

BUDGET AMENDMENT

Director of Support Services Joann Davis presented the staff report and advised that the costs of advertisements for recruitments have increased. There is currently a 10 percent vacancy rate. In response to questions by Supervisor Baugh, Ms. Davis stated that 80 percent of applicants for County positions apply online. Due to anticipated upcoming retirements, Ms. Davis and CAO Lees advised of succession planning and the continuity of involvement in job fairs. In response to questions by Supervisor Hartman, Sheriff Tom Bosenko explained that the Sheriff's Office website has a link to the both County Personnel and military websites, and staff also attends job fairs. By motion made, seconded (Baugh/Kehoe), and unanimously carried the Board of Supervisors approved a budget amendment increasing appropriations by \$118,000 to cover the increased costs of recruitment advertising, to be offset by costs applied to other departments.

HEALTH AND HUMAN SERVICES

PUBLIC HEALTH

APPOINTMENTS TO PUBLIC HEALTH ADVISORY BOARD

At the recommendation of Public Health Director Donnell Ewert and by motion made, seconded (Kehoe/Hartman), and unanimously carried the Board of Supervisors reappointed John Coe and Dean Germano and appointed Jim Holdridge to the Public Health Advisory Board (PHAB) as general membership appointees for three-year terms to March 2010.

PHAB Chair Kim Niemer presented the year-end report on the activities of the PHAB and discussed the Healthy Shasta Media Campaign, which is designed to raise awareness in the community of the importance of proper nutrition, fitness, and disaster-preparedness.

Donnell Ewert presented Public Health's strategic plan "Healthy Shasta County 2010," stating that some priorities include information and data regarding the dangers of tobacco use for pregnant women, hazards of noncompliance of seat belt usage, physical inactivity and reduction of obesity, prevention of communicable diseases, family violence prevention, poor nutrition, senior health, alcohol abuse, and suicide prevention. In reply to a question of Supervisors Baugh and Cibula, Mr. Ewert explained there are programs to assist individuals dealing with depression and possibly contemplating suicide. Mr. Ewert also advised of scholarship programs for low-income youth to participate in after-school programs.

LAW AND JUSTICE

SHERIFF

AGREEMENT: LIVESCAN SYSTEMS EQUIPMENT COGENT, INC. BUDGET TRANSFER

Sheriff Tom Bosenko presented the staff report, advising the current fingerprinting equipment has become obsolete. In reply to a question by Supervisor Cibula, Sheriff Bosenko advised that the Remote Access Network (RAN) Board voted unanimously to move forward with the project. Project Integration Specialist Elizabeth Taylor stated that the LiveScan inkless fingerprinting equipment will transmit the fingerprints directly to the Department of Justice in Sacramento, who can confirm the identification of the individual, including possible alias names.

In reply to a question by Supervisor Kehoe regarding a prepayment for maintenance services, Ms. Taylor stated that the vendor stated the County would obtain a lower cost with prepayment. Supervisor Kehoe requested that the figures be provided in future staff reports to assist the members of the Board of Supervisors to make an informed decision.

By motion made, seconded (Kehoe/Baugh), and unanimously carried the Board of Supervisors approved and authorized the Chairman to sign an agreement with Cogent, Inc. in the amount of \$287,862 plus use tax to provide LiveScan Systems equipment, maintenance, and training from the date of signing through March 1, 2008, with one automatic two-year extension; increased appropriations in the amount of \$306,500 to include the cost of the contract plus \$18,638 in associated use tax; recognized \$140,220 in Fiscal Year 2006-07 revenue collected from the California Department of Motor Vehicles (DMV) remote access network assessment from July 1, 2006 through February 28, 2007; approved a budget transfer in the amount of \$166,279 from the DMV designated fund balance; authorized the Auditor-Controller to pay claims for expenses relating to the purchase in accordance with Resolution No. 2005-166 and to

process the transfer of equipment identified in the contract to non-County agencies; authorized prepayment in the amount of \$62,580 for the second and third years of the contract to take advantage of a 3 percent prepayment discount on maintenance charges; and authorized the Purchasing Division to make the purchase in accordance with Administrative Policy 6-101.

SCHEDULED HEARINGS

PUBLIC WORKS

ASSESSOR'S PARCEL NO. 055-370-021 **PROPOSED TRANSFER PARCEL TO** **PACHECO UNION ELEMENTARY SCHOOL DISTRICT**

This was the time set to open the public hearing, to consider a proposed transfer of real property to Pacheco Union Elementary School District (Knighton Road area) of County-owned real property (Assessor's Parcel No. 055-370-021) and be no longer required for County use; to approve an agreement and quit claim deed. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board. Public Works Director Pat Minturn advised that the County no longer has use of the property and Pacheco School could make use of the subject property for parking.

Mr. Minturn presented the staff report and explained that the subject property was originally acquired by Shasta County in connection with the Knighton Road project, used for storage of equipment during the project. It is located north of the Pacheco Elementary School campus. The school is built close to the road, and would like to make use of the piece of land for parking. As the piece of property is no longer of use to the County, it is being recommended that the property be abandoned to the Pacheco Union Elementary School District.

In response to a question by Supervisor Kehoe, Mr. Minturn reported that the County paid approximately \$10,000 to \$11,000. Supervisor Kehoe expressed his opinion that from a business perspective, the County should recover the cost rather than giving the property away.

In reply to a question by Supervisor Kehoe, Mr. Minturn stated that there is no known connection between the proposed property abandonment and the proposed Knighton Road Auto Mall considerations scheduled to be heard by the Board of Supervisors on March 27, 2007. Supervisor Kehoe stated that the parcel mentioned in the staff report is made mention of in the Environmental documents as a buffer between the proposed Auto Mall and the school. Supervisor Kehoe noted that further scrutiny is needed until after the Board of Supervisors has made a decision on the Auto Mall. Mr. Minturn stated that various alternatives are available for the Board of Supervisors; however, Pacheco School has a pressing need because they are proposing to construct a gymnasium, and the property would be useful for parking.

Pacheco Union Elementary School District Superintendent Rich Rose stated that there is a concern over the liability of the current situation as parents drop off their students where traffic congestion causes unsafe pedestrian conditions. Mr. Rose stated the school is not to be moved to a different location, school remodeling is anticipated, and use of the subject property will assist in the traffic issue.

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

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors continued the matter to return to the Board of Supervisors at the April 10, 2007 Board of Supervisors meeting.

CLOSED SESSION ANNOUNCEMENT

Chairman Cibula announced that the Board of Supervisors would recess to a Closed Session to discuss existing litigation entitled Nunnelley v. County of Shasta, pursuant to Government Code section 54956.9(a).

10:47 a.m.: The Board of Supervisors recessed to Closed Session.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

1:30 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Cibula, Hartman, and Baugh, County Administrative Officer Larry Lees, Assistant County Counsel Michael Ralston, Chief Deputy Clerk of the Board Glenda Tracy, Deputy Clerk of the Board Nancy Rupert, and Deputy Clerk of the Board Valerie Ibarra present. Supervisor Hawes was absent.

Assistant County Counsel Michael Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation. By a 4-0 vote, with Supervisor Hawes absent, the Board of Supervisors authorized the law firm of Larry Moss to handle the defense in the matter of Nunnelley v. County of Shasta. No other reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

ZONE AMENDMENT NO. 06-049

KIP AND JUDY RICKEL

BELLA VISTA AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 06-049, Kip and Judy Rickel which would rezone approximately 19.4 acres in the Bella vista area to a Rural Residential combined with a Minimum Lot Area (R-R-BSM) District and to facilitate a three-parcel land division. Associate Planner Lio Salazar 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 proposal, and the public hearing was closed.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 06-049, Kip and Judy Rickel, Bella Vista area:

1. Adopted the CEQA determination of a mitigated negative declaration with the findings as specifically set forth in Planning Commission Resolution No. 2007-011;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2007-011; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 06-049, as requested.

APPEAL OF USE PERMIT NO. 06-023
AMY FAUBION, MOUNTAIN GATE AREA
RESOLUTION NO. 2007-29

This was the time set to conduct a public hearing and consider an appeal of the Planning Commission's denial of Use Permit No. 06-023, Amy Faubion (Mountain Gate area) (proposed dog kennel). The appellant has requested reconsideration. Associate Planner Lio Salazar presented the staff report and recommended denial of the appeal. 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 Appellant Amy Faubion advised that she had had an excessive amount of dogs pursuant to Animal Regulation requirements. In order to become compliant, she gave all dogs but six to animal release groups.

Ms. Faubion stated that she had paid the required fees on July 20, 2006 for a Use Permit Application to operate a dog kennel for 20 to 85 dogs. Her request was denied at the February 8, 2007 Planning Commission meeting.

Ms. Faubion desires approval to raise 20 dogs, with permission to have an additional 20. She stated that neighbors have complained of the excessive noise level due to barking; to which she offered to have the animals debarked. She provided photographs of her property, buildings and facilities. She stated that she will have a separate septic tank installed if required to do so.

In response to a question by Supervisor Kehoe, Assistant County Counsel Mike Ralston advised that at the Board of Supervisors' discretion as the appellant has had a reasonable amount of time to provide the information relative to the appeal, she may be directed to wrap up the information she is providing. Ms. Faubion was directed to summarize the remaining points to be made in approximately three minutes.

Ms. Faubion no longer desires to have a separate building; she would like to change her request for the number of dogs to 7 to 20 dogs for the kennel, with her sister's two pet dogs not to be counted. If the request is declined, she requested a refund of the \$2,400 application fee.

In response to a question by Supervisor Kehoe, Mr. Salazar advised that the Planning Commission made its decision to deny the request for a large commercial kennel under Use Permit No. 06-023, which asked for a 20-to-85 dog capacity.

In response to a question by Supervisor Kehoe, Mr. Ralston stated that the appellant's request to change the number of dogs in the use permit does not change the Planning Commission's decision.

Director of Resource Management Russ Mull stated that the application made for the initial use permit was for 20 to 85 dogs. If the appellant chooses to change the number of dogs, she may apply for a new application.

Shasta Kennel Club Board of Directors member Charles Stockham stated that he has experience with proper care of dogs and proper breeder care and responsibilities and opposed to the issuance of a kennel license to Ms. Faubion.

Kristi Schaible, a property owner adjacent to the Faubion property, advised that Ms. Faubion has operated a kennel without a permit and she has stated that she was aware of requirements and failed to meet those requirements; she opposed the issuance of the requested permit.

Janie Hopper opposed Ms. Faubion's acquisition of a permit, as the Environmental Health Department has provided information that no building permit for the kennel has been provided. She requested an environmental health study be performed to assure that the operation of a kennel facility would meet the required water/feces runoff and assure that the groundwater is not contaminated.

Spay/Neuter Intermountain Pets & Pet Placement (SNIPP) President Suzanne Kane and Another Chance Rescue representative Sandy Shelby opposed the use permit, citing examples of the lack of appropriate health care provided to the animals.

Bella Vista Farms Animal Sanctuary/Rescue representative Chic Miller opposed the use permit because of apparent inhumane treatment of animals at the Faubion facility.

Pets without Partners Animal Rescue representative Laura Rathe presented to the Board of Supervisors an online petition called "No Puppy Mills in Shasta County," which had 1,324 individuals opposed to puppy mills.

Association of Pet Dog Trainers member Chere McMillan opposed the appeal and provided information regarding poor breeding techniques and the results that occur. Debarking, as suggested by Ms. Faubion, will destroy dogs' ability to socialize properly and become good pets.

Curt Espenschied, a neighbor of Ms. Faubion, opposed the appeal.

Lee Sherman is a contractor and has visited the Faubion facility. The animal cages were small, and the odor was severe. He said that Shasta County courts have ruled against her in a dispute filed by a neighbor regarding the noise and smell in the area. He opposed the appeal.

Bob Gambrell and Roberta Wilder opposed the appeal.

Martha Wagner, a neighbor of Ms. Faubion, opposed the appeal as the sewage from the kennel goes into two seasonal creeks. Ms. Wagner has had vocal cord surgery and objects to Ms. Faubion debarking the dogs; however, there is excessive noise from the barking.

Mark Havsgaard, a neighbor of Ms. Faubion, opposed the appeal, noting that he filed a complaint in January 2007 against Ms. Faubion regarding the allowable maximum number of puppies and won a judgment in Small Claims Court. He recently counted 68 dogs in the kennel area.

Cynthia Havsgaard, a neighbor of Ms. Faubion, opposed the use permit, citing consistent barking of dogs.

Rebekah Ham, a former renter next to the Faubion property, opposed the use permit, citing excessive odors from the Faubion facility.

Ms. Faubion admitted to over-breeding and said she will not do it again. She said she tests for disorders. She has contacted the Planning Division and decreased the number of dogs she is requesting permission to raise. She unable to pay the funds for a use permit for a kennel and requested a refund of the \$2,400 if the appeal is not granted.

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

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-29, which denies the appeal and upholds the denial by the Planning Commission of Use Permit No. 06-023, Amy and Yvonne Faubion, Mountain Gate area.

(See Resolution Book No. 48)

3:37 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy