

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 23, 2007

REGULAR MEETING

9:00 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. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
County Counsel - Karen Jahr
Deputy Clerk of the Board - Valerie Ibarra
Deputy Clerk of the Board - Diane Colson

INVOCATION

Invocation was given by Pastor Pauline Bowen, Trinity United Methodist Church.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Chief Deputy Clerk of the Board Glenda Tracy.

INTRODUCTIONS

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

PUBLIC COMMENT PERIOD - OPEN TIME

Mary Lou Davies, Linda Soliniuk, and Cliff Schrader spoke in opposition to the proposed site for the adult offender reentry facility.

Sheriff Tom Bosenko provided an update of a recent job recruitment fair held at the Mt. Shasta Mall.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Cibula announced that the item regarding the proposed appointment to Fall River Mills Fire Protection District was pulled at the request of the department.

Supervisor Baugh pulled for discussion the items regarding the proposed longevity salary stipend to non-executive, unrepresented management employees and the proposed job classification transfers in the Probation Department.

CONSENT CALENDAR

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended (Supervisor Cibula recused on the Courthouse Annex Remodel Project based on real property holdings.):

Approved the minutes of the meeting held on October 16, 2007, as submitted. (Clerk of the Board)

Appointed Shawn Kreps to the Anderson-Cottonwood Irrigation District Board of Directors for a four-year term to December 2011. (Clerk of the Board)

Approved and authorized the Chairman to sign a Declaration of Intent notifying the California Department of Health Services (DHS) of the County's intent not to apply for Fiscal Year 2007-08 Emergency Medical Services Appropriation Program funding in favor of continuing DHS's disbursement of funds directly to area hospitals and physicians for a portion of their indigent medical care costs. (Public Health)

Authorized the Chairman to accept and the Sheriff to administer the Anti-Drug Abuse Program grant from the California Office of Emergency Services in the amount of \$142,499 to continue funding the Shasta Interagency Narcotics Task Force from July 1, 2007 through June 30, 2008; and authorized the Auditor-Controller to pay claims for expenses related to the program. (Sheriff)

Authorized the use of a County-owned Ford Crown Victoria by the Sheriff's Office Citizens' Volunteer Patrol (CVP) in Happy Valley under the conditions that the vehicle will not be included in the County replacement program, fuel and maintenance costs for the vehicle will be paid by the CVP, and semi-annual \$75 safety inspection costs will be paid by the Sheriff's Office. (Sheriff/Support Services-Fleet Management Division)

Approved and authorized the Chairman to sign an agreement with Wendell Green in the amount of \$175 per month for the first year, \$180 per month for the second year, and \$185 per month for the third year to lease Aircraft Hangar No. 7 at the Fall River Mills Airport from the date of signing through October 22, 2010. (Public Works)

Approved a budget amendment in the amount of \$36,924 transferring appropriations from the Trial Courts budget to the Land Buildings and Improvements budget for the Courthouse Annex Remodel Project. (Public Works)

Released the securities guaranteeing maintenance of public improvements in the amount of \$15,000 for Tract Map No. 1895, Diamond Ridge Estates subdivision (west Redding area). (Public Works)

For the proposed Tract Map No. 1910, Sterling Ranch, Phase 1 Permanent Road Division (west Shingletown area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for December 11, 2007 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

Approved and authorized the Chairman to sign an agreement with the California Office of Emergency Services to accept temporary transfer of one 2007 HME Westates Type I fire engine to the Shasta County Fire Department effective August 24, 2007. (County Fire)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

UNREPRESENTED MANAGEMENT EMPLOYEES LONGEVITY SALARY STIPEND

PERSONNEL RULES

RESOLUTION NO. 2007-121

In response to a question by Supervisor Baugh, Director of Support Services Joann Davis explained that there are nine employees who would immediately benefit from the proposed longevity benefit. By motion made, seconded (Baugh/Hawes), and carried, the Board of Supervisors adopted Resolution No. 2007-121, which adds Section 16.23 to the *Personnel Rules* to extend to non-executive, unrepresented management employees the 5 percent longevity salary stipend after 20 years currently provided to represented management, effective October 28, 2007. Supervisor Kehoe voted no. (Support Services-Human Resources Division)

(See Resolution Book No. 48)

JUVENILE HALL SUPERVISING GROUP COUNSELOR

SALARY RESOLUTION NO. 1341

In response to a question by Supervisor Baugh, Chief Probation Officer Brian Richart explained the request to move the Supervising Group Counselor position to Juvenile Hall would provide 24-hour coverage and improve oversight during the graveyard shift. By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1341, which transfers one Supervising Group Counselor from the Probation budget to the Juvenile Hall budget, effective October 28, 2007. (Probation)

(See Salary Resolution Book)

REGULAR CALENDAR

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 the Governor's approval of SB 959 (Romero), Involuntary Home Detention, which will have a financial impact on Shasta County.

Supervisors reported on issues of countywide interest.

COUNTY CLERK/ELECTIONS

VOTING BOOTHS PURCHASE

County Clerk/Registrar of Voters Cathy Darling presented the staff report, displayed one of the proposed collapsible voting booths, and recommended approval of the purchase. In response to questions by supervisors, Ms. Darling explained that all previous voting booths were surplused once the previous Secretary of State certified the use of electronic voting booths. Now, due to the current California Secretary of State's decertification of electronic voting booths, collapsible voting booths must be purchased prior to the next election.

Supervisor Baugh voiced his disappointment in the Secretary of State's new direction to discontinue use of the electronic voting booths.

In response to a question by Supervisor Cibula, Ms. Darling agreed to have the electronic voting booth contract reviewed by County Counsel to determine if any recourse may be taken.

By motion made, seconded (Hawes/Kehoe), and carried, the Board of Supervisors authorized the purchase of 500 Model 200S Voting Booths from Election Data Direct in the amount of \$73,232.77; authorized the Purchasing Division to issue an appropriate purchase order; authorized the Auditor-Controller to pay related claims, and directed that the electronic voting booths contract be reviewed by County Counsel to determine if any recourse action may be taken. Supervisor Baugh voted no as electronic voting booths are available to use and have previously proven to be accurate.

AGREEMENT: CALIFORNIA SECRETARY OF STATE
HELP AMERICA VOTE ACT OF 2002 REIMBURSEMENT
BUDGET AMENDMENT
RESOLUTION NO. 2007-122

At the recommendation of County Clerk/Registrar of Voters Cathy Darling and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-122, which approves and authorizes the Chairman to sign an agreement with the California Secretary of State in the amount of \$504,546.62 to reimburse the County of Shasta for funds expended for the Help America Vote Act of 2002 (HAVA) Section 301 Voting Systems Program for the period October 15, 2007 (or date of approval by the California Department of General Services, if required, whichever is later) through December 31, 2010; approved a budget amendment increasing appropriations and revenue by \$504,546.62 in the Elections budget; and authorized the Auditor-Controller to pay related claims.
(See Resolution Book No. 48)

HEALTH AND HUMAN SERVICES

SOCIAL SERVICES

AGREEMENT: CHANGED LIVES, INC. D.B.A. KRISTA FOSTER HOMES
FOSTER YOUTH TRANSITIONAL HOUSING PLACEMENT PROGRAM

Director of Social Services Jane Work presented the staff report and recommended approval of the agreement. In response to questions by Supervisor Kehoe, Health and Human Services Administration Branch Director Leanne Link explained that the State of California now requires a formal agreement and will no longer accept a letter of agreement. Ms. Link and Ms. Work agreed to provide the Board of Supervisors with historical contract information between Shasta County and Krista Foster Homes and why a Request for Proposals was not opened to contractors outside Shasta County.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Changed Lives, Inc. d.b.a. Krista Foster Homes in an amount not to exceed \$172,800 to provide a transitional housing placement program for foster youth from the date of signing through June 30, 2008.

PUBLIC WORKS

MENTAL HEALTH RE-ROOF AND CASCADE OFFICE BUILDING RE-ROOF PROJECTS BUDGET TRANSFER

Public Works Director Pat Minturn presented the staff report and recommended approval of the budget transfer. In response to questions by supervisors, Mr. Minturn, Public Works Staff Services Manager Ken Cristobal, and CAO Lees provided an overview of fixed asset accounts and stated the balance in the Accumulated Capitol Outlay budget after the transfer is \$9,000,000.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors approved a budget transfer in the amount of \$1,000,000 from Accumulated Capital Outlay to the Land Buildings and Improvements budget for the Mental Health Re-roof (\$600,000) and Cascade Office Building Re-roof Projects (\$400,000).

SCHEDULED HEARINGS

PUBLIC WORKS

JOINT EXERCISE OF POWERS AGREEMENT: CALIFORNIA MUNICIPAL FINANCE AUTHORITY RESOLUTION NOS. 2007-123 AND 2007-124

This was the time set to conduct a public hearing to consider approving the issuance of bonds to Waste Management, Inc. to finance refuse collection and disposal facilities statewide, including improvements to the Anderson Landfill, Anderson-Cottonwood Disposal, and other local facilities owned by Waste Management, Inc. Director of Public Works Pat Minturn presented the staff report and recommended approval of the project. The Notice of Public Hearing and Affidavit of Publication are on file with the Clerk of the Board.

In response to questions by Supervisor Kehoe, Mr. Minturn confirmed that County Counsel had reviewed the agreement.

In response to questions by Supervisor Kehoe, Waste Management, Inc. District Manager Matt Fryer confirmed that all complaints are addressed, and recycling bins are provided to all residents.

In response to a question by Supervisor Baugh, California Municipal Finance Authority (CMFA) representative Lee McCormick discussed CMFA's bond issuance policy to companies.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-123, which approves and authorizes the Chairman to sign a Joint Exercise of Powers Agreement to make Shasta County a member of the California Municipal Finance Authority.

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

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-124, which approves the issuance of tax-exempt revenue bonds by the California Municipal Finance Authority in an amount not to exceed \$225 million to allow Waste Management, Inc. to finance refuse collection and disposal facilities statewide, including improvements to the Anderson Landfill, Anderson-Cottonwood Disposal, and other local facilities owned by Waste Management, Inc.

(See Resolution Book No. 48)

10:38 a.m.: The Board of Supervisors recessed.

10:46 a.m.: The Board of Supervisors reconvened.

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 07-016 **STONE CREEK INVESTORS, LLC** **MILLVILLE AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone-Amendment No. 07-016, Stone Creek Investors, LLC, which would rezone approximately 148 acres in the Millville area from a Limited Agriculture District combined with a Mobile Home and 40-Acre Minimum Lot Area District (A-1-T-BA-40) to a Limited Agriculture District combined with a Building Site Minimum District (A-1-BSM) over the northern portion of the site and an amendment to a Limited Agriculture District combined with a 40-Acre Minimum Lot Area District (A-1-BA-40) over the southern portion of the site. Associate Planner Lio Salazar presented the staff report and recommended approval of the project. 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 proposal, and the public hearing was closed.

By motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-016, Stone Creek Investors, LLC, Millville area:

1. Adopted the California Environment Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2007-013;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2007-013;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-016, as requested.

ZONE AMENDMENT NO. 07-019
WAYNE ZACHOW
COTTONWOOD AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 07-019, Wayne Zachow, which would rezone approximately 45 acres in the Cottonwood area from a Limited Agriculture combined with a 40-acre Minimum Lot Area (A-1-BA-40) District to a Limited Agriculture (A-1) District and from a Limited Residential combined with a 40-acre Minimum Lot Area (RL-BA-40) District to a Limited Residential (R-L) District. Senior Planner Lisa Lozier presented the staff report and recommended approval of the project. 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 proposal, and the public hearing was closed.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-019, Wayne Zachow, Millville area:

1. Adopted the California Environment Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2007-110;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2007-110;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-019, as requested.

PARTIAL WILLIAMSON ACT NONRENEWAL NO. 2007-02
DENNIS JACOBSON
RESOLUTION NO. 2007-125

This was the time set to consider the request of Dennis Jacobson to nonrenew a portion of a Williamson Act Contract for a 5-acre portion of 434 acres in the Fall River Mills area. Associate Planner Lio Salazar presented the staff report and recommended approval of Mr. Jacobson's request to file Notice of Nonrenewal No. 2007-02. The Notice of Public Hearing and Affidavit of Posting are on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-125, which authorizes the filing of Notice of Nonrenewal No. 2007-02, Jacobsen (Fall River Mills area) for a 5-acre portion of a 434-acre Williamson Act contract, subject to certain findings.

(See Resolution Book No. 48)

PARTIAL IMMEDIATE CANCELLATION NO. 2007-03C
SANDY AND DAVID DUBOSE
RESOLUTION NOS. 2007-126 AND 2007-127

This was the time set to consider the request of Sandy and David Dubose to cancel a portion of the Williamson Act Contract for 14 acres of a 276-acre ranch in the Cottonwood area. Associate Planner Lio Salazar presented the staff report and recommended approval of the Dubose's request to file Partial Immediate Cancellation No. 2007-03C. He explained that the acreage withdrawn from the contract will be used for a charter school. The Notice of Hearing and the Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time Chrysalis Charter School Administrator Paul Krafel stated all efforts to minimize noise and traffic have been taken.

Adjacent neighbors Nancy Speck and Ken Willing expressed their concerns regarding the school site causing additional traffic on a narrow road.

Shasta County Superintendent of Schools Tom Armelino discussed the efforts of Chrysalis Charter School to keep the student enrollment small and stated the school is looking into the provision of transportation for students.

Sandy Dubose stated the land was donated to the school along with a required easement.

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

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-126, which authorizes partial nonrenewal of a Williamson Act contract; and adopted Resolution No. 2007-127, which certifies the cancellation fee of \$16,250, and approves tentative cancellation of a portion of the Williamson Act contract for 14.11 acres of a 276-acre ranch, subject to certain findings.

(See Resolution Book No. 48)

PARTIAL IMMEDIATE CANCELLATION NO. 2007-01C
DAVID AND ANDREA SCOTT
RESOLUTION NOS. 2007-128 AND 2007-129

This was the time set to consider the request of David and Andrea Scott to cancel a portion of the Williamson Act Contract for 52 acres of a 520-acre ranch in the Igo area. Associate Planner Lio Salazar presented the staff report and recommended approval of the Scott's request to file Partial Immediate Cancellation No. 2007-03C. He stated the Scotts wish to use the land for a single-family residence, which would not hinder the agricultural production of the remaining portion of the land. The Notice of Hearing and Affidavit of Posting are on file with the Clerk of the Board.

The public hearing was opened, at which time David Scott stated he is available for questions.

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

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-128, which authorizes partial nonrenewal of a Williamson Act contract; and adopted Resolution No. 2007-129, which certifies the cancellation fee of \$31,875, and approves tentative cancellation of a portion of the Williamson Act contract for 52 acres of a 520-acre ranch, subject to certain findings.

(See Resolution Book No. 48)

CLOSED SESSION ANNOUNCEMENT

Chairman Cibula 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 Pinkston v. State of California, et al., pursuant to Government Code section 54956.9(a); and
2. Confer with its Real Property Negotiator Larry Lees and California Administrative Office of the Courts to negotiate price and terms of payment regarding a portion of property at 1525 Court Street and the Oregon Street parking lot; a portion of property at

1654 Court Street and the adjacent parking lot; and a portion of property at 1958 Placer Street and the adjacent parking lot.

Chairman Cibula also announced that he will recuse on the real property negotiations based on personal real property holdings in the immediate vicinity and existing business.

11:26 a.m.: Chairman Cibula handed the gavel to Vice Chairman Hartman, and left the chambers. Vice Chairman Hartman presided, and the Board of Supervisors recessed to Closed Session.

11:30 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Hawes, Hartman, and Baugh, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, and Deputy Clerks of the Board Valerie Ibarra and Diane Colson present.

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as real property negotiations. By a unanimous vote, with Supervisor Cibula recusing, the Board of Supervisors authorized the referral of this matter to the law firm of Gary Brickwood. No other reportable action was taken.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE

LETTER TO ADMINISTRATIVE OFFICE OF THE COURTS POSSIBLE DONATION OF LAND FOR A NEW COURT FACILITY

CAO Lees provided an overview of previous actions and discussions by the Board of Supervisors regarding a new location for a court facility, confirmed that the County did offer land for a courthouse in March 2007, and displayed a map of the three proposed locations.

District Attorney Jerry Benito stated that a site near his office is preferred as it would allow staff to travel to the courthouse daily to pick up and drop off documents, attend hearings, and would provide a safe and comfortable location to house victims testifying. Mr. Benito called attention to the fact that a location across town would require employees to drive a longer distance; therefore, County budget will be adversely impacted by additional mileage reimbursement and/or use of County vehicles.

Sheriff Tom Bosenko stated the proposed sites close to the jail are preferred for inmate transportation and traffic.

Public Defender Neal Pereira stated a location in the outlying area would impede business in that it will be more difficult for clients to arrange transportation, and attorneys would not be able to return to the office during breaks to research or consult other staff. Mr. Pereira also pointed out that court staff often contacts the Public Defender's office to request an attorney to consult a witness during a proceeding, and being located nearby allows for a quick response.

California Administrative Office of the Courts Chief Fiscal Officer Ray Tickner thanked the Board of Supervisors for their support in offering several properties, demonstrating to the Administrative Office of the Court that Shasta County is very interested in a new courthouse.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Vice Chair to sign a letter to the Administrative Office of the Courts regarding the County's willingness to provide land for a Court Facility at any of the following locations:

1. 1525 Court Street;
2. 1654 Court Street; and
3. 1958 Placer Street.

12:53 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy