

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, January 15, 2008

REGULAR MEETING

9:01a.m.: Chairman Hartman 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
 Chief Deputy Clerk of the Board - Glenda Tracy
 Deputy Clerk of the Board - Diane Colson

INVOCATION

Invocation was given by Pastor Dan Eckley, Anderson/Cottonwood Neighborhood Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Elin Klaseen stated the reentry facility proposal is due on March 18, 2008. Department of Corrections and Rehabilitation will be present at public forums on January 23 and 24, 2008. Of ten north-state counties, only Shasta County signed the cooperative agreement to consider pursuing a reentry facility. Architects have stated that the facility needs to have access to public transportation and low-income housing for the sake of parolees.

BOARD MATTERS

JANUARY 2008 EMPLOYEE OF THE MONTH
DEPUTY SHERIFF BRIAN JACKSON
RESOLUTION NO. 2008-006

At the recommendation of (Sheriff Tom Bosenko) and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-006, which recognizes Deputy Sheriff Brian Jackson as Shasta County's January 2008 Employee of the Month.

(See Resolution Book No. 49)

PROCLAMATION: NATIONAL MENTORING MONTH

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates January 2008 as National Mentoring Month in Shasta County. PlusONE Program Director Cara Sabalow stated PlusONE currently has 105 mentor/mentee matches and have 60 young men and women waiting for mentors. She expressed appreciation and urged the members of the community to consider becoming a volunteer mentor.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Baugh pulled for discussion the item regarding the annual report of petty cash shortage reimbursements, and Supervisor Kehoe pulled for discussion the item regarding the proposed agreement with Hill Country Community Clinic and the proposed construction of the Clair Engle Park Band Shell. (Public Works)

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign the County Claims List totaling \$73.71 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on January 8, 2008, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1971, which approves Zone Amendment No. 07-019, Zachow (Cottonwood area), as introduced October 23, 2007. (Clerk of the Board)
(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1972, which approves Zone Amendment No. 07-012, Hartgraves (Cottonwood area), as introduced December 18, 2007. (Clerk of the Board)
(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1973, which approves Zone Amendment No. 07-026, Jacobsen (Glenburn area), as introduced December 18, 2007. (Clerk of the Board)
(See Zoning Ordinance Book)

Reappointed James T. Hull to the Assessment Appeals Board for a three-year term to September 2010. (Clerk of the Board)

Reappointed Sam Major and Chris Kutras and appointed Jean Littleton, Jim McDilda, and Patrick Wallner to the Economic Development Corporation for two-year terms to January 2010. (Clerk of the Board)

Reappointed Social Services Deputy Director Barbara Howell to the Shasta Children and Families First Commission for a one-year term to January 2009. (Clerk of the Board)

Approved and authorized the Chairman to sign an amendment to the agreement with Abbott & Kinderman, LLP increasing hourly fees to provide land use law representation. (County Counsel)

Reappointed Neal Pereira (as recommended by the Shasta County Public Law Library Board of Trustees) and William L. Meek (as recommended by Chairman Hartman) to the Law Library Board of Trustees for one-year terms to January 2009. (Law Library)

Adopted Resolution No. 2008-007, which approves and authorizes the Chairman to sign and submit a Community Services Block Grant (CSBG) agreement with the California Department of Community Services and Development in the amount of \$32,337 and any subsequent amendments for the period January 1, 2008 through December 31, 2009 to provide services to persons living in poverty; and approves and authorizes the Director of Housing and Community Action Programs to sign the CSBG certifications and reports. (Housing and Community Action Programs)

(See Resolution Book No. 49)

For the Redding Veterans Hall Restroom Project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and directed the Public Works Director to advertise for bids; and authorized opening of bids on or after February 28, 2008 at 11:00 a.m. (Public Works)

Approved a budget amendment which transfers \$35,000 between line items within the Roads budget for relocation of the Soils Lab. (Public Works)

Adopted Resolution No. 2008-008, which approves and authorizes the Chairman to sign a grant agreement with California Department of Forestry and Fire Protection, Volunteer Fire Assistance Program in the amount of \$9,990 from the date of signing through August 31, 2008 to provide 20 handi-talkies for volunteer fire companies. (County Fire)

(See Resolution Book No. 49)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

ANNUAL REPORT OF PETTY CASH SHORTAGE FISCAL YEAR 2006-07

In response to questions by Supervisor Baugh, Auditor-Controller Connie Regnell stated that the annual report regarding any shortages is required by law. No fraud or negligence was found; it was an error in reporting past transactions. Recommendations were given to the departments involved to endeavor to have error-proof reporting in the future. District Attorney Jerry Benito stated that the errors discovered had been brought to his attention by his staff and had occurred before he took office. By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors accepted the annual report of petty cash shortage reimbursements in the amount of \$405.75 for Fiscal Year 2006-07. (Auditor-Controller)

HILL COUNTRY COMMUNITY CLINIC MENTAL HEALTH WELLNESS AND RECOVERY SERVICES

In response to questions by Supervisor Kehoe, Director of Mental Health Dr. Mark Montgomery advised program services will be available to any Shasta County resident at any of the wellness clinics. By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Hill Country Community Clinic in the amount of \$235,854 to provide mental health wellness and recovery services from the date of signing through June 30, 2009. (Mental Health)

CLAIR ENGLE PARK BAND SHELL PROJECT RESOLUTION NO. 2008-009

In response to questions by Supervisor Kehoe, Director of Public Works Pat Minturn stated that Shasta County received \$616,000 from a park bond passed in 2000. Funds were allocated to various projects throughout the County, including the construction of a band shell in

the City of Shasta Lake. Approximately \$100,000 was used to assist small communities to care for parks to be done by non-profit groups.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-009, which authorizes the use of California Per Capita Grant Program funds to construct the Clair Engle Park Band Shell; approved and authorized the Chairman to sign an agreement with the City of Shasta Lake in an amount not to exceed \$78,000 to construct the band shell and maintain land tenure rights from the date of signing through March 1, 2018, with ten optional one-year renewals; found the project categorically exempt with the California Environmental Quality Act (CEQA); approved plans and specifications and direct the Public Works Director to advertise for bids, pending final approval of the project application by the California Department of Parks and Recreation; and authorized the opening of bids on or after February 21, 2008 at 11:00 a.m. (Public Works)

(See Resolution Book No. 49)

REGULAR CALENDAR

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees had no report.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

SHASTA METRO ENTERPRISE ZONE

BOUNDARY MODIFICATIONS

RESOLUTION NOS. 2008-010 AND 2008-011

Administrative Analyst Angela Richardson requested County Counsel Karen Jahr to explain the Political Reform Act in reference to the two agenda items before the Board of Supervisors that concern the Shasta Metro Enterprise Zone (Zone). Ms. Jahr stated that all members of the Board of Supervisors have indicated that they have one or more financial interests within the Zone. Ordinarily, each member with a financial interest would need to recuse; however, the two matters on the agenda that affect the Zone could not be considered by the Board of Supervisors if three or more members recused. The Political Reform Act allows a member who has an interest to vote if the "public generally exception" applies. If a member's interests are affected in the same manner as a specified number of members of the general public, then that member may vote. The Fair Political Practices Commission (FPPC) requires that a statistical analysis be conducted to determine if the exception applies. The three types of financial interests which Board members appear to have within the Zone are a source of income, an interest in a business entity, and an interest in real property.

In the matter of sources of income, the exception applies if there are over 5,000 residents in the Zone. The City of Redding has advised that there are over 14,000 residents; therefore, the exception applies, and members of the Board of Supervisors may vote on the two agenda items.

With regard to a business entity, the exception applies if there are 2,000 businesses within the Zone or 25 percent of all businesses entities are within the zone. County staff has advised that over 50 percent of all business entities in Shasta County are in the Zone; therefore, if a

member of the Board of Supervisors has an interest in a business in the Zone, the exception applies, and the member may vote.

If a member of the Board of Supervisors owns real property within the Zone itself, or within 500 feet of the Zone, the exception applies if 10 percent or more of all property owners in the County or 5,000 property owners are within the Zone. Ms. Jahr noted that the County's Global Information System (GIS) indicates that there over 11,000 parcels within the Zone, but does not specify the number of individual property owners. Therefore, there is insufficient data to determine if the "public generally exception" would apply.

Ms. Jahr advised that if the members of the Board of Supervisors chose to request a written letter of advice from the FPPC regarding the application of the exception, the matters to be heard regarding the Zone would need to be put over for two months. This would allow time for the FPPC to provide an analysis; the FPPC's conclusion that the exception applies would protect the members of the Board of Supervisors from prosecution.

As the information provided regarding property interests is not specific enough to invoke, the public generally exception, Ms. Jahr warned against relying on that exception to preserve a quorum. She said that another exception, called the "legally required participation rule," allows government to take action on matters that would otherwise be impossible to consider because of the recusals of a quorum or more of the Board. A random selection process may be used to determine three members to remain in the room to vote on the matter.

Ms. Jahr explained that under the rule, each member of the Board of Supervisors must disclose all of his or her financial interests located within the Zone, including addresses of any businesses or real property owned, excluding home addresses. All five members of the Board of Supervisors would then "draw straws." Two members would leave the room, three would remain and consider the two matters regarding the Zone, and then the two recused members would return to the room.

Each Supervisor declared his or her interest of real property and other financial interests within the Zone.

Supervisor Mark Cibula stated that he owns a business at 1743 Tehama Street, Redding and a number of parcels of real property at Court and Shasta Streets, (one of which is 1300 Court Street).

Supervisor Hawes stated that he owns property at Section 25, Range 3W, Township 31N, which is one mile of the western border of the Zone.

Chairman Hartman stated that she owns a business and residence at 13570 Lake Boulevard, Shasta Lake.

Supervisor Baugh stated he owns property at 1871 North Street, Anderson; serves as President of the nonprofit Anderson Community, Inc. at 3005 West Center Street, Anderson; co-owns a small shopping center at 1556 Hartnell, Redding; co-owns a business at 1556C Hartnell Avenue, Redding; and co-owns a warehouse and business at 1655 Hartnell Avenue, Redding.

Supervisor Kehoe stated that he owns a personal residence on Orange Avenue in Redding.

Chief Deputy Clerk of the Board Glenda Tracy presented slips of paper for each supervisor to draw, two of which had the word "recuse" printed on them. Each supervisor drew a slip.

9:30 a.m.: Supervisors Baugh and Hawes drew the slips that read "RECUSE" and left the room.

Administrative Analyst Angela Richardson presented the staff report, advising that the final approval of a new Shasta Metro Enterprise Zone, with slight boundary amendments, together with a Targeted Employment Area designation, will provide incentives for businesses for investment and job creation. Similar actions are scheduled to be taken at meetings of the City Councils of Redding, Anderson, and Shasta Lake.

By motion made, seconded (Kehoe/Cibula), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-010, which approves a modification of the boundaries of the Shasta Metro Enterprise Zone; and adopted Resolution No. 2008-011, which approves the boundaries of the Targeted Employment Area as the application for the Shasta Metro Enterprise Zone.

(See Resolution Book No. 49)

SCHEDULED HEARINGS

PUBLIC WORKS

SHASTA METRO ENTERPRISE ZONE ENVIRONMENTAL IMPACT REPORT RESOLUTION NO. 2008-012

This was the time set to conduct a public hearing and consider the Environmental Impact Report (EIR) for the Shasta Metro Enterprise Zone. Chief Public Works Planner Dan Little presented the board report and advised that there was no public comment received following the circulation of the EIR. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

In response to questions by Supervisor Cibula, Mr. Little stated that this is the least controversial EIR he has ever worked on, yet the issues to be considered were any impact that would occur because of possible business growth which might entail traffic and congestion impacts and air quality impacts. There were no findings of mitigated impacts.

Supervisor Kehoe asked what the concept “smart growth,” as listed under Project Objectives, entails.

In response to questions by Supervisor Kehoe, Mr. Little stated that in the context of CEQA, under the Farmland Protection Policy Act, the zoning of the property is considered. If the farmland has suitable soils, it would continue to be used as farmland.

Economic Development Corporation President Greg O’Sullivan stated if agriculture was to be included in the Enterprise Zone, assurance of conforming boundaries and uninterrupted farmland usage is necessary. He advised the definition of “smart growth” is good land use practices and business development in a fashionable way that is environmentally acceptable.

In response to questions by Supervisor Kehoe, Ms. Richardson stated that the boundaries specifically include the bottomland and the intersection that had previously been discussed for an auto mall and a portion of the land is zoned Agriculture.

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

By motion made, seconded (Cibula/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-012, which certifies and approves the Environmental Impact Report (EIR) for the Shasta Metro Enterprise Zone; and directed staff to submit the document to the California Department of Housing and Community Development, Division of Community Affairs as required for final approval of the Shasta Metro Enterprise Zone Project.

(See Resolution Book No. 49)

10:13 a.m.: Supervisors Baugh and Hawes returned to the Chambers.

TRACT MAP NO. 1921
HONEYBEE ACRES, PHASE I
SOUTH REDDING
RESOLUTION NOS. 2008-013 AND 2008-014

This was the time set to conduct a public hearing regarding Tract Map No. 1921, Honeybee Acres, Phase 1 subdivision (south Redding area) for the proposed Honeybee Acres, Phase 1 Permanent Road Division. Supervising Engineer Al Cathey 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 matter, and the public hearing was closed.

Mr. Cathey requested the Clerk to tabulate the ballots and announce the results of the vote on the formation of the permanent road division as required by Proposition 218; the vote was as follows:

FOR:	1
AGAINST:	0
BLANK BALLOTS:	0

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Tract Map No. 1921, Honeybee Acres, Phase 1 subdivision (south Redding area):

1. For the proposed Honeybee Acres, Phase 1 Permanent Road Division:
 - a. Adopted Resolution No. 2008-013, which forms the Division;
 - b. Adopted Resolution No. 2008-014, which confirms the annual parcel charge report for Fiscal Year 2008-09;
 - c. Received the annual parcel charge report; and
2. For the final map:
 - a. Approved the final map for filing;
 - b. Accepted on behalf of the public offers of dedication for public road rights of way and public utility easements; and
 - c. Approved and authorized the Chairman to sign an agreement with Donald Lamb guaranteeing workmanship on Lamb Lane accepting security for maintenance in the amount of \$23,800.

(See Resolution Book No. 49)

CLOSED SESSION ANNOUNCEMENT

Chairman Hartman announced that the Board of Supervisors would recess to a Closed Session to confer with its Labor Negotiators, County Administrative Officer Larry Lees, 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.

10:15 a.m.: The Board of Supervisors recessed to Closed Session.

11:15 a.m.: The Board of Supervisors recessed from Closed Session.

AFTERNOON CALENDAR

1:32 p.m.: The Board of Supervisors reconvened in Open Session with all supervisors, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board 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 labor negotiations; however, no reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

WOODFILL DEVELOPMENT, INC.
IGO RURAL COMMUNITY CENTER AREA
ZONE AMENDMENT NO. 06-041
TRACT MAP NO. 1955

This was the time set to conduct a public hearing regarding the appeal of Zone Amendment No. 06-041 and Tract Map No. 1955, Woodfill Development, Inc. (Igo Rural Community Center area) by Ursula A. Guderian. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Supervisor Cibula disclosed that he had had a telephone conversation with appellant Ursula Guderian and discussion involved the material that is public record.

Senior Planner Lisa Lozier presented the staff report and recommended denial of the appeal of Zone Amendment No. 06-041 and Tract Map No. 1955, Woodfill Development, Inc. (Igo Rural Community Center area). She stated that the requested zone amendment was for an eight-parcel land division, resulting in parcels with a minimum of five acres each. The Planning Commission approved Tract Map No. 1955 on December 13, 2007, and recommended the Board of Supervisors approve Zone Amendment No. 06-041. The appeal identified issues concerning availability of water. A hydrogeologic analysis performed in March 2007 concluded that project wells would not interfere with neighboring wells. The analysis was accepted since below-normal annual rainfall at the time of the tests would show a worst-case analysis.

In reply to questions by Supervisor Baugh, Environmental Health Division Manager Jim Smith stated that in the past the well logs for the community have been reviewed. Policy will be revised to have testing done in the dry months of August, September, and October.

A March 2007 test showed that there was no affect on another well on the same parcel; therefore, water taken out of the ground on that parcel would not affect anyone on a surrounding parcel.

The public hearing was opened, at which time appellant Ursula Guderian stated that the test results are considered incomplete and unsatisfactory and she is requesting further testing. There is not a sufficient amount of water for personal use of residents in summer to late fall months; therefore, she is requesting testing done in those months. There are also water and septic concerns.

Don Schroeder provided written statements of homeowners in the vicinity asserting their wells produce insufficient water.

Thomas Nihart stated that the General Plan sets guidelines for development and specifies that water supply is a critical factor. He stated that a groundwater study should be done in the driest part of the year.

Emily Hylton opposed the matter at the Planning Commission meeting, and stated the California Environmental Quality Act (CEQA) process was not followed because speakers' concerns were not addressed. She stated enough concerns were presented to warrant an Environmental Impact Report (EIR). She showed some of the pages of the Initial Study for Zone Amendment No. 06-041 and Tract Map No. 1955 where different ratings were suggested in many areas, including mandatory findings of significance.

Thomas Nihart stated that the well logs show a very minimal amount of water. He addressed the granite formations in the area causing poor water access. Mr. Nihart stated the report must be complete with no errors. He described the error of the testing taking place in a wet month, the distinction over which specific well was used for the test, and page 5 was missing from the report. Lawrence & Associates provided a copy of the missing page, which has important information regarding the wells' locations and log numbers.

Bob Hylton provided copies of letters from three families requesting the project be denied.

Emily Hylton stated that the project would have a potentially significant impact on the substantial depletion of groundwater supplies because the water travels through cracked granite.

Dave Woodfill presented a letter from a neighbor stating they have adequate water and have never had any difficulty with their well. His property does not have the granite rock formations, which often cause concern over water availability.

Lawrence & Associates Principal Hydrologist Bonnie Lampley stated research was done on eight lots by reviewing the well logs and conducting a test on a site well on the western part of the site. Tests performed show that the pumping of project wells will not interfere with neighboring wells. Due to the fractured-rock setting, low-yielding wells generally cannot be pumped at a rate high enough and/or for long enough to influence water levels beyond a small radius around the well. There is sufficient recharge on the site for each residence proposed. The depth of wells range from 40 feet to 300 feet. She stated that it is important to do the test in the winter and hydraulic conductivity can be calculated no matter what time of year. In her professional opinion, the drilling of additional wells will not exacerbate the wells of neighboring properties. In this case, the same results would have been obtained if tested in the dry times of the year.

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

In response to questions by Supervisor Kehoe, Director of Resource Management Russ Mull said that because of the fractured rock in Shasta County there are many issues regarding concerns with wells and water delivery, which can vary throughout the year because of the weather. The Building Code requires adequate water; however, determination as to "adequate" water depends on the type of home, number in family, and their needs.

Environmental Health Division Manager Jim Smith stated that when the hydrological report was received, page 5 was missing. The information on that page is repeated throughout the report. He provided a copy of page 5 for the record.

In response to questions from supervisors, Mr. Mull stated that when a person purchases property, they do have the right to drill a well. A property owner must be able to demonstrate that their well can produce water before a building permit can be issued.

A motion was made by Supervisor Cibula to grant the appeal and to not make a determination of a negative mitigated declaration, but refer the matter back to the Planning Commission for them to further address the issue of the adequacy of the water and the impact on the neighborhood to determine the appropriate density. The motion died for lack of a second.

By motion made, and seconded (Kehoe/Hawes), and carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 06-041, Tract No. 1955, Woodfill Development, Inc., Igo Rural Center area:

1. Adopted Resolution No. 2008-015, which denies the appeal and upholds the Planning Commission's approval of Tract Map No. 1955 as specifically set forth in Planning Commission Resolution No. 2007-148;
2. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth by the Planning Commission Resolution No. 2007-147;
3. Adopted rezoning findings as specifically set forth in Planning Commission Resolution No. 2007-147; and
4. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 06-041.

Supervisor Cibula voted no.

(See Resolution Book No. 49)

3:40 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy