

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, March 18, 2008

**REGULAR MEETING**

9:00 a.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 Kris Widmer, Seventh Day Adventist Church.

**PLEDGE OF ALLEGIANCE**

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

**CONSENT CALENDAR**

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

Approved and authorized the Chairman to sign the County Claims List totaling \$16,982.41 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on February 19, February 26, and March 4, 2008, as submitted. (Clerk of the Board)

Adopted Resolution No. 2008-030, which repeals Resolution No. 2007-133 and notifies the Public Employees' Retirement System of the County's corrected contribution to the 2008 group health insurance premium for the General Unit; and adopted Resolution No. 2008-031, which repeals Resolution No. 2007-137 and notifies the Public Employees' Retirement System of the County's corrected contribution to the 2008 group health insurance premium for the Unrepresented Confidential Unit. (Support Services-Human Resources Division)

(See Resolution Book No. 49)

Approved and authorized the Chairman to sign an agreement with Lilliput Children's Services in an amount not to exceed \$59,050 to provide two Perinatal Substance Abuse/Human Immunodeficiency Virus Infant Program training conferences between the date of signing and June 30, 2008. (Social Services)

Adopted Resolution No. 2008-032, which repeals Resolution No. 97-100 and designates the Director of Social Services as the official responsible for stepparent adoptions investigations. (Probation/Social Services)

(See Resolution Book No. 49)

Awarded to the low bidder, Mark Behnke Construction, on a lump-sum basis, the contract for construction on the Redding Veterans Memorial Hall Women's Restroom Project in the amount of \$54,900. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with NorthState Truck Equipment, Inc. increasing compensation by \$10,000 (for a new total not to exceed \$59,999) to provide maintenance and repair of County Fire vehicles and retaining the term of May 31, 2007 through June 30, 2008, with one automatic one-year renewal. (County Fire)

### **REGULAR CALENDAR**

### **GENERAL GOVERNMENT**

### **ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

#### **LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Larry Lees presented an update on specific items of importance to Shasta County, including local financial issues, requesting that the County not provide an exhibit at the State Fair in order to save costs. He also stated that he, Chairman Hartman, Supervisor Cibula, and some staff have been negotiating with the City of Redding on a tax-sharing agreement.

In response to questions by Supervisor Kehoe, Mr. Lees stated that due to financial concerns, the City of Redding was not in a position to proceed with the tax exchange agreement.

Supervisor Hawes presented an Award of Excellence to Chairman Hartman, recognizing her dedication to the social, educational, and economic improvement of Shasta County veterans in presenting Marcus Luttrell, a true American hero, to the community.

Supervisor Kehoe recently attended the Redding Area Bus Authority (RABA) meeting. Items of concern are the fare box recovery ratio, which is down to 19 percent, and possible changes to the joint powers agreement.

Supervisors reported on issues of countywide interest.

### **ADMINISTRATIVE OFFICE**

#### **JAIL CONSTRUCTION FUNDING UPDATE**

#### **LETTER CLARIFYING RESOLUTION NO. 2008-026**

#### **PAROLEE MENTAL HEALTH TREATMENT AND CRISIS CARE**

CAO Lees advised of the status of the application for new jail construction funding pursuant to Assembly Bill 900 (Nunez), stating the application has been completed and is due today. Shasta County must provide a letter to the Corrections Standards Authority specifying a location where Shasta County's parolees may seek mental health treatment and crisis care.

In response to questions by Supervisor Baugh, CAO Lees confirmed that eight small counties have stated that they will consider the reentry facility, thus earning the 300 extra points in the point scale.

In response to questions by Supervisor Kehoe, Director of Mental Health Dr. Mark Montgomery said that the mental health services available for parolees will not be outside the normal offered to all residents that are eligible.

In response to questions by Supervisor Kehoe regarding the wording in the draft letter to the Corrections Standards Authority, CAO Lees confirmed that a specific location for a day reporting facility has not been approved by the Board of Supervisors. Supervisor Kehoe stated that proposing a location of a facility deserves a full and open hearing, allowing residents of the area an opportunity to address the proposal.

Supervisor Baugh moved that the Board of Supervisors approve and authorize the Chairman to sign a letter to the Corrections Standards Authority clarifying Resolution No. 2008-026 to specify the location where Shasta County's parolees may seek mental health treatment and crisis care. Supervisor Hawes seconded the motion.

Under discussion, Captain Don Van Buskirk explained that fifty points are awarded to counties that state on their application that mental health services will be provided to parolees. An additional 100 points are given to counties that site a location where these services will be provided. In providing an address, a county is not bound to use that address as the location. Currently, the process is to rank the counties that apply for the AB 900 funding.

In response to questions by Supervisor Baugh, CAO Lees stated that a revenue stream has not yet been identified to operate a re-entry facility. He reiterated that he does not recommend going forward without a revenue stream identified.

In response to questions by Supervisor Kehoe, Captain Van Buskirk explained that the resolution signed by the Board of Supervisors addresses substance abuse and mental health services. The term "day reporting center" encompasses what the Board of Supervisors approved at the February 19, 2008 Board meeting.

Chief Probation Officer Brian Richart clarified that discussion has taken place with the State for some time regarding a day reporting facility, and the facility was outside the application for AB 900 funding.

Supervisor Kehoe reiterated that open government creates an obligation to the community to discuss in open forum, allowing the opportunity for their input before the Board of Supervisors is able to make an informed decision.

Supervisor Baugh amended his motion to have the letter to the Corrections Standards Authority, clarifying Resolution No. 2008-026, read "a *possible* site proposal for a day reporting facility on County property located at 2490 Radio Lane, Redding, California" as a possible location where Shasta County's parolees may seek mental health treatment and crisis care. Supervisor Hawes seconded the amended motion; and the motion was carried. Supervisors Cibula and Kehoe voted no.

(See Resolution Book No. 49)

### **COUNTY CLERK/REGISTRAR OF VOTERS**

#### **SEQUOIA VOTING SYSTEMS**

#### **ELECTRONIC AND OPTICAL SCAN VOTING SYSTEMS**

County Clerk/Registrar of Voters Cathy Darling presented the staff report and stated that Shasta County entered into agreement with Sequoia Voting Systems in 2003 to obtain an electronic voting system, which included warranty and maintenance services through 2006. Secretary of State Debra Bowen decertified the equipment in August 2007, and authorized the use of one voting machine per precinct.

In response to questions by Supervisor Hawes, Ms. Darling advised that the Secretary of State's Office has multiple conditions and direction for tamper prevention. In the February 2008

election, approximately 25,000 voters went to the polls, and 875 chose to vote on the electronic voting machines. The Elections Department did a hand count and every vote was counted as it was cast.

Supervisor Hawes questioned the requested amount of this item when only 875 people used the system. Ms. Darling said that the rules and guidelines for the systems are changed often, and she does not recommend choosing different equipment until the guidelines have been stabilized.

In response to questions by Supervisor Baugh, Ms. Darling outlined the requested payments as \$50,000 per year for two annual license fees; \$152,700 for the warranty on two voting machines, printer, and card activators; \$14,000 for maintenance on paper ballot counters; and \$23,000 per election for programming the database that counts the votes. She said that if the decision is made to not warranty the equipment, repairs made by Sequoia are very high.

In response to questions by Supervisor Kehoe, Ms. Darling stated that the County owns 438 voting machines. The various precincts received 118 voting machines, and 10 were used for training. The probability of the full use of the machines in the future is very small. A decision does not need to be made immediately for the June 3, 2008 election. Should the warranty not be updated, maintenance expense should be anticipated; Sequoia charges \$2,500 per day for a technician.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors referred the matter to the CAO for further study and to return to the Board of Supervisors after investigation of whether the agreement should be approved is completed.

**SCHEDULED HEARINGS**

**RESOURCE MANAGEMENT**

**PLANNING DIVISION**

GENERAL PLAN AMENDMENT NO. 06-001  
ZONE AMENDMENT NO. 06-014  
MICHAEL POULOS  
COTTONWOOD AREA  
RESOLUTION NO. 2008-033

This was the time set to conduct a public hearing and consider the request to approve General Plan Amendment No. 06-001, Michael Poulos, which would change approximately 20.21 acres in the Cottonwood area from a Suburban Residential - One Dwelling Unit per Acre (SR-1) land use designation to a Suburban Residential - Three Dwelling Units per Acre (SR-3) land use designation and rezone approximately 20.21 acres from an existing Interim Residential (IR) District to a One-Family Residential, 10,000 square-foot minimum lot area (R-1-B-10) District. Senior Planner Kent Hector 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/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding General Plan Amendment No. 06-001, Zone Amendment No. 06-014, Michael Poulos, Cottonwood area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration with the findings as specifically set forth in Planning Commission Resolution Nos. 2008-016 and 2008-017;

2. Adopted Resolution No. 2008-033, which approves the General Plan Land Use Element map changes in General Amendment No. 06-001, Suburban Residential - One Dwelling Unit per Acre (SR-1) to Suburban Residential - Three Dwellings per Acre (SR-3) as recommended by the Planning Commission;
3. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-017; and
4. Introduced and waived the reading of an ordinance approving Zone Amendment No. 06-014, as requested.

(See Resolution Book No. 49)

ZONE AMENDMENT NO. 07-027  
BRUCE AND LAURIE ALEXANDER  
COTTONWOOD AREA

This was the time set to conduct a public hearing and consider taking action on Zone Amendment No. 07-027, Bruce and Laurie Alexander, which would rezone approximately 80 acres comprised of six parcels in the Cottonwood area from an Unclassified (U) District to a Limited Agricultural (A-1) District. 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 Bruce Alexander advised that the property will be used for horse events for the community. No one else spoke for or against the proposal, and the public hearing was closed.

In response to questions by Supervisor Kehoe, Mr. Salazar stated that there were no findings that indicate traffic would be affected by this project.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-027, Bruce and Laurie Alexander, Cottonwood area:

1. Adopted the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration with the findings as specifically set forth in Planning Commission Resolution No. 2008-019;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-019; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-027, as requested.

ZONE AMENDMENT NO. 07-009  
WESTERN STAR LODGE  
MILLVILLE AREA

This was the time set to conduct a public hearing and consider taking action on Zone Amendment No. 07-009, Western Star Lodge, which would rezone approximately one three-acre parcel in the Millville area from a Public Facilities (PF) District to a Mixed Use combined with the Design Review (MU-DR) 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.

In response to questions by Supervisor Cibula, Ms. Lozier advised that through the California Environmental Quality Act (CEQA) requirements, a survey was prepared, and the building on the site was designated as potentially historic.

The public hearing was opened, at which time Trudy Vaughn stated she is a consultant for Millville Historical Society and the East Valley Land Preservation Association to assess the

historical significance of the building on the site. She said the rezoning meets the needs of protecting the historic building. No one else spoke for or against the proposal, and the public hearing was closed.

In response to questions by Supervisor Kehoe, Ms. Lozier said that the design guidelines apply to the original historic structure which was constructed in 1867.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-009, Western Star Lodge, Millville area:

1. Adopted the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration with the findings as specifically set forth in Planning Commission Resolution No. 2008-021;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-021; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-009, as requested.

10:26 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

**SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR**

**WATER AGENCY**

**SHASTA-TEHAMA WATERMASTER SPECIAL DISTRICT UPDATE**  
**SOLICIT INTERIM DIRECTORS APPLICATIONS**

Public Works Director Pat Minturn presented the staff report and explained that the Shasta County Farm Bureau petitioned the Legislature to create an independent special district for the purpose of providing watermaster services to arbitrate disagreements between agricultural water users. There are five Watermaster Service Areas (WSA) in Shasta County which may eventually be governed by the Shasta-Tehama Watermaster District: Burney Creek, Hat Creek, North Fork Cottonwood Creek, North Cow Creek, and Digger Creek (a portion of which is in Tehama County).

The Legislature formed a seven-member board of directors to govern the Watermaster District for the purposes of ensuring the most practical and economic supervision of water distribution and designated the Board of Supervisors as the agency to appoint a governing board until the first opportunity to hold an election.

The first Watermaster District board of directors will create an operating budget, and then aid water users in petitioning the court to individually transfer each WSA duty from the Department of Water Resources (DWR) to the Watermaster District. Citizens will have the opportunity to provide input during the election and court petitioning processes.

In response to questions by Supervisor Hawes, Mr. Minturn confirmed the court will determine whether DWR or the Watermaster District should be the watermaster and the first election will be November 2009.

In response to questions by Supervisor Kehoe, Mr. Minturn stated that the board of directors should be land owners with one Tehama County land owner, although the Digger Creek portion is not a great majority of overall land holdings.

In response to questions by Supervisor Baugh, Mr. Minturn stated DWR charged fees related to their costs. The Watermaster District would be subject to Proposition 218, which

requires the local government to have a vote of the affected property owners for any proposed new or increased assessment before it could be levied.

Shasta County Farm Bureau member Henry Giacomini discussed the DWR 2006/2007 budget and the Bureau's activities in pursuing a watermaster district, contacting land owners, and seeking their input. The Bureau has provided legal services to diverters during this process.

In response to questions by Supervisors, Mr. Giacomini explained that a majority of land owners for each creek is needed in order to persuade the court to transfer watermaster rights. Also, the legislature requires seven members to the board of directors made up of five landowners of each of the adjudicated creeks with water rights or their representatives, and two are members at large who are not landowners. The two at large members will be appointed by the Board of Supervisors and are not subject to any election.

In response to questions by Supervisor Kehoe, Mr. Minturn suggested advertising the new board positions in *The Intermountain News*, *Mountain Echo*, *East Valley Times*, and the *Record Searchlight*, and also utilizing Farm Bureau contacts. Mr. Giacomini confirmed that costs to date have been paid by the Farm Bureau.

Supervisor Kehoe moved that the Shasta County Water Agency take the lead in advertisements in cooperation with the Shasta County Farm Bureau, develop a timeline for applications to be submitted, set up an ad hoc committee, and then present approved applicants to the Water Board for appointment. Supervisor Hawes seconded the motion.

Mr. Minturn requested that a specific timeline be included in the motion.

Supervisor Kehoe amended his motion to include a timeline of six weeks for applications to be submitted and to appoint Supervisors Hawes and Baugh to the ad hoc committee. Supervisor Hawes seconded the amended motion, and the motion was carried unanimously.

10:54 a.m.: The Shasta County Water Agency adjourned, the Board of Supervisors reconvened.

### **CLOSED SESSION ANNOUNCEMENT**

Chairman Hartman 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 *Varner v. Visser* and *Nunnelley v. County of Shasta*, pursuant to Government Code section 54956.9(a);
2. Confer with its counsel to discuss anticipated litigation, pursuant to Government Code section 54956.9(a); and
2. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Michelle Schafer, 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.

10:55 a.m.: The Board of Supervisors recessed to Closed Session.

11:54 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, County Counsel Karen Jahr, and Deputy Clerks of the Board Valerie Ibarra and Diane Colson 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. By a 3-2 vote, with Supervisors Cibula and Baugh voting no, the Board of Supervisors authorized County Counsel to join an administrative appeal of Cheryl Corcoran from CalPERS's denial of her application for a disability retirement. No other reportable action was taken.

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

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

By \_\_\_\_\_  
Deputy