

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, April 15, 2008

REGULAR MEETING

9:04 a.m.: Vice Chairman Hawes 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. 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

District No. 4 - Supervisor Hartman - Absent

INVOCATION

Invocation was given by Pastor Eric Madsen, Cottonwood Bible Baptist Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Dorothy Robbins spoke regarding the anniversary of the Boston Tea Party and the Midnight Ride of Paul Revere on April 19, 1775.

BOARD MATTERS

PROCLAMATION: GRAND JURY AWARENESS WEEK

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 20-26, 2008 as Grand Jury Awareness Week in Shasta County. Grand Jury Foreperson Ron Sechrist and former Foreperson Dale Trudeau stated the objective of the Grand Jury Association is to recruit and educate prospective jurors.

WESTERN SHASTA RESOURCES CONSERVATION DISTRICT UPDATE
PROCLAMATION: WATERSHED AWARENESS MONTH

By motion made, seconded (Cibula/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 2008 as Watershed Awareness Month in Shasta County.

Western Shasta Resources Conservation District Watershed Coordinator Lee Delaney provided an overview of the purpose of watersheds, identified the locations of watersheds in Shasta County, and discussed restoration projects. Watershed Coordinator Kelli Neher stated the Department of Water Resources was awarded a grant to write a watershed management plan and provide education in schools. Climate Stewardship Coordinator Leslie Bryan discussed the West Coast Regional Carbon and Sequestration Partnership (WESTCARB) program, including 10 projects to establish forests and research to reduce the likelihood of catastrophic fires.

FLEX YOUR POWER CAMPAIGN
PROCLAMATION: ENERGY EFFICIENCY MONTH

By motion made, seconded (Cibula/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates May 2008 as Energy Efficiency Month in Shasta County. Western Shasta Resource Conservation District Watershed Education Coordinator Kelli Neher discussed the "Flex Your Power" Campaign, which aims to save energy and money for utility customers, and announced the Energy Efficiency Kick Off will be on Saturday, May 3, 2008 at Caldwell Park, Redding.

ITEMS PULLED FROM CONSENT CALENDAR

Vice Chairman Hawes announced the Platina Road Embankment Repair Project was pulled for discussion at the request of the department.

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

Approved and authorized the Chairman to sign an amendment to the agreement with Wilkins, Underwood and Johnson increasing the maximum compensation by \$7,500 (for a total not to exceed \$11,000) to continue providing Nuisance Abatement Hearing Officer services and retaining the term of July 1, 2006 through June 30, 2007, with two one-year renewals. (Clerk of the Board)

Enacted Ordinance No. 378-1975, which approves Zone Amendment No. 05-038, Flowers (Anderson area), as introduced March 4, 2008. (Clerk of the Board)

(See Zoning Ordinance Book)

Reappointed Michelle Dugar to the Alcohol and Drug Advisory Board for a three-year term to March 2011. (Mental Health)

For Tract Map No. 1935, Phase 1, Whitmore Village (Whitmore area), approved the final map for filing, accepted on behalf of the public offers of dedication for public road rights of way and public utility easements; and approved and authorized the Chairman to sign an agreement with Fall River Development, Inc. for completion of improvements within one year, and accepted securities for performance in the amount of \$95,300 and for payment in the amount of \$47,650. (Public Works)

For the proposed Tract Map No. 1959, Costalotta Lane Permanent Road Division (Cassel 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 June 3, 2008 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

For Tract No. 1947 subdivision (Millville area), approved the final map for filing. (Public Works)

Approved and authorized the Chairman to sign a renewal land lease agreement with W.M. Beaty & Associates in the amount of \$1,000 to renew the Shingletown Airport lease for the period January 1, 2008 to December 31, 2008. (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

PLATINA ROAD EMBANKMENT REPAIR PROJECT

Public Works Director Pat Minturn presented the board report and explained that due to a response from Caltrans received more quickly than expected, the opening of bids has been rescheduled to take place on May 22, 2008 at 11:00 a.m. instead of June 5, 2008.

By motion made, seconded (Cibula/Kehoe), and unanimously carried, the Board of Supervisors found the Platina Road Embankment Repair 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 the opening of bids on or after May 22, 2008 at 11:00 a.m. (Public Works)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: WEB-BASED JUVENILE OFFENDER RISK ASSESSMENT SYSTEM

Chief Probation Officer Brian Richart stated that by using an evidence-based assessment tool, the rate of recidivism for each offender can be scientifically estimated. Many California jurisdictions have started using evidence-based practices assessments. In response to a question by Supervisor Cibula, Mr. Richart confirmed that the accuracy of Assessment.com (ADC) will be tracked.

ADC President Sean Hosman stated ADC compiles all studies available to scientifically and objectively match offenders with sanctions and treatment programs to reduce recidivism. He demonstrated how research shows sanctions alone increase recidivism.

In response to questions by Supervisors, Mr. Hosman confirmed evidence-based practices can be applied before and after an offense. Mr. Richart said the Probation Department will first apply the assessment tool to juveniles, and he plans to coordinate with profit and non-profit agencies to do the same.

10:14 a.m.: The Board of Supervisors recessed.

10:22 a.m.: The Board of Supervisors reconvened.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

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

Supervisor Baugh recently attended the Local Agency Formation Commission meeting.

Supervisor Kehoe recently attended the Mental Health Assessment Redesign Collaborative meeting.

Supervisors reported on issues of countywide interest.

COUNTY CLERK/ELECTIONS

AGREEMENT: SEQUOIA VOTING SYSTEMS, INC. VOTING MACHINES WARRANTY/SOFTWARE LICENSING/MAINTENANCE

County Clerk/Registrar of Voters Cathy Darling presented the board report and recommended approval of the amended agreement.

Supervisor Baugh stated that he reviewed information regarding the use and accuracy of mail-in ballots, and the information was made available at the meeting for the public to review. A study indicates that in the State of Oregon mail-in ballots are successful and attract more voters.

Supervisor Hawes suggested that the information be sent to California State Association of Counties and the Regional Council for Rural Counties to review.

In response to questions by Supervisor Kehoe, Ms. Darling stated the warranty covers 150 of the 438 machines. The remaining machines not covered under warranty would be kept for parts as needed. She stated that, although the main repair location is in New York, the company is very sensitive to the urgency of the elections timetable.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an amendment to the agreement with Sequoia Voting Systems, Inc. increasing the maximum compensation by \$191,000 (for a new total not to exceed \$391,000) and retaining the term through December 31, 2008 with one remaining optional one-year renewal to continue to provide warranty coverage for 150 voting machines (\$30,000); software licensing, maintenance, and programming fees for the optical scan voting system for processing paper ballots (\$136,000); and unexpected services subject to additional costs (\$25,000).

PUBLIC WORKS

CALIFORNIA MUNICIPAL FINANCE AUTHORITY
SHASTA REGIONAL COMMUNITY FOUNDATION/
NORTHERN CALIFORNIA VETERANS CEMETERY ENDOWMENT FUND
WATER SERVICE

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Cibula/Baugh), and unanimously carried, the Board of Supervisors directed the California Municipal Finance Authority (CMFA) to remit \$1,814.27 of CFMA's fees from its recent bond issue to the Shasta Regional Community Foundation/Northern California Veterans Cemetery Endowment Fund, to help cover the cost of water for the Veterans Cemetery.

CLOSED SESSION ANNOUNCEMENT

Vice Chair Hawes 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 Ames v. County of Shasta, pursuant to Government Code section 54956.9(a); and
2. Confer with its counsel to discuss one case of anticipated litigation, pursuant to Government Code section 54956.9(b); and
3. Consider a public employee appointment (County Counsel), pursuant to Government Code section 54957.6; and
4. 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.

10:56 a.m.: The Board of Supervisors recessed to Closed Session.

1:30 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Hawes, and Baugh, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, and Deputy Clerks of the Board Valerie Ibarra and Diane Colson present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session; however, no reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

APPEAL: PROPERTY LINE ADJUSTMENT NO. 07-057
GREG AND DEBRA LAMBERT
SHASTA AREA
RESOLUTION NO. 2008-043

This was the time set to conduct a public hearing and consider an appeal of the Planning Director's denial of Property Line Adjustment No. 07-057, Greg and Debra Lambert (Shasta area).

1:34 p.m.: Supervisor Cibula entered the chambers.

Senior Planner Bill Walker 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.

Supervisor Cibula stated that he received three phone messages regarding this item and spoke with Patricia Holt regarding her concerns to utility easements. Mr. Walker stated that if staff's recommendations are approved, utility easements would not be affected.

The public hearing was opened, at which time attorney Tyler Lalaguna confirmed the request is only to change the lot line and not to create any additional parcels. The applicant does not wish to develop the land. Also, the applicant has now obtained an additional seven-foot deeded easement, which adds 40 feet to each of the parcels.

Applicant's engineer Duane Miller stated that property line adjustments for parcels that were legal prior to the enactment of the Subdivision Map Act have generally been approved.

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

In response to a question by Supervisor Baugh, Assistant Director of Resource Management Rick Simon stated that a parcel map would be a more appropriate application than a property line adjustment application. Regarding the recently obtained easement, the Planning Commission would need to make findings after completing a public hearing that the existing parcel plus the easement provides adequate and equivalent access.

Supervisor Kehoe stated he was satisfied with the legal sufficiency of staff's responses and encouraged the applicant to proceed with the parcel map application process.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-043, which denies the appeal of Property Line Adjustment No. 07-057, Lambert (Shasta area), and upholds the Planning Director's denial of the property line adjustment.

(See Resolution Book No. 49)

APPEAL: PROPERTY LINE ADJUSTMENT NO. 07-064
EDWARD AND TERESA MILLER
HAPPY VALLEY AREA
RESOLUTION NO. 2008-044

This was the time set to conduct a public hearing and consider an appeal of the Planning Director's denial of Property Line Adjustment No. 07-064, Edward and Teresa Miller (Happy Valley area). Senior Planner Bill Walker 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 Edward Miller requested more information as to why his application was denied. No one else spoke for or against the application, and the public hearing was closed.

Assistant Director of Resource Manager Rick Simon stated in 2002, the Subdivision Map Act was amended to allow the approving agency to review or refer to the General Plan when considering property line adjustment applications. This property is an undevelopable lot not meeting the minimum standards of water and sewer and, if developed, would be inconsistent with the General Plan's prescribed density for the Happy Valley area.

At the request of the applicant, the public hearing was reopened, at which time Mr. Miller stated that, according to his records, the property was developable when purchased; otherwise, the garage would not have been built. No one else spoke for or against the application, and the public hearing was closed.

Mr. Simon again stated the second property was not intended as a second developable property. In the past, it was not unusual to describe an easement as a separate parcel, but it still was not intended to be a residential parcel.

Supervisor Baugh stated that the location of the garage over the property line of both parcels shows that the previous owners intended to use both parcels as one and not two separate developable residential parcels. He further stated, according to today's standards, the lot is not developable.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-044, which denies the appeal of Property Line Adjustment No. 07-064, Miller (Happy Valley area), and upholds the Planning Director's denial of the property line adjustment.

(See Resolution Book No. 49)

2:10 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy