

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, October 7, 2008

**REGULAR MEETING**

9:02 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 - Mike Ralston  
Deputy Clerk of the Board - Valerie Ibarra  
Deputy Clerk of the Board - Diane Colson

**INVOCATION**

Invocation was given by Pastor Martin Murdock, First United Methodist Church.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance to the Flag was led by Miss Donna Walton, representing the Reenactors of the American Civil War.

**BOARD MATTERS****CERTIFICATE OF RECOGNITION  
HISTORY WEEK**

The Board of Supervisors presented a Certificate of Recognition recognizing October 10-19, 2008 as History Week in Shasta County to Don Walton, representing the Reenactors of the American Civil War. Mr. Walton invited the public to attend the events scheduled for History Week.

**OCTOBER 2008 EMPLOYEE OF THE MONTH  
SENIOR PROGRAMMER ANALYST JOSHUA SMITH  
RESOLUTION NO. 2008-118**

At the recommendation of Chief Technology Officer Charlie Haase and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-118, which recognizes Senior Programmer Analyst Joshua Smith as Shasta County's October 2008 Employee of the Month.

(See Resolution Book No. 49)

**CERTIFICATE OF RECOGNITION**  
**GOLDEN UMBRELLA**

The Board of Supervisors presented a Certificate of Recognition to Golden Umbrella expressing appreciation for 40 years of service to seniors in Shasta County. Golden Umbrella Executive Director Larry Montgomery and Program Director Tina Brown accepted the certificate on behalf of Golden Umbrella.

**PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH**

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2008 as Domestic Violence Awareness Month in Shasta County. District Attorney Jerry Benito and Shasta Women's Refuge Executive Director Maggie John accepted the proclamation.

**ITEMS PULLED FROM CONSENT CALENDAR**

Chairman Hartman announced that the California Department of Public Health agreement and the Squaw Carpet Fire Access Permanent Road Division item were pulled at the request of the departments; and the minutes of the meeting held on September 23, 2008 was pulled for discussion by Supervisor Baugh.

**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, as amended:

Adopted Salary Resolution No. 1355, which deletes one Senior Assessor-Recorder Clerk position and adds one Supervising Assessor-Recorder Clerk position in the Assessor's budget effective October 12, 2008. (Assessor-Recorder)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign the County Claims List totaling \$2,593.40 requiring special board action. (Auditor-Controller)

Reappointed Billy Sutter, Jr. and Robert Miller to the Board of Building Appeals for two-year terms to December 2010. (Clerk of the Board)

For the Buckeye Fire Protection District Board of Directors, reappointed Fred Braun, Rick Sawyer, and Michael Smith for four-year terms to December 2009; and reappointed William Gutzman and Robert Kwake for four-year terms to December 2012. (Clerk of the Board)

Appointed Bryson Ronald Fisher to the Halcumb Public Cemetery District Board of Trustees for a four-year term to May 2012. (Clerk of the Board)

Appointed Larry Clark to fill an unexpired term on the Happy Valley Fire Protection District Board of Directors to December 2011. (Clerk of the Board)

Reappointed Bob Moller, Phil Schoefer, and Bruce Wendt to the Western Shasta Resource Conservation District Board of Directors for four-year terms to November 2012. (Clerk of the Board)

Adopted Resolution No. 2008-119, which approves amendments to Exhibit "A," *Designated Positions*, and Exhibit "B," *Disclosure Categories*, of the Gateway Unified School District Conflict of Interest Code. (Clerk of the Board)

(See Resolution Book No. 49)

Enacted Ordinance No. 378-1981, which approves Zone Amendment No. 06-048, Faith Community Church (south Redding area), as introduced June 17, 2008. (Clerk of the Board)

(See Zoning Ordinance Book)

Approved and authorized the Chairman to sign an agreement with the California Department of Public Health, Network for a Healthy California for Shasta County Public Health to receive \$2,402,352 to provide nutrition education and physical activity promotion programs to Food Stamp Nutrition Education eligible residents in Shasta County for the period October 1, 2008 through September 30, 2011; approved and authorized the Director of Public Health to sign amendments that result in a net change of no more than 10 percent of the total dollar value of the current agreement or that make other minor, non-monetary amendments; and authorized the Auditor-Controller to pay claims related to the agreement. (Public Health)

Adopted Salary Resolution No. 1356, effective October 12, 2008, which adds one Chief Public Defender Investigator position and deletes one Supervising Public Defender Investigator position in the Public Defender budget, and deletes the Supervising Public Defender Investigator classification; and approved job specifications for the Chief Public Defender Investigator classification. (Sheriff-Boating Safety)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign an agreement with the McConnell Foundation at no compensation to house river-rescue equipment in the Park Marina area, Redding, from the date of signing until either party gives 90 days written notice to terminate the agreement. (Sheriff/Office of Emergency Services)

Adopted Resolution No. 2008-120, which repeals Resolution No. 2008-094 and designates authorized signatures and other information required to obtain \$473,701 from the California State Homeland Security Grant Program for various County and local agency projects. (Public Works)

(See Resolution Book No. 49)

Approved and authorized the Chairman to sign an agreement with the U.S. Forest Service to reimburse the County in an amount not to exceed \$85,000 for the County to conduct restoration work along Westside Road on the west side of Shasta Lake from the date of signing through April 30, 2009, unless the agreement is extended by the U.S. Forest Service by written modification for a total duration not to exceed five years. (Public Works)

Approved a budget amendment increasing appropriations by \$1,000 in the Coloma Drive Permanent Road Division Administration budget to cover maintenance costs, to be offset by fund balance. (Public Works)

For the Cottonwood Sewer Sludge Pond Liner Project, approved budget amendments correcting an accounting oversight, to be offset by fund balance, increasing appropriations by \$40,000 in a fixed asset account line item in the Cottonwood Sewer Administration budget; and increasing appropriations by \$40,000 in the Cottonwood Sewer Capital Improvement Administration budget. (Public Works)

For Tract Map No. 1915, Unit 1, Mount Lassen Woods (Shingletown area), for the proposed Mount Lassen Woods Permanent Road Division, adopted Resolution No. 2008-121, which forms the Division, adopted Resolution No. 2008-122, which confirms the annual parcel charge report for Fiscal Year 2009-10, 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 roads, public utility easements, access easements, relinquished access rights, and emergency fire escape road, adopted Resolution No. 2008-123, which consents to but does not

accept all offers of dedication for storm drain easements, and approved and authorized the Chairman to sign an agreement with Sierra Pacific Industries, Inc. guaranteeing workmanship on Mt. Lassen Woods Drive, Velvet Rye Court, Princess Pine Place, Spear Grass Court, Brooms Edge Place, and the fire access road, and accept security for maintenance in the amount of \$75,000. (Public Works)

(See Resolution Book No. 49)

### **ACTION ON ITEMS PULLED FROM CONSENT CALENDAR**

#### **SEPTEMBER 23, 2008 BOARD OF SUPERVISORS MINUTES**

Supervisor Baugh stated that Chief Deputy Clerk of the Board Glenda Tracy agreed to listen to the recording of the September 23, 2008 to more accurately reflect the motions on page 225, and by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors approved the minutes of the meeting held on September 23, 2008, with corrections. (Clerk of the Board)

### **REGULAR CALENDAR**

#### **GENERAL GOVERNMENT**

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

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

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

Supervisor Kehoe recently attended a Health and Human Services Agency Steering Committee meeting.

Supervisor Baugh recently attended a Regional Council of Rural Counties meeting and the Sacramento Valley Basinwide Air Pollution Control Council meeting.

Supervisor Cibula recently attended a Regional Council of Rural Counties meeting.

Supervisors reported on issues of countywide interest.

### **ADMINISTRATIVE OFFICE**

#### **SHASTA COUNTY ANIMAL SHELTER** **2625 BRESLAUER WAY, REDDING**

CAO Lees presented the staff report and recommended approval of the plan of action. He has met with City of Redding City Manager Kurt Starman regarding possible purchase of six acres of City-owned property on Eastside Road adjacent to Haven Human Society, although no guarantee has been issued as the proposal has not been brought before the Redding City Council. A proposal will be offered to the Redding City Council once the appraisals are completed. The selection of a location will depend on the property values as determined by the appraisals. Another possibility is selling the Breslauer Way property to a non-profit organization friendly to parks, trails, and open space, with the condition that the property must remain perpetually undeveloped.

In response to questions by Supervisors, CAO Lees explained that should the Board of Supervisors choose to sell the Breslauer Way location, an easement from Radio Lane will be needed to provide access, but it will not reduce the amount of land available to build a new Juvenile Hall.

Terry Starr and Steve Courtney spoke in support of the proposal.

Shasta Cascade Rail Preservation Society Board Member Dave Jungkeit spoke in opposition to the County purchasing and using the Eastside Road location as the Society currently leases the property from the City of Redding, and many historic artifacts would have to be moved to a new location.

Sheriff Tom Bosenko supported acquisition of the Eastside Road location and asked the Board of Supervisors to consider appraising all underdeveloped County-owned property on Breslauer Way to determine the value for negotiations.

By motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors directed staff to obtain two appraisals for a parcel located at 2625 Breslauer Way, Redding to determine its value regarding full development potential and its value regarding open space with parks and trails development; directed staff to return to the Board of Supervisors with a resolution which describes the property, specifies minimum price and lists terms, and sets a public hearing to receive and consider sealed proposals to purchase the property; and directed staff to work with the City of Redding to acquire property at 7449 Eastside Road, Redding to construct a new animal shelter.

10:18 a.m.: Supervisor Cibula announced that he would abstain from the vacant library building item due to real property holdings in the vicinity and left the chambers. The Board of Supervisors recessed.

10:24 a.m.: The Board of Supervisors reconvened with Supervisor Cibula absent.

VACANT LIBRARY BUILDING  
1855 SHASTA STREET, REDDING  
BUDGET AMENDMENT

CAO Lees presented the staff report and recommended approval of the project. In response to questions by Supervisors, CAO Lees confirmed the building at 1855 Shasta Street will serve the growth of the District Attorney's office for several decades. Public Works Director Pat Minturn estimated the building would be ready in three years.

In response to a question by Supervisor Kehoe, CAO Lees and Mr. Minturn confirmed that the cost of demolishing the existing building and construction of a new building of equal or lesser size would exceed the capital revenues set aside for the project.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors, regarding renovation of the vacant library building at 1855 Shasta Street, Redding, approved a budget amendment, which increases appropriations by \$5,000,000 in the Accumulated Capital Outlay budget, utilizing fund balance, and increases appropriations and revenues by \$5,000,000 in the Land, Buildings, and Improvements and the District Attorney budgets for the renovations; directed the Public Works Director to prepare plans and specifications to upgrade and convert the vacant library for use as office space for the District Attorney's Office.

10:51 a.m.: Supervisor Cibula returned to the chambers.

**HEALTH AND HUMAN SERVICES**

**HOUSING AND COMMUNITY ACTIONS PROGRAM/MENTAL HEALTH**

**ASSIGNMENT AGREEMENT: CALIFORNIA HOUSING FINANCE AGENCY  
MENTAL HEALTH SERVICES (MHS) ACT HOUSING PROGRAM  
LETTER: CALIFORNIA MHS OVERSIGHT AND ACCOUNTABILITY COMMISSION  
MANDATORY ASSIGNMENT OF LOCAL FUNDS**

Director of Housing and Community Actions Program Richard Kuhns, Psy.D. and Director of Mental Health Mark Montgomery, Psy.D. presented the staff report and recommended approval of the agreement and letter.

In response to questions by Supervisors, Dr. Montgomery explained that the State of California will confiscate the funds from Shasta County if the funds assignment is not approved. Supervisor Cibula suggested the letter be rewritten to include stronger language.

In response to a question by Supervisor Baugh, CAO Lees stated the only other alternatives to the mandatory assignment are to not participate in the program or to file a lawsuit with the State of California. He recommended against the lawsuit as Shasta County does not have additional resources to fund the costs of a lawsuit. Health and Human Services Agency Director Marta McKenzie explained that a draft Joint Powers Agreement (JPA) is currently being circulated throughout all California Counties to consider legal action against the State of California. She strongly recommended consideration of entering the JPA and will present it to the Board of Supervisors in the future.

Gracious Palmer stated the League of California Cities, in partnership with the California State Association of Counties and School Boards Association will bring a mandate to the State of California regarding how business is conducted, mandates to counties, and the State's future budget processes.

By motion made, seconded (Cibula/Kehoe), and carried, the Board of Supervisors approved and authorized the Chairman to sign an assignment agreement in the amount of \$2,686,000 to transfer funds on behalf of Shasta County from the California Department of Mental Health to the California Housing Finance Agency to support the Mental Health Services Act (MHSA) housing program; and approved and authorized the Chairman to sign a letter to the California Mental Health Services Oversight and Accountability Commission expressing concern regarding the mandatory assignment of local funds, and authorized Supervisor Kehoe to work with staff on the general revisions. Supervisor Baugh voted no.

**LAW AND JUSTICE**

**SHERIFF**

**AGREEMENT: U.S. DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION  
PUBLIC LANDS AND ROADS PATROL**

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors took the following actions to retroactively approve an agreement with the U.S. Department of the Interior, Bureau of Reclamation for the Shasta County Sheriff's Office to provide patrol services on public lands and roads administered by the Bureau of Reclamation:

1. Retroactively approved the services provided since the inception of the program in January 2002;

2. Ratified the signature of the Sheriff on an agreement with the Bureau of Reclamation in the amount of \$68,422 for the period February 1, 2007 through September 30, 2007;
3. Ratified the signature of the Sheriff on the first amendment to the agreement with the Bureau of Reclamation increasing compensation by \$102,000 (for a new total of \$170,422) and extending the term for the period October 1, 2007 through September 30, 2008; and
4. Ratified the signature of the County Administrative Officer on the second amendment to the agreement with the Bureau of Reclamation increasing compensation by \$3,977.79 (for a new total not to exceed \$174,399.79) and extending the term for the period October 1, 2008 through December 31, 2008.

### **SCHEDULED HEARINGS**

### **RESOURCE MANAGEMENT**

### **PLANNING DIVISION**

#### **ZONE AMENDMENT NO. 07-028**

#### **RAE LINDSAY**

#### **WHITMORE AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 07-028, Lindsay, which would rezone approximately 187 acres from an Unclassified (U) District to a Habitat Protection District with minimum lot area of 40 acres (H-P-BA-40) and also a Timberland (TL) District. Senior Planner Bill Walker 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 (Hawes/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-028, Rae Lindsay, Whitmore area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2008-088;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-088; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-028, as requested.

#### **ZONE AMENDMENT NO. 08-005**

#### **NATHAN HAWLEY**

#### **MILLVILLE AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 08-005, Hawley, which would rezone approximately 13,800 square feet on two parcels from a Community Commercial (C-2) District to a Mixed Use (MU) District. Senior Planner Bill Walker 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 (Baugh/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 08-005, Nathan Hawley, Millville 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 No. 2008-090;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2008-090; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 08-005, as requested.

### **WORKSHOP**

### **RESOURCE MANAGEMENT**

#### **SHASTA COUNTY PARKS, TRAILS, AND OPEN SPACE**

Associate Planner Shiloe Braxton introduced Moor, Iacofang, Goltsman, Inc. (MIG) Project Manager Ryan Mottau. Mr. Mottau discussed MIG's comprehensive and strategic planning, planning issues unique to Shasta County, community involvement in the process, vision development, and implementation. He suggested creating a Planning Advisory Committee in the future to review plan directions and compatibility with existing plans and opportunities.

In response to suggestions by Supervisors, Mr. Mottau confirmed that the plan will include connectivity of trails throughout the incorporated and unincorporated areas for future implementation.

Supervisor Kehoe suggested expanding dog parks and including a tri-city trail, community gardens, produce parks, and waterways.

### **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 State of California et al. v. Infineon Technologies AG, pursuant to Government Code section 54956.9, subdivision (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.

11:55 a.m.: The Board of Supervisors recessed to Closed Session.

12:10 p.m.: The Board of Supervisors recessed and convened as the In-Home Supportive Services (IHSS) Public Authority Governing Board to confer with its Labor Negotiators, County Administrative Officer Larry Lees, IHSS Public Authority Program Manager Phil Paulsen, and Labor Consultant Becker and Bell to discuss the California United Homecare Workers of America, pursuant to Government Code section 54957.6.

12:31 p.m.: The IHSS Public Authority Governing Board recessed and reconvened in Open Session as the Board of Supervisors with all Supervisors, County Administrative Officer Larry Lees, County Counsel Mike Ralston, and Deputy Clerk of the Board Valerie Ibarra present.

### **REPORT OF CLOSED SESSION ACTIONS**

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations; however, no reportable action was taken.

12:32 p.m.: The Board of Supervisors adjourned and reconvened as the IHSS Public Authority Governing Board.

### **IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD**

### **REPORT OF CLOSED SESSION ACTIONS**

County Counsel Mike Ralston reported that the IHSS Public Authority Governing Board met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

12:33 p.m.: IHSS Public Authority Governing Board adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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