

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, November 4, 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 - Mike Ralston
Deputy Clerk of the Board - Valerie Ibarra
Deputy Clerk of the Board - Diane Colson

INVOCATION

Invocation was given by Pastor Jim Jarrett, Calvary Chapel of Redding.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Rayana Mears and Deazmond Paul Lerner discussed the help and support they received through the CalWorks-Job Readiness Program. The program helped them to prepare and acquire employment.

County Administrative Officer (CAO) Lees stated he asked Director of Child Support Services Terri Love to make a presentation to the Board of Supervisors about the recognition the Department of Child Support recently received. Ms. Love explained that the Shasta County Department of Child Support Services was recently recognized by the Child Support Directors Association of California for their efforts in providing professional support to the Butte County Department of Child Support Services when that department's staff were called upon to respond to firefighting efforts in Butte County in June 2008.

BOARD MATTERS

PROCLAMATION: ADOPTION AWARENESS MONTH

At the recommendation of Director of Social Services Jane Work and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted a

proclamation which designates November 2008 as Adoption Awareness Month in Shasta County. Shasta County Adoption Supervisor Linda Vaught and Adoptive Parent Liaison Mickey Harris accepted the proclamation. The Feamster family was recognized as Shasta County's Adoptive Family of the Year.

NOVEMBER 2008 EMPLOYEE OF THE MONTH
RISK MANAGEMENT ANALYST III JONATHAN HILL
RESOLUTION NO. 2008-130

At the recommendation of Director of Support Services Michelle Schafer and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-130, which recognizes Risk Management Analyst III Jonathan Hill as Shasta County's November 2008 Employee of the Month.

(See Resolution Book No. 49)

PROCLAMATION: VETERANS AWARENESS WEEK

By motion made, seconded (Kehoe/Cibula), and unanimously carried, the Board of Supervisors adopted a proclamation which designates November 9-15, 2008 as Veterans Awareness Week in Shasta County. Military Order of the Purple Heart, Jack Tolbert Chapter 2001 Commander Bill Philen accepted the proclamation.

PROCLAMATION: PANCREATIC CANCER AWARENESS MONTH

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates November 2008 as Pancreatic Cancer Awareness Month in Shasta County. Brad Peek accepted the proclamation.

10:04 a.m.: The Board of Supervisors recessed.

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

CONSENT CALENDAR

By motion made, seconded (Hawes/Kehoe), 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 \$110.40 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on October 28, 2008, as submitted. (Clerk of the Board)

Reappointed Marjorie Lewis, Suzanne Kane, and Ruth Huey to the Commission on Aging for two-year terms to January 2011. (Clerk of the Board)

Reappointed Don Hampshire to the Halcumb Public Cemetery District Board of Trustees for a four-year term to May 2012. (Clerk of the Board)

Reappointed to the Indian Gaming Local Community Benefit Committee: Tracy Edwards as a member for a four-year term to June 2010; Barbara Murphy as a member for a four-year term to June 2012; Gary Hayward as an alternate member for a four-year term to June 2010; and Larry Lees and Jack Potter, Jr. as alternate members for four-year terms to June 2012. (Clerk of the Board)

Approved amendments to the by-laws of the Commission on Aging. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with Wilkins & Johnson to provide legal services as the Shasta County Solid Waste Hearing Officer in an amount not to exceed \$7,500 for the period November 1, 2008 through October 31, 2009, with two automatic one-year renewals. (Clerk of the Board)

Adopted Resolution No. 2008-131, which notifies the Public Employees' Retirement System of the County's contribution to the 2009 group health insurance premium for the General Unit; and adopted Resolution No. 2008-132, which notifies the Public Employees' Retirement System of the County's contribution to the 2009 group health insurance premium for the Unrepresented Confidential Unit. (Support Services-Personnel)

(See Resolution Book No. 49)

Approved and authorized the Chairman to sign a retroactive agreement with the California Department of Public Health for Shasta County Public Health to receive a maximum of \$57,668 to provide immunization services for the period July 1, 2008 through June 30, 2009; and authorized and direct the Auditor-Controller to pay claims associated with the agreement. (Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with the Shasta County Child Abuse Prevention Coordinating Council increasing compensation by \$33,594 (for a new total not to exceed \$48,614) to continue administering community-based child abuse prevention activities which promote awareness of child abuse/neglect prevention, intervention, and treatment and extending the term through June 30, 2010. (Social Services)

Approved and authorized the Chairman to sign an amendment to the agreement with G. Michael Price d.b.a. Pages Copy Center increasing compensation by \$7,000 (for a new total not to exceed \$17,000) to provide additional document scanning services and extending the term to December 31, 2008. (Public Works)

Approved and authorized the Chairman to sign an update form to submit to Caltrans for the Hat Creek Park Improvements project in order to maintain funding. (Public Works)

Adopted Resolution No. 2008-133, which approves and authorizes the Chairman to sign an agreement with the California Department of Forestry and Fire Protection, Volunteer Fire Assistance Program for the County to accept grant revenue in the amount of \$10,000 to purchase 62 personal protective fire shelters. (County Fire)

(See Resolution Book No. 49)

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

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

WATER AGENCY

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

Approved and authorized the Chairman to sign a letter of support for the Anderson-Cottonwood Irrigation District Olney Creek Siphon Project grant application.

10:11 a.m.: The Shasta County Water Agency adjourned, and the Board of Supervisors reconvened.

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: SIERRA NEVADA CONSERVANCY AND OPPORTUNITIES FOR PARTNERSHIP

Sierra Nevada Conservancy Mt. Lassen Area Manager Bob Kingman presented the 2007-2008 Annual Report of the Sierra Nevada Conservancy (SNC) and explained that the SNC initiates, encourages, and supports efforts that improve the environmental, economic, and social well-being of the Sierra Nevada Region communities. This is done through programs, grants, and collaborative efforts. The programs and grants focus on increasing opportunities for tourism and recreation, reducing the risk of natural disasters, and protecting and improving water and air quality. Shasta County is in the North Sierra Subregion, along with Lassen and Modoc Counties.

In response to questions by Supervisors, Mr. Kingman agreed to meet with Shasta Cascade Wonderland Association regarding available grants for which the Association may qualify.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

CAO Larry Lees had no legislative report.

Supervisor Baugh recently attended the PSA II Area Agency on Aging meeting and the Regional Transportation Planning Agency meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

PRESENTATION: ECONOMIC DEVELOPMENT CORPORATION

AGREEMENT: ECONOMIC DEVELOPMENT CORPORATION

FISCAL YEAR 2008-09 BUSINESS EXPANSION, RETENTION, AND RECRUITMENT

Administrative Analyst Angela Richardson presented the staff report, noting that the agreement compensation has been decreased by 10 percent in line with the California State budget decreases.

Economic Development Corporation (EDC) President Greg O'Sullivan stated EDC operates under two plans—2011 Program and Enterprise Zone—which focus on business attraction and existing business retention and expansion in Shasta County. In the last year, 782 jobs were created as a direct result of the 2011 Program; 700 tax vouchers were issued for employees in the Enterprise Zone, which equals \$8 million in tax credits to be reinvested in the County. The EDC also conducted three business seminars and aided two local businesses in receiving Small Business Administration loans, with a direct creation of 36 jobs.

In response to questions by Supervisors, Mr. O'Sullivan confirmed success is based on business retention and expansion, and he agreed to identify success targets, provide a more detailed budget, and itemize created jobs for subsequent contracts.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal agreement with the Economic Development Corporation in the amount of \$45,162 to provide business expansion, retention, and recruitment services for Fiscal Year 2008-09.

PRESENTATION: SHASTA CASCADE WONDERLAND ASSOCIATION
AGREEMENT: SHASTA CASCADE WONDERLAND ASSOCIATION
FISCAL YEAR 2008-09 TOURISM MARKETING AND PROMOTIONAL SERVICES

Administrative Analyst Angela Richardson presented the staff report, noting that the agreement compensation has been decreased by 10 percent based on the impact of the California State budget reduction.

In response to a question by Supervisor Cibula, Ms. Richardson stated that compensation was \$18,500 for Fiscal Year 2006-07, \$24,500 for Fiscal Year 2007-08, and proposed compensation of \$22,050 for Fiscal Year 2008-09. Shasta Cascade Wonderland Association General Manager Bob Warren estimated that compensation 10 years ago was \$25,000, based on the transient occupancy tax revenue of \$300,000. Currently, the transient occupancy tax revenue is well over \$600,000. Shasta County accounts for 3.5 percent of the Association's annual budget; however, the County benefits much more than other counties who provide more compensation.

The Association provides tourism and marketing services, including operating a California Welcome Center, and promotional exposure of the County's recreational resources. The Association will focus this year on Eastern Shasta County and outdoor activities and is partnering with other counties to advertise in the United Kingdom.

Supervisor Cibula stated he is not in favor of the 10 percent decrease in compensation, but rather compensation in the amount of \$28,000.

By motion made, seconded (Cibula/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal agreement with the Shasta Cascade Wonderland Association in the amount of \$28,000 to provide tourism marketing and promotional services for Fiscal Year 2008-09.

SUPPORT SERVICES

MEMORANDUM OF UNDERSTANDING: TEAMSTERS-TRADES AND CRAFTS UNIT
RESOLUTION NO. 2008-134
TEAMSTERS-TRADES AND CRAFTS UNIT CLASSIFICATIONS SALARY INCREASES
SALARY RESOLUTION NO. 1360

At the recommendation of Director of Support Services Michelle Schafer and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-134, which approves a successor comprehensive Memorandum of Understanding for the period January 1, 2009 through December 31, 2010; and adopted Salary Resolution No. 1360, which implements salary increases for Teamsters-Trades and Crafts Unit classifications in the amount of 3 percent effective June 21, 2009 and 3 percent effective June 20, 2010.

(See Resolution Book No. 49)
 (See Salary Resolution Book)

TREASURER-TAX COLLECTOR-PUBLIC ADMINISTRATOR

11:36 a.m.: Supervisor Cibula recused on the tax-defaulted properties item based on a professional relationship, and he left the chambers.

TAX-DEFAULTED PROPERTIES SALE

At the recommendation of Treasurer-Tax Collector Lori Scott and by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Tax Collector to sell up to 34 tax-defaulted properties at public auction on February 20, 2009; sell three tax-defaulted properties in a sealed bid to the highest bidder on February 18, 2009; re-offer any unsold sealed-bid properties at the public auction on February 20, 2009; and re-offer at a lower minimum bid amount any parcel that does not sell.

11:40 a.m.: Supervisor Cibula returned to the chambers.

HEALTH AND HUMAN SERVICES

HEALTH AND HUMAN SERVICES-BUSINESS AND SUPPORT SERVICES/

SUPPORT SERVICES

**HEALTH AND HUMAN SERVICES AGENCY
DEPUTY DIRECTORS RECLASSIFICATION**

Chairman Hartman announced that the item regarding the proposed reclassification of the department's deputy directors was pulled at the request of the department.

LAW AND JUSTICE

SHERIFF

**SEXUAL ASSAULT FELONY ENFORCEMENT (SAFE) TEAM GRANT
BUDGET AMENDMENTS**

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to accept and the Sheriff to administer the Sexual Assault Felony Enforcement (SAFE) Team Grant in the amount of \$620,730 for Fiscal Year 2008-09; approved a budget amendment in the Sheriff budget increasing appropriations in the amount of \$288,705 and revenues in the amount of \$288,882, reappropriating the carryover Fiscal Year 2007-08 SAFE grant award; approved a budget amendment in the amount of \$15,160 in the District Attorney budget increasing appropriations and revenues, as a result of an increase in transfers out from the Sheriff budget; approved a budget amendment in the amount of \$31,315 in the Probation budget increasing appropriations and revenues, as a result of an increase in transfers out from the Sheriff budget; authorized the Purchasing Division to obtain quotes, issue formal bids, and make purchases in accordance with Administrative Policy 6-101; authorized the Auditor-Controller to pay claims for expenses related to the grant, including funds which may be reappropriated in subsequent fiscal years; and authorized the Auditor-Controller to transfer to participating non-County agencies those fixed assets and other equipment purchased with grant funds on their behalf.

PUBLIC WORKS

**SONORA TRAIL PERMANENT ROAD DIVISION PARCEL CHARGE INCREASE
BALLOT TABULATION
RESOLUTION NO. 2008-135**

Supervising Engineer Al Cathey presented the staff report and requested the Clerk to announce the results of the vote on the parcel charge increase of the Sonora Trail Permanent Road Division, as required by Proposition 218; the vote was as follows:

FOR:	17	\$5,780 - total parcel increase
AGAINST:	7	\$2,720 - total parcel increase
LATE SUBMISSION:	1 (remains sealed)	

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-135, which overrules ballot protests and confirms the parcel charge report for Fiscal Year 2009-10.

(See Resolution Book No. 49)

11:48 a.m.: The Board of Supervisors recessed.

1:31 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, Senior Deputy County Counsel Rubin Cruse, and Deputy Clerks of the Board Valerie Ibarra and Diane Colson present.

AFTERNOON CALENDAR

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

**APPEAL OF USE PERMIT 06-016
HATCHET RIDGE WIND, LLC
BURNEY AREA
RESOLUTION NO. 2008-136**

This was the time set to conduct a public hearing and consider the appeal by Douglas Gerald Smith on behalf of Save Burney's Skyline and Ida Riggins on behalf of Pit River Tribe of the Planning Commission's approval of Use Permit 06-016, and certification of the Environmental Impact Report (EIR) for Hatchet Ridge, LLC (Burney area). The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

All Supervisors declared that they read all related materials and had no substantive conversations with any parties. Supervisor Kehoe attended the July 24, 2008 and October 2, 2008 Planning Commission meetings regarding this item. Supervisor Baugh attended the October 2, 2008 Planning Commission meeting regarding this item.

Senior Planner Bill Walker provided an overview of the public hearing process, presented the staff report regarding the proposed Hatchet Ridge Wind project by Hatchet Ridge Wind, LLC in the Burney area, and reviewed appeals submitted by Douglas Gerald Smith on behalf of the Save Burney's Skyline group and Ida Riggins on behalf of the Pit River Tribe. He explained the Planning Commission took into consideration the information presented by the public, agencies, and staff, and their Findings and Decision was based on substantial evidence in the record.

Letters opposing the proposed project were received from Joe Studenicka and Jim Wiegand after the staff report was prepared and distributed.

Mr. Studenicka's letter raised the issue of alternative sites for the project. Alternative sites were considered in both the draft and final EIR; however, there is no way to confirm an alternate site without installing meteorological towers and analyzing wind energy for one year. All revised conditions have been included in the staff report recommendation.

Mr. Wiegand's letter regarding potential bird fatalities and referencing the wind farm at Altamont Pass, California was reviewed by Jones and Stokes, the project's consultant. The consultant prepared a response, noting that the EIR discloses that potential bird collisions with turbine blades may result in fatalities. The response recommends a technical advisory committee to determine whether additional mitigation measures are needed. Hatchet Ridge and Altamont Pass are different environments with different potential impacts on birds.

Representing applicant Hatchet Ridge, LLC, Nicole Hughes stated that the project was developed by RES America Developments, Inc. (RES), and recently, Hatchet Ridge partnered with Babcock & Brown. Hatchet Ridge was selected due to the wind speed required to support a commercial-grade wind energy project, access to existing transmission lines with capacity to transmit the energy, and compatibility and constructability with existing land use. The State of California's Renewables Portfolio Standard program requires electric corporations to increase procurement from qualified renewable energy resources by at least one percent of their retail sales annually, until they reach 20 percent by 2010. There are no documented health, tourism, property value, or business impacts.

Ms. Hughes outlined finalized community involvement agreements, including a one-time donation of \$500,000 and a \$25,000 25-year annual endowment with Burney-Fall River Education Foundation and Burney Regional Community Foundation, administered by the Shasta Regional Community Foundation in Redding; and a one-time donation of \$1 million and a \$100,000 20-year annual endowment with Shasta County to benefit the Burney and eastern Shasta County communities.

Ms. Hughes addressed the issues raised by the appellant's written appeals. Studies have confirmed that moving the project to an area of marginal wind is not feasible in securing financing as more turbines would be needed, resulting in greater environmental impact, and the project would be further from existing transmission lines. A visibility study confirmed that from Main Street, Burney, the project is mostly obstructed by geographic area and trees. Prior to the project's approval, RES hosted a site visit with tribal members, hired an ethnographer to prepare a study documenting religious and social values of Hatchet Ridge, and collaborated with the tribe to prepare a treatment protocol and monitoring agreement for construction activities. They have also met with the tribe's attorney to include language in the use permit to address concerns.

Representing appellant Save Burney's Skyline, Douglas Gerald Smith objected to the project's studies and documentation as limited analysis and discussed property tax assessment, failed wind projects, and the effects on the environment. He requested the proposed project be moved to another location or the space between turbines be compressed to decrease the project span.

Representing appellant Pit River Tribe, Michelle Lupina, Esq. explained that historically the Pit River Tribe has strongly disputed the loss of land base, especially where the tribe has cultural ties. The tribe opposes the proposed project due to the tribe's restricted involvement of the management of cultural resources, the impact to endangered species, restricted access to Hatchet Ridge, and the lack of benefits for the local and tribal community.

3:04 p.m.: The Board of Supervisors recessed.

3:18 p.m.: The Board of Supervisors reconvened.

The public hearing was opened, at which time Earl Allen Boek, Bob Thompson, Larry Dodds, Ron Epperson, Bob Moore, Perry Thompson, Dennis Miller, and Kathy Lakey spoke in support of the proposed project, noting the tax benefits, creation of local employment, and clean energy.

California Department of Fish and Game representative Bruce Webb recommended Condition Number 31b of the Statement of Conditions be amended by ending the last sentence at the word "Management" as the additional language identifying the mitigation funding is incorrect.

Angel Winn, David Larson, Ken Archuleta, Bob Millson, Donna Sylvester, Jessica Jim, Zalynn Baker, Keith Thompson, Michael Carr, Terrie Davis, Jack Potter, Jr., Radley Davis, Joe Studenicka, Jacquelyn Wendt, Jim Wiegand, Ross Montgomery, Raymond Sloan, Ryal Webster, Liz Davis, and Vernon Alvina spoke in opposition to the proposed project due to the anticipated environmental, avian, and visual impacts, as well as the impact to the religious practices of the Pit River Tribe.

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

Remy, Thomas, Moose & Manley, LLP attorney Sabrina Teller, applicant's CEQA counsel explained that moving the project is not feasible as there is no other satisfactory area to locate the project. She confirmed the applicant does not currently lease the proposed location. Turbine design has greatly improved since construction of Altamont Pass, and this project has the most comprehensive avian impact measures to date. The proposed project would only temporarily restrict access to the site during construction for safety reasons.

Douglas Gerald Smith alleged that Babcock & Brown is not financially stable and discussed alternative sites in Shasta County. He also requested full disclosure of the effects to the environment. He contended that the proposed Mitsubishi turbines are only in the testing phase and are not ready for mass production.

Ms. Lupina asserted that the Pit River Tribe was not adequately included in the project or in the cultural resources inventory. She requested the Board of Supervisors require the applicant to perform a more comprehensive analysis of avian migration.

5:28 p.m.: The Board of Supervisors recessed.

5:34 p.m.: The Board of Supervisors reconvened.

In response to questions by Supervisors, Mr. Walker explained that a secondary compensation fund is reserved for mitigation measures. Assistant Director of Resource Management Rick Simon described that under CEQA conditions, the applicant is not required to fully mitigate avian fatalities, only minimize the impact to "less than significant." The EIR requires continued impact monitoring and, if the impact exceeds anticipated levels, mitigation is required. The Tribe can participate in onsite monitoring prior to and during construction to complete the cultural resources inventory. The requirement for monitoring is well established in the Statement of Conditions. Additional language is required if the County would like to approve or review mitigation protocols.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding the appeal of Use Permit 06-016, Hatchet Ridge Wind, LLC, Burney area:

1. Adopted Resolution No. 2008-136, which:
 - (a) Denies the appeals submitted by the Save Burney's Skyline group and the Pit River Tribe,

- (b) affirms the Planning Commission's certification of the Environmental Impact Report for the Hatchet Ridge Wind project as set forth by Planning Commission Resolution No. 2008-102, with findings, and
 - (c) affirms the Planning Commission's approval of Use Permit No. 06-016, adoption of the Findings of Fact and Statement of Overriding Considerations (with an amendment to condition 31b and an additional condition requiring the Pit River Tribe's review of the monitoring protocols not to exceed thirty days from the receipt of the final proposed protocols from the applicant), and adoption of the related Mitigation Monitoring and Reporting Program as set forth in and subject to the conditions attached to Planning Commission Resolution No. 2008-102, with findings; and
2. Approved and authorized the Chairman to sign a community benefit agreement with Hatchet Ridge Wind, LLC in the amount of \$1,000,000 for the first year and \$100,000 per year for 20 years thereafter for the term from the date of signing through the earlier of:
- (a) the developer's last payment, and
 - (b) the date by which the project site is required to be restored to its pre-project condition.

(See Resolution Book No. 49)

6:21 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy