

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, December 9, 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 - Linda Mekelburg
Deputy Clerk of the Board - Diane Colson

PRESENTATION OF COLORS

In recognition of the Welcome Home Vietnam Veterans Week, the Vietnam Veterans of America, Chapter 357 Color Guard presented the American flag.

INVOCATION

Invocation was given by Pastor Don Mangrum, Central Valley Assembly of God.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by U.S. Army Veteran/Captain of the Patriot Guard Riders Jeff Nelson.

PUBLIC COMMENT PERIOD - OPEN TIME

Shasta County Fire Department representative Doug Wenham distributed a brochure recently completed regarding the volunteer fire companies in Shasta County. Brochures will be available from CalFIRE, the various volunteer fire companies, and online.

BOARD MATTERS

DECEMBER 2008 EMPLOYEE OF THE MONTH
ADMINISTRATIVE SECRETARY II JENELLE BARTOLO
RESOLUTION NO. 2008-143

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-143, which recognizes Administrative Secretary II Jenelle Bartolo as Shasta County's December 2008 Employee of the Month.

(See Resolution Book No. 49)

PROCLAMATION: BILL OF RIGHTS DAY

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates December 15, 2008 as Bill of Rights Day in Shasta County. Dorothy Robbins accepted the proclamation on behalf of the Daughters of the American Revolution.

PROCLAMATION: WELCOME HOME VIETNAM VETERANS WEEK

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates December 10-14, 2008 as Welcome Home Vietnam Veterans Week in Shasta County. Eddie McAllister accepted the proclamation on behalf of the Vietnam Veterans of America, Chapter 357.

RETIRING OF THE COLORS

The American flag was retired by the Vietnam Veterans of America, Chapter 357 Color Guard.

9:37 a.m.: The Board of Supervisors recessed.

9:59 a.m.: The Board of Supervisors reconvened.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Cibula pulled for discussion the agreement with Hinderliter, de Llamas and Associates.

CONSENT CALENDAR

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

Adopted Resolution No. 2008-144, which authorizes the Auditor-Controller to pay claims related to an employee's required license and/or certification when the required license and/or certification exclusively benefits Shasta County operations and when requested by the department head and approved by the County Administrative Officer. (Administrative Office)

(See Resolution Book No. 49)

Approved a budget amendment increasing appropriations in the amount of \$46,800 in the Agricultural Commissioner/Sealer of Weights and Measures budget unit to fund the extension of the Wildlife Services contract with the U.S. Department of Agriculture, to be offset by the use of fund balance; and directed the Auditor-Controller to pay claims related to the contract. (Agricultural Commissioner/Sealer of Weights and Measures)

Approved and authorized the Chairman to sign the County Claims List totaling \$391.00 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on November 18, 2008, as submitted. (Clerk of the Board)

Appointed Peer Lindeman to the Grazing Advisory Board to fill an unexpired term to January 2011. (Clerk of the Board)

Appointed Bruce Brackett to the Manton Joint Cemetery District Board of Trustees to fill an unexpired term to December 2011. (Clerk of the Board)

Enacted Ordinance No. 378-1982, which approves Zone Amendment No. 07-028, Lindsay (Whitmore area), as introduced October 7, 2008. (Clerk of the Board)

(See Zoning Ordinance Book)

Adopted Resolution No. 2008-145, which accepts the County Clerk/Registrar of Voters' Official Canvass of the November 4, 2008 Presidential General Election. (County Clerk/Registrar of Voters)

(See Resolution Book No. 49)

Approved and authorized the Chairman to sign a retroactive grant agreement with the San Diego State University Research Foundation on behalf of the California Kids' Plates Program in an amount not to exceed \$36,000 to continue a project focused on motor vehicle occupant safety for the period July 1, 2008 through June 30, 2009; approved and authorized the Director of Public Health or his designee to sign the Contractor's Release through the submission of final grant documents; and authorized the Auditor-Controller to pay claims related to the agreement. (Public Health)

Approved and authorized the Chairman to sign the Federal Fiscal Year 2009 Certifications and Assurances Signature Page for Federal Transit Administration Assistance Programs; and approved and authorized the County Administrative Officer or his designee to sign an agreement and any subsequent amendments with Caltrans for Shasta County to receive an amount not to exceed \$35,316 to fund construction of a new transit shelter at the Opportunity Center. (Social Services)

Approved and authorized the Chairman to sign two contracts with the California Department of Boating and Waterways in the amount of \$80,000 each to purchase a total of two replacement patrol boats and trailers; approved a budget amendment increasing revenues and appropriations by \$160,000 in the Fiscal Year 2008-09 Boating Safety budget unit; authorized the Purchasing Division to obtain quotes, issue formal bids, and make purchases in accordance with Administrative Policy 6-101; and directed the Auditor-Controller to pay all claims and expenses incurred payable under these grants, such authorization extending through subsequent fiscal years in which funds have been re-appropriated and encumbered. (Sheriff)

Approved and authorized the Chairman to sign an Extension of Permit with Roseburg Resources Company in the amount of \$143.39 to lease land used for the County Service Area (CSA) No. 23 - Cragview Water system tank site for the period December 1, 2008 through November 30, 2009. (County Service Area No. 23 - Cragview Water)

Approved and authorized the Chairman to sign a renewal Assistance Agreement with the U.S. Department of the Interior-Bureau of Land Management (BLM) to undertake cooperative projects to maintain and upgrade existing County roads through BLM lands from the date of

signing through September 30, 2013; and designated the Director of Public Works as the County's agent to sign Task Orders and related documents with BLM in an amount not to exceed \$30,000 each to construct improvements on County Roads. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Ono Volunteer Fire Station Building Project and record it within 10 days of actual completion of the work. (Public Works)

Released the securities guaranteeing performance of subdivision improvements in the amount of \$246,400 and guaranteeing payment in the amount of \$123,200 for Tract Map No. 1897, Rocky Ledge Estates (Johnson Park area). (Public Works)

For Parcel Map No. 05-046, Ecenbarger (Cottonwood area), adopted Resolution No. 2008-146, which grants an extension of time to the developer for completion of improvements by December 8, 2009; and approved and authorized the Chairman to sign an amendment to the agreement with Mark and Kathryn Ecenbarger extending the time of completion to December 8, 2009. (Public Works)

(See Resolution Book No. 49)

For Parcel Map No. 04-041, Roberts (Shingletown area), adopted Resolution No. 2008-147, which grants an extension of time to the developer for completion of improvements by May 16, 2009; and approved and authorized the Chairman to sign an amendment to the agreement with Bobby and Christine Roberts extending the time of completion to May 16, 2009. (Public Works)

(See Resolution Book No. 49)

For the Palo Cedro Fire Station Residence Project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and direct the Public Works Director to advertise for bids; and authorized opening of bids on or after January 8, 2009 at 11:00 a.m. (Public Works)

For Tract Map No. 1917, White Oak Manor Permanent Road Division (Millville 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 January 27, 2009 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

Approved and authorized the Chairman to sign an amendment to the agreement with The Louis Berger Group, Inc. increasing compensation by \$19,636 (for a new total amount not to exceed \$78,636) to provide liaison services between the County of Shasta and the Pacific Gas & Electric Stewardship Council and extending the term to June 30, 2009. (Resource Management)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR

In response to questions from Supervisors, Auditor-Controller Connie Regnell explained that the firm of Hinderliter, de Llamas and Associates will audit sales and use tax distributions to insure they are properly distributed to the County of Shasta rather than to another local entity. Their standard fee is 15 percent of any incorrect distributions discovered in their audits for the first nine quarters and 0 percent after that time period. Ms. Regnell explained that no Request For Proposal was issued since the firm is the only one known that provides the service.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2008-148, which authorizes the audit of California Board of Equalization sales and use tax records by Hinderliter, de Llamas and Associates (HdL); and approved and authorized the Chairman to sign an agreement with HdL for an amount of 15 percent of any new sales or use tax revenue discovered during the audit. (Auditor-Controller)

(See Resolution Book No. 49)

10:05 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

SHASTA COUNTY WATER AGENCY

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Shasta County Water Agency took the following action, as listed on the consent calendar:

Approved and authorized the Chairman to sign an amendment to the agreement with the law firm of Somach, Simmons & Dunn to include Shasta County in matters related to state water right fees imposed for Fiscal Year 2008-09. (County Counsel)

10:06 a.m.: The Shasta County Water Agency adjourned, and the Board of Supervisors reconvened.

REGULAR CALENDAR

PRESENTATIONS

WILDLAND URBAN INTERFACE GRANT INFORMATION

Western Shasta Resource Conservation District Manager Mary Mitchell presented information regarding Wildland Urban Interface grants received by the District. Since 1998, 79.14 miles of fuel breaks have been created, utilizing \$1.7 million in grant funds; however, 426.9 miles remain to be developed. The District currently has \$10.9 million in grants for projects in process, with an additional \$2.7 million awarded but not yet begun. Fire and fuels management is a high priority for the Western Shasta Resource Conservation District.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees presented an update on specific legislation of importance to Shasta County, including the governor's proposed elimination of the Open Space Subvention Act of 1971, which reimburses counties for property taxes reduced as a result of property owners placing their property into Williamson Act contracts. Shasta County will lose approximately \$250,000 if the Open Space Subvention Act is eliminated. Supervisor Cibula suggested making personal contact with each legislator in addition to sending a letter opposing the proposed action. He also suggested applying to the Sierra Nevada Conservancy for grant funds.

By consensus, the Board of Supervisors approved and authorized the Chairman to sign a letter opposing the governor's proposed elimination of the Open Space Subvention Act of 1971.

Supervisors reported on issues of countywide interest.

Supervisor Kehoe recently attended a joint meeting of the Mental Health Board and the Alcohol and Drug Advisory Board; they will present a recommendation to the Board of Supervisors in January or February 2009 to merge the two boards.

Supervisors Baugh, Cibula, and Hartman recently attended the California State Association of Counties annual conference.

Supervisor Hawes recently attended the Sacramento River Area Conservation Forum and the Sacramento Valley Basin Control Council meeting.

PUBLIC WORKS

PROPOSED ORDINANCE

ROAD ACCEPTANCE AND MAINTENANCE POLICY

Public Works Director Pat Minturn presented the Board report and recommended approval of the proposed ordinance, which would require formation of permanent road divisions for maintenance of subdivision roads and emergency fire escape roads rather than allow formation of county service areas or homeowner associations.

There have been some issues leading toward the requested road maintenance policy:

1. Emergency Fire Escape Roads (EFERs): In the past, some EFERs maintained through a homeowners association were destroyed by erosion or fell into disrepair. The Board of Supervisors in the past has adopted policy to include EFERs in permanent road divisions to insure they are maintained in a proper fashion.
2. Gates and Gated Communities: Gates on EFERs are required to be breakaway gates. However, gated communities generally do not allow public access to subdivision roads; in order for the County to maintain the roads behind such a gated community, a 4/5 affirmative vote of the Board of Supervisors would be required, along with a finding that it would be in the public interest to maintain a road that is not available to all the citizens. The proposed policy does not preclude gated communities, but a 4/5 vote would be required to form a permanent road division for a gated community.
3. Permanent Road Division (PRD) Process: Currently, 45-day notice to property owners is required, along with a vote to form the PRD. Once the PRD is formed, taxes are collected through the property taxes. Roads are reviewed on an annual basis to determine maintenance needs, and maintenance is performed through a public works construction contract.

Northern California Construction Industry Force Account Council Senior Field Representative Sally Riley supported approval of the ordinance as it allows all contractors to bid competitively.

Thomas Brower of WBA Engineering, representing a developer whose subdivision may be affected by the proposed revisions, noted that his client has complied with all conditions placed upon the project, including a gate which opens whenever a vehicle approaches it, rather than a gate which is dependent upon a handheld remote control. He expressed his concern that the ordinance will affect the development of gated communities, and he requested that the Board of Supervisors allow a gated entrance on his client's project.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which repeals Resolution No. 95-31 and revises the County's road acceptance and maintenance policy.

11:25 a.m.: The Board of Supervisors recessed.

11:26 a.m.: The Board of Supervisors reconvened.

CLOSED SESSION ANNOUNCEMENT

Chairman Hartman announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Comb-Parker v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (a).

11:26 a.m.: The Board of Supervisors recessed to Closed Session.

11:37 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 Mike Ralston, and Deputy Clerks of the Board Linda Mekelburg and Diane Colson present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation. In the matter of Comb-Parker v. County of Shasta, by a unanimous vote, the Board of Supervisors approved a Compromise and Release in the amount of \$65,000. No other reportable action was taken.

11:38 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy