

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, August 25, 2009

**REGULAR MEETING**

9:00 a.m.: 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 Moty  
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 - Valerie Ibarra

**INVOCATION**

Invocation was given by Pastor Pauline Bowen, Trinity United Methodist Church.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Imam Abu Bakr Salahuddin of the Islamic Center of Redding requested the Board of Supervisors adopt a proclamation to observe September 13, 2009 as "Fast For A Day" in Shasta County.

Local Water Stays Local (LWSL) President Dick Roman explained that their organization opposes the acquisition of water from the local aquifer for use as bottled water; there are currently two use permits pending which would allow the transport of 288,000 gallons per day from Shasta County to use for a bottled water project. The hydrologist hired by LWSL has found significant problems with the proposed project.

Pastor Pauline Bowen invited the public to the 150th anniversary celebration of the Trinity United Methodist Church in September.

**BOARD MATTERS**

**SEPTEMBER 2009 EMPLOYEE OF THE MONTH**  
**MECHANICAL CRAFTS WORKER II MARK DUZYK**  
**RESOLUTION NO. 2009-085**

At the recommendation of Public Works Director Patrick Minturn and by motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted Resolution No. 2009-085, which recognizes Mechanical Crafts Worker II Mark Duzyk as Shasta County's September 2009 Employee of the Month.

(See Resolution Book No. 50)

**PROCLAMATION: ENERGY EFFICIENCY MONTH**

By motion made, seconded (Baugh/Hartman), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 2009 as Energy Efficiency Month in Shasta County. Flex Your Power Program Coordinator Lorna McLeod accepted the proclamation.

**ITEMS PULLED FROM CONSENT CALENDAR**

Supervisor Kehoe pulled for discussion the item regarding the Burney Cemetery District annual audit. In response to a question from Supervisor Kehoe regarding the results of previous audits of the District, Auditor-Controller Connie Regnell confirmed that there have been no audit exceptions in past audits, nor have there been any adverse comments in management letters.

**CONSENT CALENDAR**

By motion made, seconded (Hartman/Moty), 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 \$936.00 requiring special board action. (Auditor-Controller)

Adopted a proclamation which designates September 6-13, 2009 as Childhood Cancer Awareness Week in Shasta County. (Board Matters)

Approved the minutes of the meeting held on August 18, 2009, as submitted. (Clerk of the Board)

Enacted Ordinance No. 678, which repeals Ordinance No. 638 and establishes fees for non-paper discovery, as introduced August 11, 2009. (Clerk of the Board)

(See General Ordinance Book)

Enacted Ordinance No. 408-207, which establishes a 20-mile-per-hour speed zone on all roads in the Silverthorn Summer Homes Tract, as introduced August 11, 2009. (Clerk of the Board).

(See Speed Restriction Ordinance Book)

Replaced the annual audit of the Burney Cemetery District with a financial review. (Clerk of the Board/Auditor-Controller)

Adopted Resolution No. 2009-086, which approves and authorizes the Chairman to sign an agreement with Caltrans to accept grant funding in an amount not to exceed \$50,000 to

purchase a small bus to provide Opportunity Center client transportation, approves and authorizes the Opportunity Center Manager to sign the Federal Fiscal Year 2009 Certifications and Assurances for Federal Transit Administration assistance programs, and authorizes the Auditor-Controller to establish a fixed asset account and make an advance payment of \$5,735 to cover the local match portion of the grant; and approved a budget amendment in the Opportunity Center budget increasing revenues by \$44,265, increasing appropriations by \$50,000, and using fund balance for the required local match of \$5,735. (Social Services)

(See Resolution Book No. 50)

Approved and authorized the Chairman to sign California Department of Veterans Affairs Certificates of Compliance to allow the Veterans Service Office to participate in the County Subvention program and the Medi-Cal Cost Avoidance program. (Veterans Service Office)

Approved and authorized the Chairman to sign an Equitable Sharing Agreement and Certification Affidavit outlining receipt and expenditure of federal asset forfeiture sharing funds during Fiscal Year 2008-09. (District Attorney)

Approved and authorized the Chairman to sign an Equitable Sharing Agreement and Certification Affidavit outlining receipt and expenditure of federal asset forfeiture sharing funds during Fiscal Year 2008-09. (Sheriff)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta Union High School District in the amount of \$90,107 plus overtime costs to provide a Deputy Sheriff School Resource Officer assigned to the Foothill High School campus from the date of signing through June 3, 2010. (Sheriff)

Released the security guaranteeing maintenance of public improvements in the amount of \$48,800 for Tract Map No. 1943, Santa Barbara Estates, Units 3 and 4 (north Redding area). (Public Works)

On behalf of County Service Area No. 1 - County Fire Administration, accepted the donation of two Self-Contained Breathing Apparatus (SCBA) units from the Montgomery Creek Volunteer Fire Company. (County Service Area No. 1 - County Fire Administration)

## **REGULAR CALENDAR**

### **GENERAL GOVERNMENT**

#### **PRESENTATION**

#### **PRESENTATION: NORTHERN VALLEY CATHOLIC SOCIAL SERVICE SECOND HOME PROJECT**

Director of Mental Health Dr. Mark Montgomery introduced Northern Valley Catholic Social Service (NVCSS) Shasta County Director Cathy Wyatt, who gave a presentation regarding the NVCSS Second Home Project. The Project is a community settlement for people with mental health issues and their families; it supplies resources and support for them. The Second Home Project fosters the philosophy of wellness, recovery, and resilience.

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

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

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

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

Supervisor Kehoe read a letter of commendation from Shasta County resident Don Ferrell complimenting Department of Public Works employees Gary “Corky” Meadows and Ray Rogers and their road maintenance crew during some recent road work on Quartz Hill Road.

Supervisor Hartman recently attended a Fire Safe Council meeting.

Supervisors reported on issues of countywide interest.

## **PUBLIC WORKS**

### **COUNTY SERVICE AREA NO. 6 - JONES VALLEY**

#### **PROPOSED ELK TRAIL ANNEXATION STRAW POLL RESULTS**

In response to a question from Supervisor Kehoe, County Counsel Mike Ralston explained that there is no conflict of interest for Supervisors Kehoe and Baugh to vote on the Elk Trail annexation issue, given that they will also vote on the issue as members of the Local Agency Formation Commission (LAFCO) at a later date; decisions made at LAFCO meetings are separate decisions from those made at Board of Supervisors meetings.

Public Works Director Pat Minturn presented the staff report and recommended approval. Straw poll ballots were mailed to all property owners in the affected area. Approximately 80 percent of the property owners returned ballots; of those, approximately 80 percent voted “yes,” choosing either the A-Plan (full services) or the B-Plan (no water service). The LAFCO application has been submitted; at LAFCO’s request, the Bella Vista Water District has indicated they will provide a letter declining to serve the area and deferring to County Service Area No. 6 - Jones Valley.

Mr. Minturn reviewed the proposed timeline for the project, which includes the public notice phase, application to LAFCO, passage of Assembly Bill 1438 (Conway), obtaining of necessary permits from the federal government, and issuance of a Request For Proposal for engineering services.

In response to a question from Supervisor Kehoe regarding the possibility of assistance for low-income households in the area, Mr. Minturn noted that although the entire area is considered low income, there may be some programs available in the future through Community Development Block Grants. If the project moves forward, those who voted “no” on the straw poll must choose either the A-Plan or the B-Plan, after which they may cast either a “yes” or “no” vote.

Elk Trail Water Association President Paul Stout, Larry Buchanan, and Dan Tallerino supported the project and requested the Board of Supervisors continue to move forward without delay. Scott Vergers supported the project and noted that he is willing to pay what is needed on his two parcels. Bert Stead asked that the Board of Supervisors continue to support the project. Ron Girard supported the project, although he has his own well.

Kathy Jalquin opposed the project, asking the Board of Supervisors to split the project into three separate areas--Elk Trail West, Central, and East. Darla Baldwin asked that the eastern portion of Elk Trail be eliminated from the project. Patricia Whitlock opposed the project due to the expense involved to the residents. Wendy Peet opposed the project, explaining that she will need to sell her property as she will not be able to afford the payments and noting that residents who opt for the B-Plan will only have one-half of one vote in the final vote tally.

In response to questions by Supervisors, Mr. Minturn explained that the one-half vote is not a subjective decision by the Department of Public Works. By law, votes for or against parcel assessments are proportionate to the amount of the assessment. Since the assessment for those choosing the B-Plan is approximately 50-60 percent of the assessment for those choosing the A-Plan, B-Plan voters will only have approximately one-half of one vote.

Acting on behalf of County Service Area No. 6 - Jones Valley Water, by motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding the proposed Elk Trail Annexation:

1. Received the Straw Poll results as follows:
 

YES (A-Plan):	123
YES (B-Plan):	3
NO RESPONSE:	38
NO:	32
2. Accepted the finalized annexation boundary as submitted; and
3. Directed staff to issue a Request For Proposals for engineering services.

10:55 a.m.: The Board of Supervisors recessed.

11:04 a.m.: The Board of Supervisors reconvened.

### **PUBLIC WORKS**

#### **LETTERS: LASSEN NATIONAL FOREST AND SHASTA-TRINITY NATIONAL FOREST MOTORIZED TRAVEL MANAGEMENT DRAFT ENVIRONMENTAL IMPACT STATEMENT**

Public Works Director Pat Minturn presented the staff report and recommended approval of two letters expressing concerns regarding new restrictions for vehicles (both off-road and on) under the proposed Motorized Travel Management Draft Environmental Impact Statement (EIS) for both the Lassen National Forest and the Shasta-Trinity National Forest. Most off-highway vehicle (OHV) trails and some passenger roads will be closed to OHV's.

Supervisor Moty made a motion to approve and authorize the Chairman to sign the letters; Supervisor Kehoe seconded the motion. Under discussion, Supervisors expressed their disappointment with the U.S. Forest Service's lack of responsiveness to public comments (from both citizens and public agencies such as the California Highway Patrol) regarding the Draft EIS. There was no one present from the U.S. Forest Service to comment on the proposed letters. Supervisor Kehoe suggested amending the motion to include letters being sent to the Regional Forester and the Chief of the U.S. Forest Service. Supervisor Moty amended his motion to include the two letters, and Supervisor Kehoe seconded the amended motion.

By a unanimous vote, the Board of Supervisors approved and authorized the Chairman to sign letters to the Lassen National Forest Supervisor, the Shasta-Trinity National Forest Supervisor, the Regional Forester, and the Chief of the U.S. Forest Service for the Lassen National Forest Motorized Travel Management Draft Environmental Impact Statement and for the Shasta-Trinity National Forest Motorized Travel Management Draft Environmental Impact Statement.

## **RESOURCE MANAGEMENT**

### **PRESENTATION: PARKS, TRAILS, AND OPEN SPACE PLAN**

Resource Management Community Education Specialist Shiloe Braxton introduced Project Manager Ryan Mottau of Moore Iacofano Goltsman, who presented the Parks, Trails, and Open Space Plan. The purpose of the plan is to present a County-wide view of the resources and needs of Shasta County; to provide a “tool box” with policies, projects, and funding sources; and to present the potential of a County-Wide Parks, Trails, and Open Space Agency.

Policy recommendations included working with community partners to provide parks for unincorporated rural communities; creating a well-connected trail system that provides transportation and recreation benefits to the County and the region; and conserving important natural and scenic areas that provide wildlife habitat, cultural, and historical resources and significant views, as well as sensitive lands including wetlands and steep slopes.

Supervisor Baugh expressed his disappointment in the lack of widespread public participation in the plan development.

Supervisor Kehoe said that with the completion of the plan, the public will have expectations as to forward progress and accomplishments; however, there is a limited financial capacity to progress. Director of Resource Management Russ Mull explained that the Board of Supervisors may want to set priorities based on available funding for this and other special interest groups; the recommendations may also be implemented into any upcoming General Plan update. Supervisor Kehoe expressed interest in the Board of Supervisors conducting a workshop to chart future direction regarding the plan presented and in reintroducing the idea of recreational impact fees.

Supervisor Hartman noted that the plan is a good “first step,” although she understands that there is not enough funding for a parks and recreation department. She made a motion to accept the report; Supervisor Kehoe seconded the motion. In response to a question by Supervisor Moty, Mr. Mull explained that acceptance of the report acknowledges that the contract is complete.

Beatty and Associates Land Department Manager Len Lenstrand noted that there was poor public participation and requested that certain recommendations be stricken from the report, including the use of existing utility corridors and existing County roads for trail purposes. He asked the Board to not accept the plan but to resubmit it back to the author for consideration of the effects the plan would have on private property; the plan is insufficient as written and needs major modifications.

Recreation Outdoors Coalition Chairperson Sylvia Milligan opposed any infringement on private property and requested consideration for off-highway vehicles in the plan.

Happy Valley Park Committee Co-Chair Tom O’Mara supported acceptance of the plan.

In response to a question by Supervisor Kehoe, Mr. Mull confirmed that the contractor fulfilled the terms of the contract. Mr. Mull also noted that advertisements for public participation were placed in the newspaper as there was not sufficient funding for radio or television advertising.

By a unanimous vote, the Board of Supervisors accepted the Shasta County Parks, Trails, and Open Space Plan as submitted by Moore Iacofano Goltsman.

**CLOSED SESSION ANNOUNCEMENT**

Chairman 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 one case of anticipated litigation, pursuant to Government Code section 54956.9, subdivision (c); and
2. Confer with its counsel to discuss existing litigation entitled Anselmo and Seven Hills Land and Cattle Company, LLC v. Jensen, Mull and County of Shasta and entitled In the matter of C.P., pursuant to Government Code section 54956.9, subdivision (a).

12:17 p.m.: The Board of Supervisors recessed to Closed Session.

1:23 p.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 Clerk of the Board Linda Mekelburg present.

**REPORT OF CLOSED SESSION ACTIONS**

County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing and anticipated litigation. By a unanimous vote, the Board of Supervisors in the matter of C.P. authorized the representation of Shasta County to be handled by the Office of Legal Services for the Department of Health Care Services in conjunction with County Counsel. For the case of anticipated litigation, by a unanimous vote, the Board of Supervisors authorized the retention of Vandevanter Black LLP in conjunction with County Counsel to represent the interests of Shasta County in the Circuit City bankruptcy. No other reportable action was taken.

1:25 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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