

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, July 20, 2010

REGULAR MEETING

9:02 a.m.: Chairman Kehoe 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 - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg

INVOCATION

Invocation was given by Pastor Randy Speyer, Palo Cedro Seventh Day Adventist Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Employment Development Department California Operation Welcome Home Cal-Vet Corps Representative Barbara Webb provided information as to the assistance offered for returning veterans to thank them and maximize their benefits.

REGULAR CALENDAR

BOARD MATTERS

JULY 2010 EMPLOYEE OF THE MONTH
ASSOCIATE ENGINEER VENTON TROTTER
RESOLUTION NO. 2010-066

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2010-066, which recognizes Associate Engineer Venton Trotter as Shasta County's July 2010 Employee of the Month.

(See Resolution Book No. 51)

CERTIFICATE OF RETIREMENT
PROBATION DIVISION DIRECTOR ART ALVARADO

At the recommendation of Chief Probation Officer Wesley Forman, the Board of Supervisors recognized Probation Division Director Art Alvarado on the occasion of his retirement after more than 29 years of service to Shasta County. Hector Topete, Ed.D. shared memories from Mr. Alvarado's past.

PROCLAMATION: PROBATION SUPERVISION WEEK

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates July 18-24, 2010 as Probation Supervision Week in Shasta County. Chief Probation Officer Wesley Forman accepted the proclamation.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Kehoe pulled for discussion the item regarding the request for the authorization of the Auditor-Controller to process claims for the reissuance of stale-dated 1911 Act Bond checks older than five years. Deputy Treasurer Kim Pickering explained the 1911 Act Bonds were sold in the early 1970s by the Shasta County Treasurer to finance various County sewer, road, and infrastructure projects. Financing was secured by parcel owner bond payments. Most of the 1911 Act Bonds activity concluded in 2000; however, thirteen remain. After extensive research, the Treasurer's Office has located ten original bondholders or their heirs. The requested resolution will authorize the Auditor-Controller to process claims for the reissuance of stale-dated 1911 Act Bond checks older than five years.

Chairman Kehoe pulled for discussion the item regarding an agreement with the California Energy Commission for an energy conservation assistance account loan. In response to questions by Supervisor Kehoe, Public Works Director Pat Minturn stated the California Energy Commission (CEC) awards grants to provide energy retrofits, which improve energy consumption. Shasta County is eligible for up to \$400,000 in block grants which require matching funds. The CEC solicited proposals in December 2009. To qualify, the assistance of an energy services company was needed. Beutler Corporation provided assistance without any investment on the part of Shasta County and enabled the County to submit an application. The relationship between Shasta County and Beutler Corporation currently is informal. If, in the future, an agreement is to be considered, it will be fair and reasonable. There will not be a Request for Proposal (RFP) issued for the work proposed to be offered to Beutler Corporation. Chairman Kehoe stated he is uncomfortable with the mention in the board report that Beutler Corporation assisted the County in pursuing the funding in hopes of securing a contract for the construction work, which is an implied quid pro quo and indicates a lack of competition in opening the work to others via an RFP. Supervisor Moty commended Mr. Minturn for pursuing the energy efficiency work which will save the County money.

Chairman Kehoe advised Bert Stead had requested to pull for discussion the item regarding the Elk Trail Water System Assessment District (Assessment District). Public Works Director Pat Minturn stated the Assessment District will pay for potential annexation and extension of facilities. To date, \$5.4 million has been secured in grants and \$4.6 million in loans. The Assessment District has recommended the loans be paid off through property tax assessments on each parcel, and a formal boundary needs to be set for the Assessment District. Mr. Stead was not present in the Chambers to participate in the discussion.

CONSENT CALENDAR

By motion made, seconded (Moty/Hartman), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar. (Supervisor Kehoe voted no on the agreement with the California Energy Commission as there is apparent lack of competition for the follow-up work.)

Approved and authorized the Chairman to sign the County Claims List totaling \$18,936 requiring special board action. (Auditor-Controller)

Accepted the annual report of cash shortage reimbursements in the amount of \$96.42 for Fiscal Year 2009-10. (Auditor-Controller)

Approved the minutes of the meetings held on June 22 and 29, 2010, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign an amendment to the agreement with CorVel Health Care Corporation to add the CorCare RXSM Benefit Program for additional pharmacy discounts to the County's Workers' Compensation program effective the date of signing. (Support Services-Risk Management)

Adopted Resolution No. 2010-067, which authorizes the Auditor-Controller to process claims for the reissuance of stale-dated 1911 Act Bond checks older than five years. (Treasurer-Tax Collector-Public Administrator)

(See Resolution Book No. 51)

Approved and authorized the Chairman to sign an agreement with North Valley Business Systems in the amount of \$245 per month to lease a folding/inserting machine for the period August 1, 2010 through April 30, 2016. (Treasurer-Tax Collector-Public Administrator)

Approved and authorized the Alcohol and Drug Program Administrator to sign a combined Notice of Grant Award for Fiscal Year 2010-11 Comprehensive Drug Court Implementation Grant funding in the amount of \$111,487 and Drug Court Partnership Grant funding in the amount of \$126,270 to provide services to the participants in the Addicted Offender Program. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign a retroactive renewal agreement with Northern Valley Catholic Social Service, Inc. in an amount not to exceed \$227,000 per fiscal year (for a total not to exceed \$681,000) to provide Cal-Learn case management services for the period July 1, 2010 through June 30, 2011, with two automatic one-year renewals. (HHS-Regional Services)

Adopted Resolution No. 2010-068, which approves and authorizes the Chief Probation Officer to sign and submit an application for Juvenile Accountability Block Grant funding for technical assistance to implement and expand the use of evidence-based principles; and approved and authorized the Chief Probation Officer to sign the grant agreement, subsequent amendments, or other related documents. (Probation)

(See Resolution Book No. 51)

Approved and authorized the Sheriff to accept and administer the California Multi-jurisdictional Methamphetamine Enforcement Team American Recovery and Reinvestment Act (ARRA) Program grant in the amount of \$161,117 for the period March 1, 2010 through February 28, 2012; approved a budget amendment increasing appropriations and revenues in the Sheriff's Fiscal Year 2010-11 budget in the amount of \$161,117; approved the purchase of the following fixed assets: one Lincoln Intercept System computer server and software upgrade in an amount not to exceed \$50,000, and a maximum of six global positioning system (GPS) units in

an amount not to exceed \$20,000; and authorized the Auditor-Controller to pay claims related to the grant, including participating agency costs, with authorization extending through subsequent fiscal years in which funds have been reappropriated until all grant funds have been exhausted. (Sheriff)

For the Swede Creek Road at Swede Creek Bridge Widening Project, approved and authorized the Chairman to sign a right-of-way contract with Robert and Annalee Bowers (0.09 acres at \$3,500); and accepted one easement deed from Robert and Annalee Bowers conveying parcel of project right of way. (Public Works)

Approved and authorized the Chairman to sign an agreement with the California Energy Commission through the American Recovery and Reinvestment Act (ARRA) in the amount of \$527,380 for an energy conservation assistance account loan; and approved and authorized the Public Works Director to sign necessary subsequent agreements and amendments, including increases not to exceed \$40,000 total. (Public Works)

Approved and authorized the Chairman to sign a retroactive agreement with ThyssenKrupp Elevator Corporation in an amount not to exceed \$30,000 to provide elevator maintenance, examination, and repair at various County facilities for the period May 9, 2009 through May 8, 2011. (Public Works)

Adopted Resolution No. 2010-069, which approves the boundary map for Elk Trail Water System Assessment District No. 2010-2 and directs the Clerk of the Board to file a copy of the map with the County Recorder; and adopted Resolution No. 2010-070, which states the County's intent to order improvements to Elk Trail Water System Assessment District No. 2010-2. (Public Works)

(See Resolution Book No. 51)

Approved the allocation of \$53,020 from the Wildlife Control Fund in Fiscal Year 2010-11 for CalTip in the amount of \$5,000 for a secret witness program, the Department of Fish and Game (DFG) in the amount of \$8,470 for a surveillance camera system, Western Shasta Resource Conservation District (RCD) in the amount of \$18,160 for Middle Creek salmon spawning gravel, the City of Anderson in the amount of \$3,200 for South Volonte Trail nesting structures, U.S.D.A. Wildlife Services in the amount of \$350 for a demonstration electric fence charger, trail camera, and a winch for cage traps, DFG in the amount of \$2,595 for wildlife chemical immobilization equipment, Shasta Wildlife Rescue in the amount of \$4,500 for a young bird aviary, Western Shasta RCD in the amount of \$815 for Lower Clear Creek avian nesting, DFG in the amount of \$7,800 for an all-terrain vehicle for wildlife habitat surveys, and California Waterfowl in the amount of \$2,130 for a Youth Outdoor Adventure Day; and approved and authorized the Public Works Director to sign the grant fund agreements. (Public Works)

Accepted the Resource Advisory Committee's Title III (timber receipt funds) project recommendations; allocated Fiscal Year 2010-11 funds in the amount of \$188,000 for the Sheriff's Office of Emergency Services to purchase narrowband radio infrastructure; allocated Fiscal Year 2011-12 funds in the amount of \$180,672 for County Fire in the amount of \$45,625 to purchase narrowband radios, Burney Fire Protection District in the amount of \$73,000 for ambulance replacement, and Fall River Mills Fire Protection District in the amount of \$62,047 for a quick-response vehicle; and directed staff to begin a 45-day public comment period on the Committee's recommendation. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the District Attorney Office Project and record it within 10 days of actual completion of the work. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the East Redding Bike Lanes - Phase 1 Project (ARRA) and record it within 10 days of actual completion of the work. (Public Works)

Approved and authorized the Chairman to sign an amendment to the cooperative fire protection agreement with the California Department of Forestry and Fire Protection (CAL FIRE) increasing compensation by \$2,542,484 for Fiscal Year 2010-11 (for a new total of \$7,557,121) to administer and operate the Shasta County Fire Department and extending the term through June 30, 2011. (County Fire)

Adopted Resolution No. 2010-071, which ratified the signature of the County Fire Warden on a retroactive renewal agreement with the California Department of Forestry and Fire Protection (CAL FIRE) at no cost to loan one fire truck to the County Fire Department for the period June 29, 2010 through June 28, 2015, with automatic one-year renewals; and approved and authorized the County Fire Warden to sign future federal excess personal property agreements for the County Fire Department. (County Fire)

(See Resolution Book No. 51)

REGULAR CALENDAR, CONTINUED

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 an update on the State budget, which currently has a \$19 billion gap. California State Association of Counties (CSAC) has put together a working group to have input on the budget. Shasta County will have two representatives in that group.

Supervisor Kehoe recently attended a Redding Area Bus Authority (RABA) meeting.

Supervisors reported on issues of countywide interest.

LAW AND JUSTICE

DISTRICT ATTORNEY

AGREEMENT: MICHAEL BURKE **EXECUTIVE DIRECTOR** **SHASTA FAMILY JUSTICE CENTER**

At the recommendation of District Attorney Jerry Benito and by motion made, seconded (Moty/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Michael Burke in the amount of \$6,083.34 per month to serve as the Executive Director of the Shasta Family Justice Center for the period August 1, 2010 through January 31, 2011. Mr. Benito introduced Michael Burke.

AGREEMENT: DUI VERTICAL PROSECUTION GRANT PROGRAM **RESOLUTION NO. 2010-072**

District Attorney Jerry Benito presented the board report and recommended approval. In response to questions by Supervisor Moty, Mr. Benito confirmed that presently the grant is only through September 2011 and that the individual who will fill the full-time investigator position will be aware of the possible layoff if additional funding is not found.

By motion made, seconded (Moty/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2010-072, which approves and authorizes the County Administrative Officer to sign an agreement in an amount not to exceed \$245,243 for the period October 1, 2010 through September 30, 2011 and other program-related documents for the DUI Vertical Prosecution grant program.

(See Resolution Book No. 51)

SCHEDULED HEARINGS

PUBLIC WORKS

PARCEL MAP NO. 09-006
GARTH DRIVE EMERGENCY FIRE ESCAPE ROAD PERMANENT ROAD DIVISION
SOUTH PALO CEDRO AREA
ANNUAL PARCEL CHARGE REPORT
RESOLUTION NOS. 2010-073 AND 2010-074

This was the time set to conduct a public hearing regarding the proposed Garth Drive Emergency Fire Escape Road (EFER) Permanent Road Division (south Palo Cedro area). Public Works Assistant Engineer John Sandhofner presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the formation of the permanent road division, and the public hearing was closed.

Mr. Sandhofner noted that in accordance with Proposition 218, the property owners must approve the requested parcel change, and he delivered the ballot to the Clerk of the Board for tabulation. The clerk opened the ballot; the vote was as follows:

FOR:	1
AGAINST:	0
BLANK BALLOTS:	0

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2010-073, which forms the Permanent Road Division, adopted Resolution No. 2010-074, which confirms the Annual Parcel Charge for Fiscal Year 2010-11, and received the annual parcel charge report.

(See Resolution Book No. 51)

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 09-012
HIGH VOLTAGE TRANSMISSION AND DISTRIBUTION PROJECTS
COUNTYWIDE

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 09-012, High Voltage Transmission and Distribution Projects (Countywide), which would amend Shasta County Code Title 17, *Zoning* to regulate development and location of electrical transmission and distribution lines, substations, and related facilities with a capacity of 200 kilovolts or greater or are under the operational control of the California Independent System Operator. Assistant Director of Resource Management Rick Simon presented the staff report and recommended approval of the project. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

In response to questions by Supervisor Baugh, Mr. Simon stated the intertie that connects the windmill substation at the Hatchet Ridge project is 230 kilovolts and was part of the Use Permit application submitted to the County; therefore, that portion of the project was considered in the Environment Impact Report (EIR) and subject to public scrutiny.

The public hearing was opened, at which time Donna Caldwell, Steve Kerns, Edward Merritt, Randy Compton, and Arne Hultgren spoke in support of the ordinance.

Sierra Pacific Industries representative Cedric Twight stated that he wants Shasta County to avoid unintended negative consequences that might negatively affect renewable energy projects. The proposed ordinance is flawed due to vague findings which could cause many uncertainties in future projects. He suggested changing the wording of the ordinance to avoid those issues.

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

In response to questions by Supervisor Baugh, Mr. Simon explained that the California Independent System Operator (ISO) does not own power lines; however, they serve a marketing and distribution function. Often, the ISO has control over the higher voltage lines, which are 200 kilovolts or greater. If any lines that qualify for being regulated under the proposed ordinance are part of a larger existing project, the particular intertie would not be separated out and considered under the ordinance.

In response to questions by Supervisor Baugh, Mr. Simon stated the language referred to as “vague” is standard language in all use permits in Shasta County and other jurisdictions.

In response to questions by Supervisor Baugh, County Counsel Rubin Cruse, Jr. confirmed that the standard of review language is referred to as a general welfare standard and has been well-accepted by the California courts as being a legally appropriate standard, as not being unduly vague; it is the language used in the County’s current use permit. The ISO’s control over the higher voltage lines comes from the California Resource Code, which gave jurisdiction to the California Energy Commission to designate transmission corridor zones for particular high voltage transmission lines, with a capacity of at least 200 kilovolts or under the operational control of the California ISO.

In response to questions by Supervisor Moty, Mr. Simon confirmed that the Hatchet Ridge project is not part of a larger project. All other projects are subject to the Use Permit process, to their own California Environmental Quality Act (CEQA), and an Environment Impact Report (EIR), which would consider the separate transmission lines. The California Energy Commission has regulatory authority over transmission intertie lines that would connect with a thermal energy source.

Supervisor Kehoe stated that the Board of Supervisors has received correspondence relative to this matter from Roseburg, Sierra Pacific Industries, and Lisa Goza-Hanaway, which are available for review.

Supervisor Kehoe stated he found the proposed ordinance confusing and ambiguous; it symbolizes an unnecessary increase in bureaucracy above and beyond the CEQA process, which is comprehensive and complete. It is unclear how this ordinance would change the difficulties that landowners, the County, and others have experienced with the recent Transmission Agency of Northern California (TANC) initiative. The County possesses sufficient authority and law to deal with subjects like this. Local property owners did not receive adequate and timely notification prior to projects commencement. Therefore, he favors a simplified, streamlined ordinance that would invoke rigid notification timelines that would give an opportunity for local landowners to respond to the aggressiveness and the intrusiveness of other organizations.

Supervisor Baugh said that under Shasta County’s current code, the transmission lines are exempt and in order to participate, the County must have an ordinance.

Supervisor Baugh made a motion to approve staff recommendations.

In response to questions by Supervisor Moty, Mr. Cruse explained it is necessary to be aware of any manner of control over power lines or transmission lines proposed by municipal utility districts. The statutes specifically state that an ordinance is needed for the exercise of control over a municipal utility district.

Supervisor Hawes seconded the motion.

Supervisor Baugh pointed out that if necessary in the future, the ordinance could be changed.

Supervisor Hartman said this ordinance would provide a notification process.

By motion made, seconded (Baugh/Hawes), and carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 09-012, High Voltage Transmission and Distribution Projects (Countywide) (Supervisor Kehoe voted no because the current process provides sufficient authority):

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. 2010-023;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2010-023 to amend the Zoning Plan Text;
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 09-012, as requested.

11:36 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy