

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, July 31, 2012

**REGULAR MEETING**

9:01 a.m.: Chairman Moty 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 Executive Officer - Larry Lees  
 Assistant County Counsel - James Ross  
 Chief Deputy Clerk of the Board - Glenda Tracy  
 Administrative Board Clerk - Linda Mekelburg

**INVOCATION**

Invocation was given by Pastor Terry Mason, Anderson Seventh-Day Adventist Church.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Dolores Lucero alleged that illegal activity has occurred in local government.

Rob McDonald objected to Shasta County's Medical Marijuana Ordinance.

**REGULAR CALENDAR**

**BOARD MATTERS**

**PROCLAMATION: CHILD SUPPORT AWARENESS MONTH**

At the recommendation of Director of Child Support Services Terri Love and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates August 2012 as Child Support Awareness Month in Shasta County.

**ITEMS PULLED FROM CONSENT CALENDAR**

Chairman Moty advised that the matters regarding the annual report of shortage reimbursements and the agreement with the City of Redding for the installation of two ballot drop boxes have been pulled for discussion.

**CONSENT CALENDAR**

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

Approved and authorized the Chairman to sign the County claims list totaling \$1,733.34 requiring special board action. (Auditor-Controller)

Approved and authorized the Chairman to sign a retroactive amendment with Iron Mountain Information Management, Inc. for provision of records management, extending the term through June 30, 2015 with no change in compensation. (Recorder)

Approved and authorized the Chairman to sign an amendment to the agreements, effective the date of signing, with Right Road Recovery Programs, Inc. and Empire Hotel, EHARC, Inc. d.b.a. Empire Recovery Center for outpatient alcohol and other drug treatment services to allow for reimbursement for services provided at satellite locations during the state certification process, with no change in compensation or term. (Health and Human Services Agency (HHS)-Adult Services)

Approved and authorized the Chairman to sign a retroactive amendment to the agreement (10-NNA45) with the State of California increasing compensation to Shasta County by \$144,110 (for a new total not to exceed \$5,067,513) to provide alcohol and other drug treatment and prevention services and retaining the term of July 1, 2010 through June 30, 2013. (HHS-Adult Services)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Child Abuse Prevention Coordinating Council in an amount not to exceed \$230,533 to provide AmeriCorps worker services and to cooperatively administer the Shasta County Child Abuse Prevention Referral Team for the period August 1, 2012 through July 31, 2013. (HHS-Children's Services)

Adopted Resolution No. 2012-089, which approves and authorizes the Director of Housing and Community Action Programs (Director) to sign and submit an application to the California Department of Housing and Community Development for HOME Investment Partnerships Program funding in an amount not to exceed \$500,000 to provide a tenant-based rental assistance program; approves and authorizes the Chairman to sign any agreement and subsequent amendments awarded for the program consistent with the provisions of the resolution in an amount not to exceed \$500,000; and approves and authorizes the Director to sign any additional documents required for participation in the program. (Housing and Community Action Programs)

(See Resolution Book No. 53)

Adopted Resolution No. 2012-090, which repeals Resolution No. 2012-051; and appoints the District Attorney as the agent for Shasta County to sign agreements and amendments and submit documents necessary for continuation of Crime Victims' Assistance Center programs regarding unreimbursed financial losses of victims of crimes for the period July 1, 2012 through June 30, 2015. (District Attorney)

(See Resolution Book No. 53)

Approved and authorized the Chairman to sign a retroactive renewal agreement with Shasta County Office of Education to pay Shasta County an amount not to exceed \$92,723.83 to

provide one full-time Deputy Probation Officer for probation intervention services at Oasis School/Educational Resource Center for the period July 1, 2012 through June 30, 2013, with two optional one-year extensions. (Probation)

Approved and authorized the Chairman to sign a retroactive amendment to the agreement with BI Incorporated increasing compensation by \$25,000 (for a new total not to exceed \$50,000) to provide monitoring for the Home Electronic Confinement program, and extending the term to June 30, 2013; and authorized the Auditor-Controller to pay invoices from BI Incorporated for services performed from July 1, 2012 through June 30, 2013. (Probation)

Accepted the 2012 Indian Gaming Local Community Benefit Grant in the amount of \$50,000, with \$25,000 to be applied toward one full-time Deputy Sheriff to serve as a Win-River Casino Deputy Liaison, and \$25,000 to purchase four dual-band portable radios; approved the purchase of four capital asset dual-band portable radios in an amount not to exceed \$23,750; approved a budget amendment increasing appropriations and revenue by \$50,000 in the Sheriff's Office Patrol budget; and authorized the Auditor-Controller to pay claims related to the grant. (Sheriff)

Approved and authorized the Chairman to sign a retroactive agreement with MSA Limited Partnership d.b.a. Verizon Wireless in an annual amount of \$6,648 paid in monthly installments (with 3 percent annual increases) to provide space for existing radio communications equipment on Shasta Bally for the period July 1, 2009 through June 30, 2014, with two optional five-year renewals. (Sheriff)

Awarded to the low bidder, On Grade Contracting, on a unit-cost basis, the contract for construction on the 2012 Culvert Project in the amount of \$257,758. (Public Works)

Adopted Resolution No. 2012-091, which elects to receive the full payment of Secure Rural Schools and Self-Determination Act of 2000 funds, and allocates 15 percent of the full payment for Title II and Title III (timber receipt funds) projects; directed staff to circulate requests for Title III projects; and directed the Resource Advisory Committee to rank Title III projects. (Public Works)

(See Resolution Book No. 53)

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

#### **ANNUAL REPORT OF SHORTAGE REIMBURSEMENTS FISCAL YEAR 2011-12**

Auditor-Controller Connie Regnell stated that Auditor staff researches claims submitted that are unusual to confirm that no fraud is involved, and training of procedures is addressed.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors accepted the annual report of shortage reimbursements in the amount of \$252.12 for Fiscal Year 2011-12. (Auditor-Controller)

#### **AGREEMENT: CITY OF REDDING INSTALLATION OF TWO BALLOT DROP BOXES**

County Clerk/Registrar of Voters Cathy Darling Allen advised the agreement with City of Redding will provide ballot drop boxes outside the City of Redding offices located at 777 Cypress Avenue and outside the County Clerk's office located at 1643 Market Street. This will allow voters to drop off their ballot at the ADA compliant ballot drop box, providing convenience and saving postage costs. In response to questions by Supervisor Kehoe, Ms. Darling Allen confirmed a pick-up and lock-down of the ballot boxes will take place at 8:00 p.m. on Election days.

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with the City of Redding at no compensation to permit the County of Shasta to install two ballot drop boxes on City property. (County Clerk/Elections)

## REGULAR CALENDAR, CONTINUED

### GENERAL GOVERNMENT

#### ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

#### LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees had no legislative update.

Supervisor Kehoe recently attended a Youth Violence Protection Council meeting.

Supervisor Baugh recently attended a Northern Rural Training and Employment (NoRTEC) meeting.

Supervisors reported on issues of countywide interest.

### ADMINISTRATIVE OFFICE

#### PUBLIC SAFETY REALIGNMENT

##### ASSEMBLY BILL 109

County Executive Officer (CEO) Larry Lees advised that the makeup of the Community Corrections Partnership Executive Committee (CCPEC) was set up by legislation, directing the chair of CCPEC to be the Chief Probation Officer (CPO). The CCPEC will bring the 2012 Plan for approval in the near future.

CEO Lees recommended the CCPEC consider using AB 109 revenue to hire an administrator to coordinate and oversee the implementation of AB 109 in Shasta County. A specific timeline should be determined regarding opening the Community Corrections Center.

Supervisor Kehoe recommended CEO Lees meet with the Presiding Judge to determine performance standards, goals, and mediation of the CPO's performance.

Supervisor Moty voiced concern about approving the hiring of a co-director until the budget plan has been reviewed.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors, regarding the implementation of AB 109, Public Safety Realignment, in Shasta County, directed:

1. The Community Corrections Partnership Executive Committee (CCPEC) to consider using AB 109 revenue to hire a temporary Realignment administrator to coordinate and oversee the implementation of AB 109 in Shasta County;
2. The CCPEC to identify a specific timeline and steps to be taken to open the Community Corrections Center, which includes the Assessment Center and Day Reporting Center, and report the progress weekly to County Executive Officer (CEO) Larry Lees;

3. The CCPEC and Sheriff Tom Bosenko to identify a specific timeline and steps to be taken to open the closed floor of the jail and contract with other counties for jail bed space and report the progress weekly to the CEO;
4. CEO Lees to meet with the Presiding Judge to discuss developing clear performance standards, goals, and measurements for the Chief Probation Officer's (CPO) performance and AB 109 implementation;
5. The CCPEC to consider appointing a CCPEC Co-Chair to assist the CPO with CCPEC meetings and CCPEC Plan development and implementation; and
6. The CCPEC to develop specific performance standards, goals, and measurements for the implementation of AB 109 in Shasta County and report the progress monthly to the Board of Supervisors.

## **LAW AND JUSTICE**

### **SHERIFF**

#### **MEMORANDUM OF UNDERSTANDING: COUNTY OF LASSEN HOUSING OF SENTENCED SHASTA COUNTY INMATES**

Sheriff Tom Bosenko stated that with the closing of one floor of the jail due to previous budget cuts and the impact of AB 109, there is increased need for additional housing space. The increased will assure offender accountability.

Cheri Beck supported the approval of the agreement.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a memorandum of understanding with the County of Lassen in the amount of \$63 per inmate per day to house sentenced Shasta County inmates in the Lassen County Jail from the date of signing through July 30, 2013.

#### **MEMORANDUM OF UNDERSTANDING: COUNTY OF EL DORADO HOUSE SENTENCED SHASTA COUNTY INMATES**

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with the County of El Dorado in the amount of \$90 per inmate per day to house sentenced Shasta County inmates in the El Dorado County Jail from the date of signing until terminated by either party.

## **SCHEDULED HEARINGS**

### **PUBLIC WORKS**

#### **VACATION OF PUBLIC EASEMENT DESCHUTES ROAD ANDERSON AREA RESOLUTION NO. 2012-092**

This was the time set to conduct a public hearing and consider vacating a portion of the public easement located on Deschutes Road in the Anderson area. Real Property/Right-of-Way Agent Brandon Magby 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 project, and the public hearing was closed.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-092, which vacates a portion of the public easement on Deschutes Road (Anderson area).

(See Resolution Book No. 53)

10:06 a.m.: The Board of Supervisors recessed.

10:14 a.m.: The Board of Supervisors reconvened.

## **RESOURCE MANAGEMENT**

### **PLANNING DIVISION**

#### **GENERAL PLAN AMENDMENT NO. 10-002** **TERRI AND CHARLES MAIN, et al.** **REDDING AREA**

This was the time set to conduct a public hearing and consider the request to deny General Plan Amendment No. 10-002, Main (Redding area), based on certain findings as set forth by the Planning Commission. Associate Planner Lio Salazar presented the report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The property is located in an island of County jurisdiction within the boundaries of the City of Redding, and is approximately 8.7 acres. The current General Plan designation is Suburban Residential, which would allow three dwelling units per acre, if water and sewer are available. The property is currently zoned Interim Residential, which carries a 5-acre minimum, which the applicant is requesting to be amended.

The applicant proposes to subdivide approximately 8.7 acres into six 1.45-acre parcels with individual wells and on-site septic systems.

On May 10, 2011, the Planning Commission considered the applicant's proposal. The Planning Commission found that, because the exception requested would allow significantly lower density in an area planned, designated, and zoned for higher density use, it conflicts with many community organization section objectives and policies which work in concert with other elements of the General Plan in accommodating future growth. The Planning Commission also found that the proposal would conflict with the implementation objectives of the General Plan because the proposed exception would only apply to the applicant's land and potentially a small portion of neighboring property. It would also set a precedent for modifying the General Plan in response to short-term narrow interests and would be contrary to the principle of consistent and equitable application of development policies throughout the County. Based on these findings, the Planning Commission recommended that the Board of Supervisors conduct a public hearing and adopt a resolution denying General Plan Amendment No. 10-002, Main.

The public hearing was opened, at which time Steve Main, one of the three Main brothers, stated they would like to divide the land into six 1.45-acre parcels, allowing each brother to have two parcels.

Andy Main, also a brother, advised he had obtained signatures from neighbors who approved the intention of the Main brothers.

Applicant's representative Einhard Diaz presented the details of the applicant's request.

Nick Gardner presented a petition with signatures of 41 neighbors who object to a change of the current 5-acre minimum.

Mike Quinn supported the project.

Linda Batten, Gene Rother, Marsha Sigmund, and Wayne Barney opposed the project.

In response to questions by Supervisor Hawes, Mr. Diaz confirmed that there is a 100-foot setback between the well and septic tank.

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

In response to questions by Supervisor Kehoe, Assistant Director of Resource Management Rick Simon stated that there is no alternative General Plan designation that would appropriately apply to the requested property division. An Environmental Assessment was provided to both the Planning Committee and the Board of Supervisors for use in consideration of the issues.

Supervisor Baugh stated that review of the documents and testimony given has led him to understand that the island of County property, surrounded by the City of Redding, restricts the property owners from dividing their parcels.

Supervisor Baugh moved that the Board of Supervisors declare its intent to approve the General Plan Amendment as proposed and direct staff to prepare the appropriate resolution of approval. Supervisor Hartman seconded the motion.

In response to questions by Supervisor Kehoe, Mr. Simon stated the General Plan is required to be consistent with other policy documents within the County. He proposed another option: to direct Planning Department staff to investigate the types of land use designations that might be appropriate in this situation and may apply to other suburban residential property owners with similar situations.

Supervisor Kehoe stated that he agrees with the proposals made by Mr. Simon and will not support the motion.

By motion made, seconded (Baugh/Hartman), and carried, the Board of Supervisors declared its intent to approve the General Plan Amendment No. 10-002, Main (Redding area) as proposed and directed staff to prepare the appropriate resolution of approval. Supervisor Kehoe voted no.

11:39 a.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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