

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 5, 1999

REGULAR MEETING

9:03 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 Fust
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Wilson
District No. 5 - Supervisor Clarke

County Administrative Officer - Doug Latimer
County Counsel - Karen Jahr
Clerk of the Board - Carolyn Taylor

INVOCATION

Invocation was given by Pastor Jon Wright, Victory Community Free Methodist Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Sheriff Jim Pope provided an update on the Happy Valley Fire statistics. He indicated that there have been problems in getting private property included in the Governor's proclamation declaring a local emergency. Supervisor Fust also expressed the same concern and requested that the County Administrative Officer be authorized to send additional letters to our Legislators and the President requesting that the emergency declaration be amended to include private property. The Board of Supervisors concurred.

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors made a finding of urgency and amended the agenda to add an item dealing with possible funding for the major clean up operations in Happy Valley due to the damage caused by the recent fire.

Russ Wade asked the Board to reconsider grant funding for his bio-diesel alternative fuel source project which was previously denied.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors made a finding of urgency and amended the afternoon agenda to include consideration of an item which would allow the placement of a totem pole in the Shingletown area in a Planned Development Zoning District.

CONSENT CALENDAR

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

Approved the minutes of the meeting held on September 28, 1999, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1807 which approves Zone Amendment 99-14, Harry and Mary Turiello, Fall River Mills area, as introduced on September 21, 1999. (Clerk of the Board)
(See Zoning Ordinance Book)

Approved a Compromise and Release agreement in the amount of \$30,293.60 for Toni Childs for full and final settlement of three claims resulting from job-related injuries. (Risk Management)

Approved and authorized the Chairman to sign a renewal application to the California Department of Health Services in the amount of \$1,804,745 over a three-year term to continue Women, Infants and Children nutritional program services for Fiscal Years 1999-2000 through 2001-2002. (Public Health)

Adopted Salary Resolution No. 1074 which deletes one Senior District Attorney Investigator and one Family Support Officer I/II position, and adds one District Attorney Investigator and one Family Support Supervisor position to the District Attorney's Family Support Division, effective October 10, 1999. (District Attorney - Family Support Division)
(See Salary Resolution Book)

REGULAR CALENDAR

BOARD MATTERS

OCTOBER 1999 EMPLOYEE OF THE MONTH

DIANE NEEL

RESOLUTION NO. 99-138

At the recommendation of Sheriff Jim Pope and by motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 99-138 which recognizes Public Safety Service Officer Diane Neel as Shasta County's October 1999 Employee of the Month.
(See Resolution Book No. 40)

PROCLAMATION: BREAST HEALTH AWARENESS MONTH

At the recommendation of Public Health Officer Andrew Deckert and Dr. Michael Figueroa, President of the local Cancer Society, and by motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 1999 as "Breast Health Awareness Month" in Shasta County.

PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH

At the recommendation of Mary Jensen and Mary Stegall of the Shasta County Women's Refuge and District Attorney McGregor Scott, in his position as Chairman of the Shasta County Domestic Violence Awareness Coordinating Council, and by motion made, seconded (Wilson/Clarke), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 1999 as "Domestic Violence Awareness Month" in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on legislation of importance to Shasta County.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 99-139 which supports the release of Bureau of Land Management wilderness Study Areas in Inyo and Mono Counties, and approved sending letters opposing the American Heritage Rivers Initiative Presidential Executive Order and a letter in support of the Senate Interior Department's appropriation for the F.D.R. Memorial.

(See Resolution Book No. 40)

Supervisor Fust explained that on Saturday, October 9, 1999, from 9:00 a.m. to 1:00 p.m., community efforts will begin to clean up the Happy Valley area damaged by the recent fire. This will be a major undertaking and there will be costs associated with this clean up. He requested that the Board of Supervisors consider providing some temporary funding to help with this clean up operation.

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors authorized the transfer of up to \$10,000 from Contingency Reserves to Public Works to be used to assist in covering the costs associated with the clean up efforts in Happy Valley due to the recent fire. It is expected that these funds will be repaid from Federal Emergency Management Agency funds once they are received. If necessary, an increase in this funding will be considered by the Board after documentation from Public Works.

During Supervisors' reports on issues of countywide interest, Supervisor Fust indicated that he had received a letter from the Regional Council of Rural Counties (RCRC) regarding the Juvenile Ward Authority Joint Powers Agreement (JPA). He explained that RCRC is requesting that all counties who are a part of that JPA appoint a representative who would attend a meeting to be held on October 21, 1999. This appears to be an effort to keep the JPA going even though Shasta County has already taken action to dissolve the JPA, effective October 31, 1999. Since he will be unable to attend that meeting, he requested that Chief Probation Officer Rennie Noll be appointed as Shasta County's representative at this meeting and to have him explain Shasta County's position and action.

AUDITOR-CONTROLLER

COUNTY CLAIMS

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors authorized the issuance of warrants totaling \$104,910.05 for County operating funds and special districts, as submitted by Auditor-Controller Rick Graham.

HEALTH AND WELFARE

SOCIAL SERVICES

**GRANT: PACIFIC BELL
OPPORTUNITY CENTER
RESOLUTION NO. 99-140**

At the recommendation of Social Services Deputy Director Bob Creighton, Opportunity Center Program Manager Tom Morehouse, Elizabeth Leslie who prepared the grant application, and Larry Lees, Director of Pacific Bell External Affairs, and by motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 99-140 which authorized the acceptance of a \$10,000 grant from Pacific Bell for the purpose of implementing an interactive Internet website for the Opportunity Center, approved a budget amendment which increases revenue and appropriations by \$10,000, and authorized the Chairman to sign a letter of thanks and appreciation to the Chairman of Pacific Bell specifically noting Mr. Lee's involvement in this activity and his community involvement contributions.

(See Resolution Book No. 40)

PUBLIC WORKS

NOTICE OF COMPLETION ASPHALT CONCRETE OVERLAYS SHASTA LAKE AND ANDERSON AREAS

At the recommendation of Public Works Director Ron Hill and by motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors approved and authorized the Director of Public Works to sign a Notice of Completion and record it within 10 days of actual completion of the work on the contract for asphalt concrete overlays on various County roads and within the Cities of Shasta Lake and Anderson.

CLOSED SESSION ANNOUNCEMENT

Chairman Hawes announced that the Board of Supervisors would recess to a Closed Session to confer with counsel to discuss existing litigation entitled Finley v. City of Redding and School Districts v. County of Shasta, pursuant to Government Code Section 54956.9, subdivision a.

County Administrative Officer Doug Latimer announced that there would be no discussion of labor negotiations as listed on the agenda.

10:24 a.m.: The Board of Supervisors recessed to Closed Session.

11:00 a.m.: The Board of Supervisors recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Members, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Pamela English present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Michael Ralston announced that the Board of Supervisors met in Closed Session to discuss existing litigation, during which the Board unanimously voted, with Supervisor Kehoe absent, to approve and authorize the Chairman to sign a settlement agreement with the plaintiffs in the case of Finley v. the City of Redding approving the payment of \$60,000 to plaintiffs, pursuant to the terms of the settlement agreement. Additionally, the Board authorized County Counsel to execute a future damage cost-sharing agreement with the City of Redding.

At the request of Supervisor Kehoe, Mr. Ralston explained that Supervisor Kehoe chose not to be in attendance during this action, because of his prior service on the Redding City Council, which could have conceivably created a conflict of interest.

URGENCY ITEM

SHINGLETOWN TOTEM POLE RAISING

Assistant County Counsel Michael Ralston explained that pursuant to the Board of Supervisors' direction and in conjunction with the Department of Resource Management, staff has researched whether or not there is any ability, pursuant to either the Zoning or Building Codes, for some type of urgency intervention in the matter of the Shingletown totem pole raising. The Zoning Code does not make any allowances for an urgency issue such as this. By way of additional clarification, he further explained that the totem pole would qualify both as a structure and a freestanding sign and its placement would be governed by those code provisions. However, staff did not find anything which would prohibit a pole raising ceremony, as long as the pole is not permanently set pending the Planning Commission taking up its consideration of the application. Given Mr. Ralston's explanation, no action was taken by the Board on this matter.

1:37 p.m.: Supervisor Clarke left the Board Chambers.

SCHEDULED HEARINGS**RESOURCE MANAGEMENT - PLANNING DIVISION****ZONE AMENDMENT 99-13
WHITMORE COMMUNITY CENTER, INC.,
AND COUNTY OF SHASTA
WHITMORE AREA**

This was the time set to receive public testimony and consider a request from Whitmore Community Center, Inc., and Shasta County to rezone 12.5 acres to a Public Facilities (PF) District to recognize the use of 9.5 acres as the Shasta County Whitmore Solid Waste Transfer Station and the use of 3 acres for a future community center. Associate Planner Marcelino Gonzalez presented the staff report and recommended approval of the project. The affidavit of publication and mailing notice of hearing are on file.

The public hearing was opened, at which time no one spoke for or against the proposal, and the hearing was closed.

By motion made, seconded (Fust/Kehoe) and carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-13, Whitmore Community Center, Inc., and Shasta County, Whitmore area:

1. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 99-70.
2. Made the rezoning findings, and introduced and waived the reading of an ordinance to amend the Zone Plan of the County of Shasta identified in Zone Amendment 99-13, as specifically set forth in Planning Commission Resolution No. 99-70.

The vote was as follows:

AYES:	Supervisors Wilson, Kehoe, Fust, and Hawes.
NOES:	None
ABSENT:	Supervisor Clarke
ABSTAIN:	None

**ZONE AMENDMENT 99-9
RONALD CLARK
SHASTA/WEST REDDING AREA**

This was the time set to receive public testimony and consider a request from Ronald Clark to rezone property to a Rural Residential (R-R) District, combined with a Building Site Minimum per recorded subdivision map (R-R-BSM), in conjunction with a 17-lot subdivision. Associate Planner Marcelino Gonzalez presented the staff report and recommended approval of the project. The affidavit of publication and mailing notice of hearing are on file.

The public hearing was opened, at which time no one spoke for or against the proposal, and the hearing was closed.

By motion made, seconded (Kehoe/Fust) and carried, the Board of Supervisors took the following actions regarding Zone Amendment 99-9, Ronald Clark, Shasta/West Redding Area:

1. Adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 99-67.
2. Made the rezoning findings, and introduced and waived the reading of an ordinance to amend the Zone Plan of the County of Shasta identified in Zone Amendment 99-9, as specifically set forth in Planning Commission Resolution No. 99-67.

The vote was as follows:

AYES:	Supervisors Wilson, Kehoe, Fust, and Hawes.
NOES:	None
ABSENT:	Supervisor Clarke
ABSTAIN:	None

1:39 p.m.: The Board of Supervisors recessed to convene as the Shasta County Water Agency, at which time Supervisor Clarke returned.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR

SHASTA COUNTY WATER AGENCY

WORKSHOP

**PUBLIC WORKS: DIVERSION OF TRINITY RIVER
FLOWS TO SACRAMENTO RIVER**

Supervisor Fust explained that this matter came to his attention during a telephone conference which was held with the representatives of the counties belonging to the Regional Council of Rural Counties (RCRC). During this meeting, Trinity County requested that RCRC come to its support in the Trinity River decision. He indicated that while one could sympathize with Trinity County's need for more water, there could be possible problems with the water purveyors in Shasta County. Due to these potential problems, he expressed his belief that it would be better for Shasta County to consider this decision more carefully before deciding whether or not to sign onto the RCRC resolution.

Assistant Public Works Director Pat Minturn explained that the Trinity Project was constructed in 1963 and diverts water from the Trinity River to the Sacramento River. This diversion supplies water and power to Central Valley (CVP) contractors and meets CVP fishery and habitat obligations in the Central Valley.

Mr. Minturn reported that a flow study has been prepared for the Trinity River. The main conclusion of the Trinity flow study was that there has been degradation to the habitat along the Trinity River, and it proposes alternatives to improve this habitat. Within the range of alternatives is a Preferred Flow Alternative, however, nothing about the Preferred Flow Alternative is set in stone. The Secretary of the Interior will use this study and the environmental documents associated with it to decide upon future Trinity River flows early next year answering the following questions: what are the appropriate levels of flow down the Trinity River and what remains to be diverted to the Sacramento River?

Mr. Minturn indicated that the Preferred Flow Alternative would reduce deliveries to CVP contractors by approximately 5 percent, which is a rough estimate. Theoretically, he did not believe there would be impacts to water rights holders. They did not benefit when the diversion was in place, so they should not suffer when it is curtailed. However, the Bureau entered into settlement contracts agreeing with ACID and the other water rights holders about what the deliveries should be. Modeling shows that they may not be able to honor their contracts in some very dry years, if the Trinity Preferred Flow Alternative is implemented.

Mr. Minturn stated that there are approximately 69,000 acre feet of CVP contract water within Shasta County, and the impact to Shasta County could be approximately 3,500 acre feet. He further stated that the City of Redding has estimated that the Preferred Flow Alternative would impact the City by two-thirds of a million to \$1 million per year to replace the lost power generation.

Jason Peltier, Manager of the Central Valley Water Association, outlined the makeup of his organization and discussed his perspectives on the Trinity Project. He expressed the Association's interest in seeing the Trinity River restored and productive. He explained that the Association has invested \$70 million over the past several years on restorative actions and would like to see that work continue in a better manner by using water more wisely.

Mr. Peltier indicated that although he has not yet examined the flow study, he anticipated that it would support an increase in the use of water. He expressed the Association's belief in finding cheaper more effective alternatives to simply using water for restoration purposes. He explained that they would be checking to make sure that the related, draft EIS/EIR fully examine the impacts of the study.

Jim Feider, Director of the City of Redding's Electric Department, also addressed these issues. The City of Redding is a major consumer of CVP power and has participated in the Trinity Flow Study process through its membership in the Northern California Power Agency. He explained that the original idea when this project began was that more water would mean more fish, however, his agency supports a more scientific approach to Trinity River restoration. His agency would be evaluating the EIS/EIR as soon as it is made available.

Bob Dietz, General Manager of the Bella Vista Water District, expressed concern that the District would be negatively impacted by changes in the water allocation. He indicated that they would be watching this process carefully. Although the District has a small water supply, there is not enough for a protracted amount of time. He explained that the District is working with the City of Redding to meet its water needs in case of an emergency.

Following its discussion of this matter with those in attendance, it was the consensus of the Shasta County Water Agency that a strong statement should be sent to RCRC stressing the importance of them not taking actions which would negatively impact the interests of its member counties or pit counties against each another. County Counsel was asked to look into whether or not RCRC should be taking this type of action. Staff was also directed to send letters to the other member counties notifying them of this matter and outlining Shasta County's position in this regard.

County Administrative Officer (CAO) Doug Latimer suggested that he and Mr. Minturn work on the necessary letters.

County Counsel Karen Jahr indicated that she had received a copy of RCRC's bylaws, which she would analyze and provide input to the CAO on. The Supervisors requested that this information be given to them as well.

2:32 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy