

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 6, 2005

REGULAR MEETING

9:00 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 Cibula
District No. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Clarke

County Administrative Officer - Doug Latimer
Assistant County Counsel - Mike Ralston
Chief Deputy Clerk of the Board - Glenda Tracy
Deputy Clerk of the Board - Elaine Grossman

INVOCATION

Invocation was given by Captain Wayne Wetter, Salvation Army.

PLEDGE OF ALLEGIANCE

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

INTRODUCTIONS

Introductions of the Members of the Board, County staff, elected officials, and county department heads were made.

PUBLIC COMMENT PERIOD - OPEN TIME

Dennis McFarlane spoke of the care provided to elder adults. The care providers handle tasks such as preparing meals, picking up prescription refills, trips to the market and doctor appointments, and providing baths. These workers receive a wage equivalent with minimum wage for providing care for the elderly. Mr. McFarlane stated a more significant wage to in-home care providers would prevent unnecessary staff changes.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled the agenda item requesting approval of appointments in lieu of election for special districts' candidates. Supervisor Kehoe stated that there may be a need for further analysis of the names of the individuals for Mountain Gate Community Services

District (CSD), and follow-up for the Board of Supervisors to determine whether other names submitted may be approved; the Mountain Gate CSD appointments will be deferred to return before the Board of Supervisors. Chairman Clarke emphasized that Shasta County citizens need to be involved in the election process for the agencies that provide services for the County and encouraged citizens to become more involved in the various organizations.

Supervisor Kehoe pulled for discussion the agenda item regarding an anonymous donation of \$144,000 for the Shasta County Library. Library Director Carolyn Chambers advised that an anonymous gift in the amount of \$144,000 had been received, with another \$1,000 anticipated. Supervisor Kehoe stated that an anonymous gift prevents the public from obtaining information of which they have a right to know, and he would vote no.

CONSENT CALENDAR

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended (Supervisor Kehoe voted no on the request for the Library to accept the anonymous donation):

Authorized the issuance of warrants totaling \$664.19 requiring special board action. (Auditor-Controller)

Adopted Resolution No. 2005-112, which approves the Fiscal Year 2005-06 Countywide Tax Rate, the Unitary Debt Service Rate, and the tax rates for bond sinking funds, state school building loan payments, and voter-approved debt. (Auditor-Controller)
(See Resolution Book No. 46)

Approved the minutes of the meeting held on August 16, 2005, as submitted. (Clerk of the Board)

Reappointed Ernest Rouse to the Assessment Appeals Board for a three-year term to September 2008. (Clerk of the Board)

Appointed Robert Nash, Todd Sikes, and Jeffery Thompson to the Bella Vista Water District Board of Directors in lieu of election to four-year terms to December 2009. (Clerk of the Board)

Appointed Alan Masden to the PSA 2 Area Agency on Aging - Advisory Council for a four-year term to July 2009. (Clerk of the Board)

Enacted Ordinance No. 378-1904, which approves Zone Amendment No. 05-008, Buntin (Cottonwood area), as introduced July 19, 2005. (Clerk of the Board)
(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1905, which approves Zone Amendment No. 04-009, Stahl (Happy Valley area), as introduced August 16, 2005. (Clerk of the Board)
(See Zoning Ordinance Book)

Approved the following appointments in lieu of elections from December 2, 2005 to December 4, 2009 (except where indicated otherwise) for special districts' directors as listed on the County Clerk's certificate, omitting those named for Mountain Gate Community Services District (County Clerk-Elections Administration):

Anderson-Cottonwood Irrigation District, Division 1: Kenny Jordan;
Anderson-Cottonwood Irrigation District, Division 5: Brenda Haynes;
Burney Water District: Cindy Dodds, John D. Meeker, Sherri Quinlan;
Castella Fire Protection District (FPD): James P. Stambolis;
Castella FPD: Leon Blize (December 2, 2005 to December 7, 2007);

Centerville Community Services District (CSD): Darren Langfield, John H. Stubban, Larry Whitehead;
Clear Creek CSD: Larry Russell, Johanna Trenerry;
Clear Creek CSD: Irwin Fust (December 2, 2005 to December 7, 2007);
Cottonwood Water District: Roberta L. Littleton, Richard “Dick” Main;
Fall River Mills FPD: Gary H. Corbett, Randy Scholl;
Happy Valley FPD: Claude E. Matheson;
Igo-Ono CSD: Ernest J. Odell, Gil Spencer;
Igo-Ono CSD: John Paul Moore (December 2, 2005 to December 7, 2007);
Millville FPD: Robert A. Buick, Steve Goedert;
Shasta CSD: Mark Mazzone, Susan Weale; and
Shasta CSD: John E. Spitzley ((December 2, 2005 to December 7, 2007).

Accepted a donation of \$144,000 from the estate of an anonymous donor for the Shasta County Library. (Library)

Reappointed Patricia Bunnell to the Advisory Board of the North State Cooperative Library System for a two-year term to June 2007. (Library)

Approved and authorized the Chairman to sign the Maternal Child and Adolescent Health funding agreement with the California Department of Health Services in the amount of \$101,303 to allow the Public Health Department to continue services to protect and improve the health of mothers, children, adolescents, and their families for the period July 1, 2005 through June 30, 2006; and authorized the Auditor-Controller to pay claims related to the agreement. (Public Health)

Approved and authorized the Chairman to sign two Declarations of Intent notifying the California Department of Health Services (DHS) of the County’s intent not to apply for Fiscal Year 2005-06 Rural Health Services Program or Emergency Medical Services Appropriation Program funding in favor of continuing DHS’s disbursement of funds directly to area hospitals and physicians for a portion of their indigent medical care costs. (Public Health)

Adopted Resolution No. 2005-113, which approves a combined-funding child abuse prevention plan; approved and authorized the Chairman to sign a Notice of Intent confirming Shasta County’s intent to contract with public or private nonprofit agencies to provide services identified in the plan and identifying the Department of Social Services (DSS) as the local public agency for program administration; and authorized DSS to submit the plan and Notice of Intent to the California Department of Social Services in order to be eligible for funding for the period July 1, 2005 through June 30, 2008. (Social Services)

(See Resolution Book No. 46)

For County Service Area (CSA) No. 25 - Keswick Water, authorized payment of \$8,948.89 to the U.S. Bureau of Reclamation to pay off the County Service Area’s Operation and Maintenance deficit and capital interest deficit for Central Valley Project water. (Public Works - CSA No. 25)

Ratified the Deputy Public Works Director’s signature on a grant agreement with the Federal Aviation Administration in the amount of \$3,600,000 for design of various improvements to the Fall River Mills Airport; and adopted Resolution No. 2005-114, which authorizes the Public Works Director to apply for, accept, and sign a grant agreement with Caltrans for construction of various improvements for the Fall River Mills Airport. (Public Works)

(See Resolution Book No. 46)

9:10 a.m. The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

WATER AGENCY

ITEMS PULLED FROM CONSENT CALENDAR

In response to a question by Board Member Kehoe, Public Works Director Pat Minturn advised that a request had been made that Highway 89 through Shasta County would be designated as an All American Road. Board members expressed their concerns that an All American Road designation could lead to land use restrictions. Mr. Minturn advised the federal government has made the designation of the Volcanic Legacy Scenic Byway from Crater Lake to Lake Almanor as an All American Road; this includes Highway 89 in Shasta County. A Memorandum of Understanding (MOU) has been signed by various parties, and should the Water Agency sign the MOU, a representative from Shasta County would be able to participate in future discussions and not impact any land uses.

CONSENT CALENDAR

By motion made, seconded (Hawes/Clarke), and carried, the Water Agency Board took the following actions (Board Member Kehoe voted no on the Memorandum of Understanding):

Approved and authorized the Chairman to sign the Memorandum of Understanding between communities, agencies, and other organizations to address the issues of local, tourism, and recreation interests for the cooperative planning and management of the Volcanic Legacy Scenic Byway, All American Road; and designated Board Member Glenn Hawes as the Water Agency's representative to the Executive Team. (Public Works)

Authorized payment of \$18,604.78 to the U.S. Bureau of Reclamation to pay off the County's Operation and Maintenance deficit and capital interest deficit for Central Valley Project water. (Public Works)

9:14 a.m. The Shasta County Water Agency adjourned, and the Board of Supervisors reconvened.

REGULAR CALENDAR

BOARD MATTERS

MANTON FIRE

Interim County Fire Chief Marc Romero provided an update on fires in Shasta County. From August 23, 2005 through September 1, 2005, fire agencies in Shasta County responded to five fires of significant size and numerous smaller fires. Shasta County provided fire control services for the fire in the Manton area, which burned 1,830 acres. Chief Romero acknowledged the assistance provided by Shasta County Sheriff's Office, U.S. Forestry Service, Bureau of Land Management, numerous cities and districts from various areas. Relief services were provided by Red Cross, Salvation Army, and local churches. Pacific Gas & Electric Company has donated a device to serve as a community alert system.

Sheriff's Office Captain Dave Dean stated that families and animals of the area were evacuated quickly and safely. No criminal activity took place during the fires. The road closures were lifted and residents were allowed back in on August 27, 2005.

SEPTEMBER 2005 EMPLOYEE OF THE MONTH
KEN CRISTOBAL, ACCOUNTANT AUDITOR III
RESOLUTION NO. 2005-115

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-115, which recognizes Accountant Auditor III Ken Cristobal as Shasta County's September 2005 Employee of the Month.

(See Resolution Book No. 46)

PROCLAMATION: SHASTA COUNTY EMPLOYEE RECOGNITION WEEK

At the recommendation of Human Resources Analyst Michelle Brandt and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 11 through September 17, 2005 as Shasta County Employee Recognition Week in Shasta County; authorized the Director of Support Services to sign claims related to expenses for the Shasta County employee recognition luncheon picnics in Redding and Burney; and directed the Auditor-Controller to make payments based upon these claims.

PROCLAMATION: RECOVERY HAPPENS MONTH

At the recommendation of Right Roads Recovery Program Director Roger Kendrick and Anderson Outpatient Program Director Billie Dagon and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 2005 as Recovery Happens Month in Shasta County.

PROCLAMATION: YOUTH COURT MONTH

At the recommendation of Youth Violence Prevention Council Executive Director Dr. Charlie Menoher and by motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 2005 as Youth Court Month in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer explained that the Legislature is still in recess, so there was no legislative report.

CAO Latimer requested the Board of Supervisors to consider authorizing the County Administrative Officer or his designee to send a County team of emergency personnel to assist the victims of Hurricane Katrina. Undersheriff Larry Schaller explained that a call was received from the Governor's Office requesting telephone numbers of Shasta County emergency services staff. Discussions have taken place with Public Health to determine the appropriate inoculations that will be needed should Shasta County send emergency response teams. It is also a possibility that Hurricane Katrina evacuees may be sent to Shasta County since individuals are being sent to locations throughout the state of California. A pre-planning meeting is scheduled should Shasta County services be needed to relieve those assisting at this time. Supervisor Clarke stated that Shasta County has shown preparedness in handling catastrophic matters such as in local fires. By motion made, seconded (Cibula/Clarke), and unanimously carried, the Board of Supervisors authorized the County Administrative Officer or his designee to assemble and send a County team to assist the victims of Hurricane Katrina.

Supervisor Hartman intends to begin a “Family Adoption Program” project to reach the families affected by Hurricane Katrina that would be similar to those during the holidays. There is a need to obtain statistics on families, their needs, and sizes, and other counties and communities may be challenged to conduct a program to assist in continuing to help families after their immediate needs are met. The approaching holidays may be an opportune time for this aid.

Supervisors reported on issues of countywide interest.

CLERK OF THE BOARD

REVISED COUNTY CLERK/REGISTRAR OF VOTERS FEE SCHEDULE ORDINANCE NO. 640

At the recommendation of County Clerk/Registrar of Voters Cathy Darling and by motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors enacted Ordinance No. 640, which repeals Ordinance No. 567 and sets fees for the County Clerk/Registrar of Voters to more accurately reflect the cost of providing services, as introduced August 16, 2005. Supervisor Kehoe voted no.

(See General Ordinance Book)

HEALTH AND WELFARE

PUBLIC HEALTH/SHASTA COALITION FOR ACTIVITY AND NUTRITION

5-A-DAY MONTH RESOLUTION NO. 2005-116

Public Health Director Marta McKenzie introduced University of California Extension Office Nutritionist Gloria Espinosa-Hall, who gave a presentation regarding the upcoming 5-A-Day Month promotion activities from Shasta Coalition for Activity and Nutrition (CAN). Ms. Espinosa-Hall explained that a minimal amount of Shasta County residents partake of the recommended amounts of fruits and vegetables each day and do not exercise an adequate amount of time to maintain good physical condition. September is 5-A-Day Month, and everyone is encouraged to eat five servings of fruits and vegetables and to participate in physical activity every day to improve their health.

Ms. McKenzie advised that Governor Schwarzenegger has recognized the obesity and overweight epidemic in California; obesity in children will cause many to become diabetic, as well as to shorten their lives. By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2005-116, which supports Governor Schwarzenegger’s Vision for a Healthy California.

(See Resolution Book No. 46)

RESOURCE MANAGEMENT

WAIVER OF ZONING ORDINANCE REQUIREMENTS MANTON FIRE ORDINANCE NO. 641

At the recommendation of Resource Management Director Russ Mull and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors found the proposed action to be exempt from the provisions of the California Environmental Quality Act

(CEQA) pursuant to CEQA Guidelines section 15269 governing emergency projects; and introduced, waived the reading of, and enacted Ordinance No. 641, which waives application of zoning ordinance requirements affecting reconstruction or replacement of lawfully created, nonconforming uses where buildings or manufactured/mobile homes were destroyed by the Manton Fire and allow placement of temporary residences.

(See General Ordinance Book)

COMMUNITY EDUCATION SECTION

AGREEMENT: WASTE RECOVERY WEST, INC. WASTE TIRE COLLECTION DAYS

At the recommendation of Resource Management Staff Services Manager Ronni Harman and by motion made, seconded (Cibula/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement with Waste Recovery West, Inc. in an amount not to exceed \$100,000 to assist the County in conducting four waste tire collection days from the date of signing through December 31, 2006.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 05-019 LEO VINZANT SHINGLETOWN AREA

This was the time set to conduct a public hearing regarding Zone Amendment No. 05-019, Leo Vinzant, which would rezone approximately 0.59 acres in the Shingletown area from a Commercial Residential (C-R) District to a Rural Residential (R-R) District. Associate Planner Brandon Rogers 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 matter, and the public hearing was closed.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-019, Leo Vinzant, Shingletown area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a negative declaration with a de minimis finding of significance, with the findings as specifically set forth by Planning Commission Resolution No. 2005-095;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2005-095; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-019 as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with its counsel to discuss existing litigation entitled Gettings v. County of Shasta and Skelton v. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).
2. To consider a public employee appointment (County Administrative Officer), pursuant to Government Code section 54957.
3. Confer with its Labor Negotiators, County Administrative Officer Doug Latimer, Director of Support Services Joann Davis, and Labor Consultant Becker and Bell to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Trades and Crafts, pursuant to Government Code Section 54957.6.

11:06 a.m.: The Board of Supervisors recessed to Closed Session.

1:30 p.m.: The Board of Supervisors recessed from Closed Session.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Mike Ralston, and Deputy Clerk of the Board Tazina Otis and Deputy Clerk of the Board Elaine Grossman present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Mike Ralston reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations; however, no reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

APPEAL: PARCEL MAP 05-004
CHRIS GONZALES (VOLLMERS AREA)
RESOLUTION NO. 2005-117

This was the time set to conduct a public hearing and consider an appeal by Robert A. Rehbert, Mary Marlin, Bill Zak, and D. Pat McAleer (appellants) of the condition of the Planning Commission's approval of Parcel Map No. 05-004, Chris Gonzales (Vollmers area). The appellants have requested having the original easement on Cavanaugh Canyon Road re-dedicated and improved. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Associate Planner Nancy L. Polk presented the staff report explaining that Parcel Map No. 05-004 divides a 77.4-acre parcel into four parcels. The appellants want to protect the existing easement, which is due to expire in 2012. The applicant (Gonzales) currently provides the landowners access, but he is not obligated to provide an easement or make improvements.

The public hearing was opened, at which time the following individuals spoke:

Robert A. Rehberg, Bill Zak, and D. Pat McAleer opposed the Planning Commission's decision to not require re-dedication of Cavanaugh Canyon Road, which would make the easement permanent, not requiring improvements to the road. They claimed that they, as landowners, will not have rights to use the road when the easement expires. Gary Pelton agreed with the landowners, as he frequently uses the road.

Applicant representative Vicki Gibson-Eggen stated that the applicant is not required to improve or maintain the road due to the fact that his created parcels will have access to Dog Creek Road. The applicant has met all zoning and general plan requirements and has agreed to improve the access point out onto Dog Creek Road. In response to a question from Supervisor Cibula, Ms. Gibson-Eggen explained that all the actual boundaries of the property have not been rectified.

Director of Resource Management Russ Mull clarified that the Board of Supervisors' decision is whether to require something that exceeds the County's current development standards, which do not require a developer to provide easements when proposed easements front a County-maintained road.

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

In response to a question by Supervisor Clarke, Public Works Director Pat Minturn explained that the easement was granted in 1962, and a discrepancy on the easement map is a possibility.

By motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors adopted Resolution No. 2005-117, which denies the appeal of Robert A. Rehberg, Mary Marlin, Bill Zak, and D. Pat McAleer and upholds the approval by the Planning Commission. Supervisor Cibula voted no because he did not want to make a decision before having accurate information.

(See Resolution Book 46)

3:45 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy