

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, February 22, 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  
County Counsel - Karen Jahr  
Chief Deputy Clerk of the Board - Glenda Tracy  
Deputy Clerk of the Board - Linda Mekelburg

**INVOCATION**

Invocation was given by Pastor Jim Dahl, Good News Rescue Mission.

**PLEDGE OF ALLEGIANCE**

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

**INTRODUCTIONS**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Alicia Eliante, Roberta Wright, and Dorothy Robbins spoke of George Washington.

Richard Paz stated the necessity of setting goals and performance measures for affordable housing is impacting groups of non-whites.

Richard Payne requested an action of eminent domain to obtain a drainage easement on a neighbor's property. Chairman Kehoe stated that this matter will be referred to the appropriate department.

Russ Wade opposed the decisions of the Air Pollution Control Board regarding the Knauf Fiberglass facility.

### **CONSENT CALENDAR**

By motion made, seconded (Hartman/Hawes), 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 a renewal lease with Towers, Antennas & Repeater Sites, Inc. in the amount of \$2,040 per month with a 3.5 percent annual increase to provide radio repeater sites for the period July 1, 2005 through June 30, 2010, with three optional five-year extensions. (Administrative Office)

Appointed Ken Murray (member) and Dick Dickerson (alternate) as the representatives from the City of Redding to the Local Community Benefit Committee (administration and distribution of local Indian Gaming funds) to fill unexpired terms to June 2006. (Administrative Office)

Approved and authorized the Chairman to sign a grant agreement with the Shasta Community Health Center to provide health care services to the medically underserved population of Shasta County for Fiscal Year 2004-05 in the amount of 10 percent of the annual tobacco settlement receipts; and delegated to the County Administrative Officer authority to authorize two one-year renewals under the same terms and conditions. (Administrative Office)

Authorized the issuance of warrants totaling \$146,174.01 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on January 25, 2005, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign an amendment to the agreement with the law firm of Remy, Thomas, Moose and Manley, LLP to provide legal services. (County Counsel)

Approved and authorized the Chairman to sign a renewal agreement with the law firm of Abbot and Kindermann to provide legal services. (County Counsel)

Approved and authorized the Chairman to sign a renewal agreement with the law firm of Liebert Cassidy Whitmore to provide legal services. (County Counsel)

Approved and authorized the Chairman to sign an agreement with the law firm of McCormick, Barstow, Sheppard, Wayte & Carruth, LLP to provide legal services. (County Counsel)

For Canto Del Lupine Permanent Road Division (Centerville area); received the petition for formation and activation, affidavit verifying petition information, maintenance cost estimate, County Surveyor's report, and parcel charge report; and set a public hearing for April 12, 2005 at 9 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

### **REGULAR CALENDAR**

#### **BOARD MATTERS**

#### **PROCLAMATION: MARCH TO END HUNGER MONTH**

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted a proclamation, which designates March 2005 as March to End Hunger

Month in Shasta County. Shasta Food Group Chair Christine Haggard, UC Cooperative Extension Nutrition Education Programmer Lori Coker, and Good News Rescue Mission Pastor Jim Dahl spoke of the food insecurity in Shasta County and the various agencies that are working together to assist in making food available to those in need.

## **GENERAL GOVERNMENT**

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

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

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

Supervisors reported on issues of countywide interest.

## **HEALTH AND WELFARE**

### **HOUSING AND COMMUNITY ACTION PROGRAMS**

#### **AGREEMENT: COTTONWOOD COMMUNITY PARK BOARD COTTONWOOD COMMUNITY CENTER**

At the recommendation of Housing & Community Action Programs Director Larry Lees and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors authorized the Chairman to sign an agreement with the Cottonwood Community Park Board in the amount of \$200,000 to rehabilitate the Cottonwood Community Center by December 31, 2006.

## **PUBLIC WORKS**

#### **FRENCH GULCH PARK RESTROOM BUDGET AMENDMENT**

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Cibula/Clarke), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations and revenue by \$80,000 in Budget Unit 16600, Lands, Buildings and Improvement, and Budget Unit 70100, Recreation and Parks, to account for costs associated with replacement of restrooms at the French Gulch Park due to loss in the August 2004 French Fire.

#### **FALL RIVER MILLS AIRPORT BUDGET AMENDMENT**

By motion made, seconded (Clarke/Hartman), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations by \$5,093 in Budget Unit 00200, Fall River Mills Airport, to cover increased fuel costs.

9:50 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

**SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR**

**SHASTA COUNTY WATER AGENCY**

At the recommendation of Public Works Director Pat Minturn, and by motion made, seconded (Clarke/Hartman), and unanimously carried, the Board of Directors of the Shasta County Water Agency took the following action, which was listed on the Consent Calendar:

Approved a budget amendment increasing appropriations by \$151,574 in the Water Agency Budget Unit to refund monies to Mountain Gate Community Services District and Bella Vista Water District. (Public Works)

10:01 a.m.: The Shasta County Water Agency adjourned and reconvened as the Board of Supervisors.

**SCHEDULED HEARINGS**

**PUBLIC WORKS**

**ABANDONMENT OF UNDEVELOPED PUBLIC EASEMENTS  
TOWN OF KESWICK**

This was the time set to conduct a public hearing and consider adopting a resolution which would abandon three undeveloped public easements in the town of Keswick. Real Property and Right of Way Agent Tyler Smith 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 Pamela and Thomas Grossen objected to the request as permission to install a gate would eliminate parking on their nearby property and thus would devalue and landlock their property.

Property owner Lawrence Adams responded that his plan would not block the road. Mr. Loveless spoke in support of the proposed action.

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

By motion made, seconded (Cibula/Hartman), and unanimously carried, the Board of Supervisors continued the public hearing for two weeks to allow Supervisors Hawes and Cibula to make a trip to the property site and to allow County staff to provide more information and a clear map.

**GARBAGE COLLECTION FRANCHISE  
FUEL SURCHARGE  
RESOLUTION NO. 2005-16**

This was the time set to conduct a public hearing and consider adopting a resolution to adjust the rates for Anderson-Cottonwood Disposal Services effective March 1, 2005, and to approve and authorize the Chairman to sign a contract amendment with Anderson-Cottonwood Disposal Services to implement rate increases. Deputy Public Works Director Daniel Kovacich 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 Myron Holub of Anderson-Cottonwood Disposal spoke, advising that when this matter was on the agenda for the Board of Supervisor's meeting November 23, 2004, it was pulled as his firm did not have accurate information. However, Burney Disposal, Inc. was granted the increase. He stated that the increase in fuel charges have created the need to request the adjustment of rates.

James Gray stating he opposed the increase, that the contract was signed, therefore the County should assure that the costs not be increased.

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

By motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors adopted Resolution No. 2005-16, which adjusted the rates for Anderson-Cottonwood Disposal Services effective March 1, 2005, and to approved and authorized the Chairman to sign a contract amendment with Anderson-Cottonwood Disposal Services to implement monthly residential rate increases from \$19.99 to \$20.94. Supervisors Kehoe and Cbula voted no due to the contractual commitment.

(See Resolution Book No. 46)

## GENERAL GOVERNMENT

### ADMINISTRATIVE OFFICE

#### SHASTA COUNTY CODE CHAPTER 8.60 PROPOSED ORDINANCE PROHIBITING SKATEBOARDS AND SIMILAR DEVICES AT SHASTA COUNTY ADMINISTRATION CENTER

10:20 a.m.: Supervisor Cibula recused himself due to a conflict of interest as he owns real property in the immediate vicinity, and he left the room.

This was the time set to conduct a public hearing and consider introducing and waiving the reading of an ordinance which enacts Chapter 8.60 of the Shasta County Code prohibiting the riding of skateboards, bicycles, and similar devices on the grounds of the Shasta County Administration Center and the parking structure. County Administrative Officer (CAO) Doug Latimer 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 Richard Paz stated his concern that the ordinance did not address the use of motorized vehicles. James Gray questioned the ability for citizens to ride to the Shasta County Administration Center (SCAC) on a bicycle.

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

Senior Deputy County Counsel John Loomis advised that the definitions in the proposed ordinance includes skateboards, bicycles, scooters, roller skates, in-line skates, or similar self-propelled or motorized devices driven on the sidewalks, driveways, and grounds of the SCAC. CAO Latimer stated a citizen coming to the SCAC on a bicycle would get off the bicycle and walk it through the property, where bicycle parking stations are available.

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which enacts Chapter 8.60 of the Shasta County Code prohibiting the riding of skateboards, bicycles, and similar devices on the grounds of the Shasta County Administration Center and the parking structure.

10:52 a.m.: The Board of Supervisors recessed.

11:00 a.m.: The Board of Supervisors reconvened with Supervisors Kehoe, Hawes, Hartman, and Clarke, County Administrative Officer (CAO) Doug Latimer, Assistant County Counsel Mike Ralston, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Linda Mekelburg present.

#### CASTLE CRAG RIVER RESORT MOBILEHOME PARK

Supervisor Cibula had recused himself from the discussions due to a conflict because of past associations with the parties and had left the room at 10:20 a.m.

This was the time set to conduct a public hearing and consider taking the following actions: on the sufficiency of an Impact Report filed prior to the closure of the Castle Crag River Resort Mobilehome Park ("Park"); and consider requiring, as a condition of the closure, that the owners of the Park take steps to mitigate any adverse impact of the closure on the ability of displaced Park residents to find adequate housing in a mobilehome park. Assistant County Counsel Mike Ralston provided the information from the staff report. 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 Jeff Swanson, attorney for owners of the Park, Gary and Patsy Knighten, spoke regarding the manner in which the notices had been served on park residents. He stated that of the six mobilehomes in the park, only five are occupied. The tenants and legal owners of mobilehomes in the Park were served legal notice in December 2003 that the Knightens have decided to use the land for another purpose and the parties will be required to move. Mr. Swanson mailed a letter to tenants in October 2004, reminding of the deadline to move from the property.

Margaret Engleheit of Legal Services spoke as counsel for eleven of the residents of the Park. She advised that the move will cause a hardship on the tenants. She stated that the Impact Report does not provide complete projection of relocation costs.

Tenant Arnard Diaz stated that Elmer's Moving had stated that the mobilehomes could not be moved across the aged bridge.

Jeff Swanson advised that two mobilehomes have been moved across the bridge in the last couple of years; however, it is known that the mobilehomes are too old to be accepted at another park for relocation. He stated that Mr. and Mrs. Knighten acknowledge this causes a hardship on the tenants and have offered relocation assistance.

Tenant David Josted stated he could not locate another park to accept his mobilehome due to its age and is not in a position to purchase property.

Tenant Vince Diodato stated that he had spoken with Shasta County Planning Department and knows that Shasta County does not have an ordinance to handle the matter. He stated that the owner has advised that they are not interested in purchasing the mobilehomes.

Tenants Diar Juan and Carlos Johnson stated that they are asking for assistance to make the move.

Former tenant Steve Whitmore stated that he has relocated but would request financial assistance to defray the costs he was forced to expend.

The public hearing was opened at which time tenants Vince Diodato and David Josted stated that they were unaware the park would be sold when they bought their mobilehomes.

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

Supervisors Hartman and Kehoe inquired of Assistant County Counsel Mike Ralston as to the appropriate role of the County of Shasta to determine the amount, if any, to be assigned for

relocation costs. Mr. Ralston advised that the members of the Board of Supervisors should use their best judgment, weigh the conflicting evidence, and make a decision as they see fair.

Supervisor Clarke stated that property owners have a right to do with their land as they choose. The tenants made the choice to move their mobilehomes on to someone else's private land. Supervisor Hawes agreed and stated that notice was provided in a timely manner.

Supervisor Clarke moved to find the Impact Report sufficient and for the property owners to provide \$10,000 to each tenant in mitigation costs, and Supervisor Hawes seconded the motion. The motion failed by the following vote:

AYES: Supervisors Clarke and Hawes  
 NOES: Supervisors Kehoe and Hartman  
 ABSENT/RECUSED: Supervisor Cibula

Supervisor Hartman moved that the Impact Report be brought back to the Board of Supervisors at a later date, with more information and written estimates. The motion failed by the following vote:

AYES: Supervisors Kehoe and Hartman  
 NOES: Supervisors Clarke and Hawes  
 ABSENT/RECUSED: Supervisor Cibula

By motion made, seconded (Hawes/Clarke), and carried, the Board of Supervisors made the determination to certify the Impact Report and direct the property owners to pay each mobilehome owner up to \$12,500 to assist the tenants in moving.

12:32 p.m.: Supervisor Cibula returned to the chambers.

### **SCHEDULED HEARINGS**

### **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 Crosby v. County of Shasta and Smith v. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a);
2. Confer with its counsel to discuss anticipated litigation, pursuant to Government Code section 54956.9, subdivision (c); and
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.

12:35 p.m.: The Board of Supervisors recessed to Closed Session.

2:55 p.m.: The Board of Supervisors recessed from Closed Session.

**AFTERNOON CALENDAR**

3:00 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, County Counsel Karen Jahr, County Administrative Officer Doug Latimer, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Linda Mekelburg present.

**REPORT OF CLOSED SESSION ACTIONS**

County Counsel Karen Jahr reported that the Board of Supervisors met in Closed Session to discuss existing and anticipated litigation, as well as labor negotiations. In the matter of Crosby v. County of Shasta, by unanimous vote, the Board approved stipulations for a request for an award with Yvonne Crosby in the amount of \$117,761, less credit for previously paid permanent disability advances, plus life pension benefits for \$75.34 per week for life. The Board of Supervisors also by unanimous vote, approved stipulations for requests for awards for permanent disability benefits in the amount of \$484.52 per week for life. In the matter of County of Shasta v. CalPERS, on a unanimous vote, authorized County Counsel to file an administrative appeal to the CalPERS board regarding retirement calculations. No other reportable action was taken.

**PRESENTATION**

**SHASTA COUNTY ROTARY CLUBS**

Rotarians John Dunlap, Patrick Walner, Keith Webster, Bob Nash, Jim Alkins, Bob Moore, and Don Conley gave a presentation of the history and the activities of the Shasta County Rotary Clubs. Certifications of Recognition were presented to each of the seven clubs by the members of the Board of Supervisors and City of Redding Mayor John Mathena.

3:38 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

H. DOUGLAS LATIMER  
Clerk of the Board of Supervisors

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