

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, April 11, 2006

**REGULAR MEETING**

9:00 a.m.: Chairman Clarke 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 - Larry Lees  
County Counsel - Karen Jahr  
Chief Deputy Clerk of the Board - Glenda Tracy  
Deputy Clerk of the Board - Tazina Otis  
Deputy Clerk of the Board - Elaine Grossman

**INVOCATION**

Invocation was given by Pastor Jim Moore, Church of the Redeemed.

**PLEDGE OF ALLEGIANCE**

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

**PUBLIC COMMENT PERIOD - OPEN TIME**

Cynthia Lahey, Sue Thomas, Doug Thomas, and a spokesperson for Ima Hess spoke regarding a desired need for a pay increase and benefits for IHSS workers.

**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 (Supervisor Cibula voted no on the item to enact an ordinance which approves Zone Amendment No. 05-017, as he had opposed it upon introduction for reasons stated then; Chairman Clarke stated that she had been absent for the matter of the item to enact an ordinance which approves Zone Amendment 05-023; however, she has read information concerning the matter, is knowledgeable, and can vote in favor):

Authorized the issuance of warrants totaling \$6,062.98 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on April 4, 2006, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1917, which approves Zone Amendment No. 05-023, Ryser (Cottonwood area), as introduced December 13, 2005. (Clerk of the Board)  
(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1918, which approves Zone Amendment No. 05-021, Mason (Cottonwood area), as introduced January 24, 2006. (Clerk of the Board)  
(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1919, which approves Zone Amendment No. 05-026, Avantino (Palo Cedro area), as introduced February 14, 2006. (Clerk of the Board)  
(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1920, which approves Zone Amendment No. 05-045, Kennett Group (Cottonwood area), as introduced February 14, 2006. (Clerk of the Board)  
(See Zoning Ordinance Book)

Enacted Ordinance No. 378-1921, which approves Zone Amendment No. 05-017, Emmerson (Shingletown area), as introduced February 14, 2006. (Clerk of the Board)  
(See Zoning Ordinance Book)

Authorized the Chairman to sign a Substitution of Trustee and Full Reconveyance to clear title to real property posted as a real property bond in a criminal matter, the bond having been exonerated in 2001. (County Counsel)

Reappointed Leila Nankervis and Iris Sanders to the Shasta County Mental Health Board to serve three-year terms to January 2009. (Mental Health)

Approved and authorized the Chairman to sign an agreement with SBC/Pacific Bell, Inc. in the amount of \$2,412 to provide yellow pages and Internet advertising for the adoptions and foster care unit for the period May 5, 2006 through May 4, 2007. (Social Services-Children and Family Services Division)

Adopted Resolution No. 2006-49, which authorizes the Sheriff to sign and submit a renewal application to the California Office of Emergency Services in the amount of \$118,905 to continue funding for the Sheriff's Office Marijuana Suppression Program for the period July 1, 2006 to June 30, 2007. (Sheriff)

(See Resolution Book No. 47)

Took the following actions regarding the proposed Millville Way Permanent Road Division in the Millville area: Received the petitions 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 June 6, 2006 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

Approved and authorized the Chairman to sign an agreement with Caltrans authorizing the exchange of \$672,168 in federal Regional Surface Transportation Funds for an equal amount of State Highway Account funds in Fiscal Year 2005-06. (Public Works)

Took the following actions regarding the Gas Point Road Median Project: Approved and authorized the Chairman to sign right-of-way contracts with Richard and Renee Ashe (0.09 acres for \$9,000), Jerold Frye (0.09 acres for \$9,000), Florence Verandas (0.10 acres for \$5,700), Joseph and Gerry Lopus (0.05 acres for \$11,000), Ronald Evans (0.08 acres for \$8,800), and David and Diane Montagner (0.06 acres for \$7,700); accepted six easement deeds conveying parcels of project right of way; approved plans and specifications and directed the Public Works Director to advertise for bids; authorized opening of bids on or after May 18, 2006 at 11:00 a.m.; and found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA). (Public Works)

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

**SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR**

**SHASTA COUNTY WATER AGENCY**

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors took the following action, which was listed on the Water Agency Consent Calendar:

Approved and authorized the Chairman to sign an amendment to the grant agreement with the California Department of Water Resources to fund development of the programmatic environmental document for the Redding Basin Water Resource Master Plan, extending the termination date to March 31, 2007.

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

**REGULAR CALENDAR**

**BOARD MATTERS**

**PROCLAMATION: FAIR HOUSING MONTH**

At the recommendation of Housing Director Richard Kuhns, Psy.D. and by motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 2006 as Fair Housing Month in Shasta County.

**GENERAL GOVERNMENT**

**ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

**LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Larry Lees advised that he has received a list of pending legislative bills which he will be sending to department heads, seeking their input.

Supervisor Cibula reported that correspondence he received from Senator Boxer's office indicated a possible cut to the Community Development Block Grant (CBDG) program. Following discussion, by consensus the Board of Supervisors directed CAO Lees to send a letter of support to our federal representatives.

Supervisors reported on issues of countywide interest.

**ADMINISTRATIVE OFFICE**

**AGREEMENT: QUINCY LIBRARY GROUP FORESTER**

At the recommendation of County Forester Frank Stewart and by motion made, seconded (Hawes/Hartman), and carried, the Board of Supervisors approved and authorized the Chairman to sign an amendment to the Joint Powers Agreement for the Counties' Quincy Library Group

Forester extending the term through December 13, 2009 with Shasta County's monthly compensation remaining at \$970.01. Supervisors Kehoe and Cibula voted no.

RECORDS RETENTION SCHEDULE  
RESOLUTION NO. 2006-50

At the recommendation of County Administrative Officer Larry Lees and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2006-50, which establishes a records retention schedule for the County Administrative Office.

(See Resolution Book No. 47)

**AGRICULTURAL COMMISSIONER-**

**SEALER OF WEIGHTS AND MEASURES**

RECORDS RETENTION SCHEDULE  
RESOLUTION NO. 2006-51

At the recommendation of Agricultural Commissioner/Sealer of Weights & Measures Deputy Commissioner Paul Kjos and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2006-51, which establishes a records retention schedule for the Agricultural Commissioner/Sealer of Weights and Measures.

(See Resolution Book No. 47)

**LAW AND JUSTICE**

**SHERIFF-OFFICE OF EMERGENCY SERVICES**

BUDGET AMENDMENT

At the recommendation of Lieutenant Jerry Shearman and by motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors authorized the Sheriff's Office-Office of Emergency Services to accept the federal Fiscal Year 2005 Homeland Security Buffer Zone Protection Program (BZPP) Grant in the amount of \$97,000; approved a budget amendment increasing appropriations and revenue in the amount of \$97,000 for the expenditures associated with the BZPP Grant; authorized the Purchasing Division to solicit quotes and formal bids; and authorized the Auditor-Controller to pay claims for expenses related to this project.

**SCHEDULED HEARINGS**

**PUBLIC WORKS**

PUBLIC EASEMENT ABANDONMENT  
KESWICK AREA

This was the time set to conduct a public hearing and consider adopting a resolution approving the abandonment of a public easement at the end of Walker Mine Road (Keswick area). Public Works Director Pat Minturn presented the staff report and recommended approval of the abandonment. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Mr. Minturn described Walker Mine Road as being paved and maintained by County crews for the first three miles. Thereafter, the property is an unpaved, dirt road, which is heavily used for shooting and illegal dumping. Mr. Minturn recommended the County abandon the existing easement beyond the end of the paved road.

In answer to a question posed by Supervisor Cibula, Mr. Minturn stated that there is no proposal to prohibit shooting or hunting on the property. In reply to a question of Supervisor Hawes, Mr. Minturn acknowledged that at this point, if there were an accident, the County could be named in a lawsuit.

Bureau of Land Management Redding Field Manager Steve Anderson stated the portion of Walker Mine Road that is the subject of the requested abandonment is not truly a road. He stated that abandoning the property would allow more opportunities for future hunting and shooting; and trails for equestrian use and for hikers and bicyclists.

In reply to a question of Supervisor Hartman regarding the public being able to access the trails if the County abandons it, Mr. Anderson stated that currently the area is not easily available due to ground cover. He said that the Bureau of Land Management works at improving trails and has made an effort to improve signage on the property. He stated that because of unavailable grants, many changes are needed to be done by trade. Attempts continue to purchase nearby land for recreation usage.

Bureau of Land Management Assistant Field Manager Francis Berg stated that other properties are open for exchange, which will provide access along the ridgetop. He stated that by consolidating the lands, attempts are made to improve access to the lands.

In reply to a question of Supervisor Kehoe, Mr. Berg confirmed that non-motorized access will continue to be provided; however, 200 miles of motorized access is provided on the west side of Keswick Reservoir. Mr. Berg further stated that he did not see any private property owners whose property rights would be compromised by the abandonment. Mr. Minturn stated that he reviewed the patent deeds for the two subject parcels and did not see that a landlock would be created.

In reply to a question of Supervisor Cibula, Mr. Berg confirmed that the Bureau of Land Management intends to build a parking lot and that shooting would still be allowed.

The public hearing was opened, and Patrick Henry Jones spoke in opposition of the abandonment of the section on Walker Mine Road. He advised of a pending lawsuit with Interior Board of Land Appeals (IBLA) regarding the area and urged the Board of Supervisors to take no action on the matter today. Mr. Jones is involved with the Redding Gun Club and anticipates the formation of Shasta Shooting Sports Park, and would like to see the use of the property in the Walker Mine Road area.

In reply to a question of Supervisor Hartman, Mr. Anderson stated that it was his decision to not go forward with the shooting range on the property. There is a matter of safety hazards regarding the shooting and possible fire hazards. Mr. Berg stated that a gate and abandonment of the road would still be necessary if there were to be a gun club at that location.

Heather Blankenship, a Walker Mine Road resident, emphasized the extensive illegal dumping that takes place on the road in the areas where the County does not maintain the road. She stated that she has advised the Sheriff's Office. Ms. Blankenship stated that she is in favor of the abandonment of the property, believing the gate would stop the dumping.

Bureau of Reclamation Chief George Gardner spoke in favor of the County abandoning the road usage. He stated the overall security and safety at Shasta Dam would be beneficial.

Peter Boracci, a Walker Mine Road resident, stated he is in support of the abandonment of the property and the placement of a gate due the need to stop the dumping.

In reply to a question of Supervisor Cibula, Pat Minturn stated that the gun club does not currently own any property at the Walker Mine Road property. He said, if the abandonment takes place, the property would be under federal ownership.

James Johnson, a local resident, stated he is in support of the placement of a gate due to the problem with dumping. He said he is in favor of four-wheel-drive vehicles being restricted, but not motorcycle access.

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

Supervisor Kehoe read sections of two e-mails, one from the President of Shasta County Sportsmen's Association Michael Payne urging the Board of Supervisors not to agree to close off public land. An e-mail from Mr. Drake urges the Board of Supervisors to develop a type of quid pro quo relative to this area and Area 51.

Chairman Clarke stated that she is aware that the illegal dumping is excessive. She stated that an effort needs to be made to penalize and prosecute dumpers. She also stated a concern for the changes that would be caused by restrictions, causing individuals to walk or ride horseback, and not be able to drive vehicles in the area.

Supervisor Hartman stated that she is not in favor of limiting public access to public lands. She is in support of imposing the gate and for finding a location for the gun club.

Supervisor Kehoe stated that public land has to be opened to public access. Supervisor Hawes stated that an ad hoc committee is not necessary to study the illegal dumping; the Sheriff's Office needs to enforce the law.

Chairman Clarke stated County Counsel should review the ordinance and indicate how it could be strengthened, how other counties have strengthened their ordinances, so that we may enforce what we have.

Supervisor Kehoe suggested that the matter be reagendaized to come back as a workshop where a course of action can be formulated and aggressively pursued.

Supervisor Hartman moved approval of the abandonment of a public easement at the end of Walker Mine Road. Following further discussion, the motion died for lack of a second.

By consensus, the Board of Supervisors took no action on the matter before the Board and directed that a workshop take place in the near future regarding the illegal dumping issue.

## **RESOURCE MANAGEMENT**

### **PLANNING DIVISION**

#### **ZONE AMENDMENT NO. 05-028** **GEORGE WUSSTIG** **HAPPY VALLEY AREA**

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-028, George Wusstig, which would rezone approximately 307 acres to a Planned Development (PD) District and/or other appropriate district. Associate Planner Zach Bonnin 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 Bruce Alexander, civil engineer on the Wusstig project, spoke in favor of the matter.

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

Mr. Bonnin stated that he had received a letter from Richard Rauser, a local resident, who stated his support of this matter.

By motion made, seconded (Cibula/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-028, George Wusstig, Happy Valley area:

1. Adopted the CEQA determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2006-043;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2006-043; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-028 as requested.

ZONE AMENDMENT NO. 05-025

FIDEL REALYVASQUEZ

PALO CEDRO AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 05-025, Fidel Realyvasquez, which would rezone approximately 665 acres to a Limited Residential (RL) District and/or other appropriate district. Associate Planner Zach Bonnin 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 Terry Dean, a local landowner, spoke in opposition of the matter, stating his land is used for cattle grazing. He stated that if the road is used for a development, it would cause a land-lock and could possibly prevent future agricultural usage.

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

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-025, Fidel Realyvasquez (Palo Cedro area):

1. Adopted the CEQA determination of a negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 2006-039;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2006-039; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-028 as requested.

11:10 a.m.: The Board of Supervisors recessed and convened as the Shasta County Housing Authority.

**SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR**

**SHASTA COUNTY HOUSING AUTHORITY**

**SCHEDULED HEARING**

**HOUSING AUTHORITY ANNUAL PLAN**  
**HOUSING RESOLUTION NO. 2006-1**

This was the time set to conduct a public hearing to consider adopting the Housing Authority annual plan and a five-year plan to maintain Shasta County's Section 8 rental assistance program. Director of Housing and Community Action Programs Richard Kuhns, Psy.D. presented the staff report and recommended approval of the plans. 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 proposal, and the public hearing was closed.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors accepted the annual plan for Fiscal Year 2006-07 for the Shasta County Housing Authority as required by the Department of Housing and Urban Development, to maintain Shasta County's Section 8 rental assistance program and adopted Housing Resolution No. 2006-1, which authorizes the Chairman of the Housing Authority to sign the Certification of Compliance.

(See Housing Resolution Book)

11:11 a.m.: The Shasta County Water Agency adjourned, and convened as the Board of Supervisors.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Clarke 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 In re appeal of NME Hospital from valuation of real and personal property (Shasta County Assessment Appeals Board), pursuant to Government Code section 54956.9, subdivision (a).
2. Confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director 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 Teamsters-Trades and Crafts, pursuant to Government Code section 54957.6.

11:13 a.m.: The Board of Supervisors recessed into Closed Session and convened as the In-Home Supportive Services (IHSS) Public Authority Governing Board.

**IN-HOME SUPPORTIVE SERVICES**

**PUBLIC AUTHORITY GOVERNING BOARD**

**CLOSED SESSION ANNOUNCEMENT**

Chairman Clarke announced that the In-Home Supportive Services (IHSS) Public Authority Governing Board would recess to a Closed Session to confer with its Labor Negotiators, County Administrative Officer Larry Lees, and Labor Consultant Becker and Bell to discuss the United Domestic Workers of America, pursuant to Government Code section 54957.6.

11:13 a.m.: The IHSS Public Authority Governing Board recessed to Closed Session.

1:19 p.m.: The IHSS Public Authority Governing Board recessed from Closed Session and reconvened in Open Session with Supervisors Clarke, Kehoe, and Cibula, County Counsel Karen Jahr, County Administrative Officer Larry Lees, and Chief Deputy Clerk of the Board Glenda Tracy present.

1:19 p.m.: The IHSS Public Authority Governing Board adjourned, and the Board of Supervisors reconvened.

**REPORT OF CLOSED SESSION ACTIONS**

County Counsel Karen Jahr reported that the Board of Supervisors met in Closed Session to discuss existing litigation, as well as labor negotiations.

On a vote 4-0, with Supervisor Hawes being absent, the Board of Supervisors tendered the defense of the County in the matter of existing litigation entitled In re appeal of NME Hospital from valuation of real and personal property (Shasta County Assessment Appeals Board), referred the defense to the law firm Gallagher & Gallagher. No other reportable action was taken.

1:20 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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