

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 26, 2006

REGULAR MEETING

9:03 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
Assistant County Counsel - Michael Ralston
Deputy Clerk of the Board - Linda K. Mekelburg
Deputy Clerk of the Board - Elaine Grossman

INVOCATION

Invocation was given by Pastor Eric Hult, Valley Christian Fellowship.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Sunny (Sharon) Turner explained that the California United Home Care Workers (CUHCW) does not represent the wishes of home care workers in Shasta County; she requested the Board of Supervisors adopt a resolution stating that if the upcoming union election favors the CUHCW, the Board of Supervisors not negotiate with them until an investigation has been conducted into their practices leading up to the election outcome and also to work with any future workers' association to assure fair wages and benefits for in-home care workers.

Lorraine Montana invited the Board of Supervisors to an event called "America for the Troops," a non-partisan, non-political event to support American troops at home and abroad scheduled to take place October 1, 2006 from 12 Noon to 1 p.m. at the Redding City Hall.

CONSENT CALENDAR

By motion made, seconded (Hawes/Kehoe), 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 agreement with Ronald and Margaret Mygrant in the amount of \$484.44 per month for approximately 1,468 square feet

of storage space (\$0.33/square foot, with an annual increase of \$0.01/square foot) at 1400 California Street, Redding for the period October 1, 2006 through September 31, 2009 with three optional one-year renewals. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$7,130.80 requiring special board action. (Auditor-Controller)

Approved the minutes of the meetings held on September 12 and 19, 2006, as submitted. (Clerk of the Board)

Appointed Valerie Dickinson to fill an unexpired term on the Burney Water District Board of Directors to December 2007. (Clerk of the Board)

Appointed Lynn Miller to fill an unexpired term on the Burney Cemetery District Board of Directors to March 2010. (Clerk of the Board)

Approved and authorized the Chairman to sign a license agreement with Perforce Software, Inc. in the amount of \$5,600 plus \$160 in annual support costs to purchase source control management software and support for the period September 26, 2006 through September 25, 2007, with automatic one-year renewals. (Information Technology)

9:12 a.m.: The Board of Supervisors recessed and convened as the In-Home Supportive Services Public Authority.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

GOVERNING BOARD

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Shasta County In-Home Supportive Services (IHSS) Public Authority Governing Board took the following action, which was listed on the IHSS Public Authority Governing Board Consent Calendar:

Approved and authorized the Chairman to sign an agreement with Becker & Bell, Inc. in an amount not to exceed \$132,300 to provide a labor relations/contract negotiator and employee relations advisor for the In-Home Supportive Services (IHSS) Public Authority for the period October 1, 2006 through September 30, 2008, with an automatic one-year renewal. (In-Home Supportive Services Public Authority)

9:13 a.m.: The In-Home Supportive Services Public Authority adjourned and reconvened as the Board of Supervisors.

REGULAR CALENDAR

PRESENTATION

PRESENTATION: UPDATE ON STATUS OF IFAS 7i SYSTEM UPGRADE

Assistant Auditor-Controller Connie Regnell introduced Steve Leckey, project manager for the upgrade of the Auditor's financial system. Mr. Leckey noted that the major accomplishments include completion of the planning and project management phases, creation of a steering committee, and installation of a new server. Future plans include focus groups for

each functional area of the system, detailed system configuration, and meetings with special district representatives to discuss use of the system.

BOARD MATTERS

PROCLAMATION: MENTAL ILLNESS AWARENESS WEEK

At the recommendation of Mental Health Clinical Division Chief Ron Parton and local National Alliance for the Mentally Ill (NAMI) chapter President Marge Hall and by motion made, seconded (Hawes/Cibula), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 1-7, 2006 as Mental Illness Awareness Week in Shasta County.

PROCLAMATION: DAY TO WALK FOR DIABETES AWARENESS

At the recommendation of Acting Director of Public Health Donnell Ewert and by motion made, seconded (Hartman/Cibula), and unanimously carried, the Board of Supervisors adopted a proclamation which designates September 30, 2006, as the Day to Walk for Diabetes Awareness in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Larry Lees presented an update on specific legislation of importance to Shasta County, including the Payment in Lieu of Taxes (PILT) program. By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a letter to Senators Barbara Boxer and Dianne Feinstein urging their support of the PILT program.

Supervisor Hawes recently attended the ribbon-cutting ceremony for the Cove Road at Hatchet Creek Bridge.

Chairman Clarke recently attended a Regional Council of Rural Counties conference in Squaw Valley.

Supervisors Hawes, Cibula, and Kehoe thanked everyone for their assistance with and participation in the recent employee picnics.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

LIBRARY ADVISORY COMMITTEE

Senior Administrative Analyst Julie Hope presented the staff report and explained that the Library Advisory Committee will consist of five members: two appointed by the Board of Supervisors, two appointed by the Redding City Council, and one appointed by the Shasta Library Foundation.

Supervisor Kehoe outlined his selection criteria for the County's appointees to the Committee: The appointee must have a knowledge of library operations and management; have a love of and passion for a community library; embrace a County-wide perspective; have a level of accountability to contribute to the library, community, and elected officials; be able to listen; and have community standing and respect. He suggested two recommendations: appoint Supervisors Cibula and Hawes; or open a brief application period for the Board of Supervisors, community members, or interested persons to submit names, after which Chairman Clarke and Vice-Chairman Cibula could meet with CAO Lees and make recommendations. Chairman Clarke noted that at least one representative should be a person who will ensure County money is spent correctly, and she hoped that at least one appointee would have a financial or governmental background.

In response to a question from Supervisor Cibula, Ms. Hope explained that there is currently no provision for appointing alternates to the Committee; however, the Committee may choose to address the issue in their bylaws.

Supervisor Kehoe concurred with Chairman Clarke's observation and suggested that CAO Lees establish a standing observer to participate in the meetings and provide feedback to the CAO and the Board of Supervisors.

CAO Lees noted that his office already has a list of names of eligible people and recommended that community members who are interested in serving on the Committee and believe they meet Supervisor Kehoe's recommended criteria should contact the County Administrative Office.

By consensus, the Board of Supervisors directed that CAO Lees, Chairman Clarke, and Vice-Chairman Cibula meet to discuss potential appointees and return to the Board of Supervisors with their recommendations on October 10, 2006.

In response to a question from Supervisor Kehoe, Shasta County Library Foundation Executive Director Peggy O'Lea and Missy Emerson stated they would be able to recommend names of potential appointees.

ADOPTION: FISCAL YEAR 2006-07 FINAL BUDGET
RESOLUTION NOS. 2006-143 AND 2006-144
SALARY RESOLUTION NO. 1304

At the recommendation of Administrative Fiscal Chief Dan Kovacich and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2006-143, which approves the Fiscal Year 2006-07 Final Budget; adopted Salary Resolution No. 1304, which reflects the position allocations approved in the Fiscal Year 2006-07 Final Budget effective October 1, 2006; approved job specifications for the Public Health Program and Policy Analyst, and deleted job specifications for the LAFCO Executive Officer; adopted Resolution No. 2006-144, which authorizes the transfer of \$12,525 in Sheriff Asset-Forfeiture funds to the City of Shasta Lake to be utilized for approved law enforcement purposes in the City; and increased the number of vehicles in the County fleet by 2 for a new total of 390.

(See Resolution Book No. 47)

(See Salary Resolution Book)

LAW AND JUSTICE**DISTRICT ATTORNEY/PROBATION**

GRANT AWARD: U.S. DEPARTMENT OF JUSTICE
DOMESTIC VIOLENCE ACCOUNTABILITY PROGRAM
BUDGET AMENDMENT
SALARY RESOLUTION NO. 1305
RESOLUTION NO. 2006-145

At the recommendation of District Attorney Jerry Benito and Chief Probation Officer Brian Richart and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors accepted a grant award from the U.S. Department of Justice in the amount of \$382,185 for the period July 1, 2006 through June 30, 2008 to develop the Domestic Violence Accountability Program; adopted Resolution No. 2006-145, which approves and authorizes the County Administrative Officer to sign the award agreement and other related documents; approved budget amendments which increase revenues and appropriations in the District Attorney and Probation budgets by \$177,626; adopted Salary Resolution No. 1305, which adds one Probation Assistant to the Probation budget; and authorized the Auditor-Controller to pay claims related to the program.

(See Resolution Book No. 47)

(See Salary Resolution Book)

RESOURCE MANAGEMENT**COMMUNITY EDUCATION SECTION**

AGREEMENTS: WASTE RECOVERY WEST, INC.
WASTE TIRE COLLECTION EVENTS
RESOLUTION NO. 2006-146

At the recommendation of 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 amendment to the agreement with Waste Recovery West, Inc. to increase the number of waste tire collection days and add a compensation rate to place drop trailers for Burney or Shingletown events; adopted Resolution No. 2006-146, which authorizes the Director of Resource Management to accept a Waste Tire Amnesty Day grant for Fiscal Year 2005-06 in an amount not to exceed \$75,000 on behalf of Shasta County and the Cities of Anderson and Shasta Lake, appoints the Director of Resource Management as the agent for Shasta County for the purposes of this program, authorizes program expenditures, and authorizes the Auditor-Controller to pay claims for said expenditures; and approved and authorized the Chairman to sign an agreement with Waste Recovery West, Inc. in an amount not to exceed \$275,000 to assist Shasta County in conducting waste tire collection events from the date of signing through June 30, 2007, with two automatic one-year renewals.

(See Resolution Book No. 47)

SCHEDULED HEARINGS

PUBLIC WORKS

ROAD ABANDONMENT

KESWICK AREA

RESOLUTION NO. 2006-147

This was the time set to conduct a public hearing and consider adopting a resolution approving the abandonment of a portion of an undeveloped public easement in the Keswick area. Public Works Director Pat Minturn presented the staff report and recommended a modification of the original abandonment request. The original request was for an abandonment of a portion of Bush Street, a portion of West Street, and the unnamed alley in Block 9. The request has been modified to exclude the abandonment of a portion of Bush Street as this would cause a loss of access to Iron Mountain Road from one of the parcels. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened and landowner Shirley Travis noted that the landowner affected by abandonment of Bush Street was welcome to use her driveway.

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

By motion made, seconded (Cibula/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2006-147, which approves the abandonment of a portion of West Street and an unnamed alley in Block 9 in the Keswick area.

(See Resolution Book No. 47)

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 one potential case of anticipated litigation, pursuant to Government Code section 54956.9, subdivision (b)(1).
2. Consider a public employee appointment, pursuant to Government Code section 54957.6.
3. 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.

10:39 a.m.: The Board of Supervisors recessed to Closed Session.

1:33 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, Assistant County Counsel Michael Ralston, and Deputy Clerks of the Board Linda Mekelburg and Elaine Grossman present.

REPORT OF CLOSED SESSION ACTIONS

Chairman Clarke reported that the Board of Supervisors met in Closed Session to discuss anticipated litigation and a public employee appointment, as well as labor negotiations; however, no reportable action was taken. Further Closed Session discussion is necessary, and the Board of Supervisors will recess to Closed Session again after the scheduled hearings.

SCHEDULED HEARINGS**RESOURCE MANAGEMENT****PLANNING DIVISION**

ZONE AMENDMENT NO. 05-011 AND
APPEAL OF TRACT MAP 1910
SUTTER BROWN, INC.
SHINGLETOWN AREA
RESOLUTION NO. 2006-148

Chairman Clarke noted that although she and Supervisor Hawes were absent during the initial public hearing for this item, they have both read the minutes of the September 12, 2006 Board of Supervisors meeting and listened to the audio of the meeting, so they will be able to vote on the matter.

This was the time set to re-open the public hearing continued from the September 12, 2006 Board of Supervisors meeting and consider the request to approve Zone Amendment No. 05-011, Sutter Brown, Inc., which would recognize approximately 216 acres in the Shingletown area as a Limited Residential combined with a Building Site Minimum (R-L-BSM) District in conjunction with a 30-parcel land division, and consider an appeal by Paul and Kathy Evanko Baars of the Planning Commission's approval of Tract Map No. 1910. The appellants' concerns include a lack of analysis of groundwater availability and quality, lack of cumulative analysis in relation to other developments, public safety, traffic, and inadequate notice regarding the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Associate Planner Meri Meraz presented the staff report and recommended approval of the project. She noted that a hydrology study had been completed and submitted to Resource Management. A copy of the study was provided to the Board of Supervisors shortly before the afternoon session began.

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

Appellant Paul Baars explained that he does not oppose the project; however, additional studies should be conducted. He also discussed the lack of water in the area, the fact that the closest fire station is ten miles away, and the shortage of law enforcement personnel in the area. He requested the Board of Supervisors plan responsibly and that additional studies be required, including an environmental impact report.

Beth Livezey noted that a hydrology study is not a basis for approval of the project, stating her concern that the initial study for the mitigated negative declaration indicated there was not a water problem when wells in the area are going dry. She stated an analysis of the water in the area needs to be done. She also asked that the Board of Supervisors consider the cumulative impacts of projects in any area.

Applicant Jerry Brown explained that a hydrogeologic study of the area showed that there is plenty of water; discussed the conditions placed on the project by the Fire Department to

require that each of the 30 parcels have its own fire break, and discussed the various traffic and road improvements that will be completed for the project.

Lawrence and Associates Principal Hydrogeologist Bonnie Lampley conducted a hydrogeologic evaluation for the proposed development, and her study concluded that groundwater wells of sufficient yield can be located to supply the project, and the five-acre parcel sizes will allow location of wells to minimize possible interference with neighboring wells.

Chuck Pierce and Franklin Saylor noted that environmental issues have been addressed and studies have been performed.

Don Ackley noted that some well drillers are more proficient at locating water than others, and explained that the aquifer in the area is more similar to a stream than a reservoir, flowing from east to west.

Cathy Robinson, Lisa Stanzak, and Bill Sutter supported the project, explaining that it will be a great opportunity for the County.

Beth Livezey noted that the hydrogeologic evaluation is a helpful study, but it cannot stand alone without other studies.

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

In response to a question from Supervisor Cibula, Ms. Meraz noted that the legal notice for the Planning Commission public hearing did show an incorrect graphic; however, all appropriate property owners received proper notice.

Director of Resource Management Russ Mull explained that it is not the intention to require analyses which can be determined by other means. In the area in question, which is a hard-rock formation, existing well logs have shown that some parcels will have wells with no water, some with limited water, and some with good water. For this project, the well logs have given Resource Management sufficient assurance that future residents will obtain reasonable water when they drill wells on the property. It is not feasible to put a community water system in place as the area does not have enough population density to make one affordable.

In response to a question from Supervisor Cibula, Mr. Mull stated that although both parties are correct in that a hard-rock formation both can and cannot produce water, he did not believe that it meets the California Environment Quality Act (CEQA) standard of a fair argument that there will be a significant impact on the environment, which would require an environmental impact report be completed.

In response to a question from Supervisor Kehoe, Mr. Mull noted that he is not aware of very many projects in the Shingletown area other than the Sierra Pacific subdivision; therefore, there are no cumulative impacts to consider. Additionally, the Sheriff's Office is fully funded, so they are capable of providing protection to the area; traffic studies have been conducted in the project area. Caltrans has evaluated the project, and their suggestions have been incorporated into the mitigation conditions for the subdivision. Ms. Meraz explained that the Department of Fish and Game has reviewed the project, and their comments have been incorporated into the conditions for the subdivision.

Mr. Mull stated that this project does not meet the requirements to order an environmental impact report; the studies that have already been conducted adequately address the potential environmental impacts of the subdivision. More studies can be conducted; however, they will probably not make a difference in analyzing impacts significant to the environment.

By motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors took the following actions regarding Tract Map No. 1910 and Zone Amendment No. 05-011, Sutter Brown, Inc., Shingletown area:

1. Adopted Resolution No. 2006-148, which denies the appeal and upholds the Planning Commission's approval of Tract Map No. 1910;
2. Adopt a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2006-129;
3. Make the rezoning findings as specifically set forth in Planning Commission Resolution No. 2006-129; and
4. Introduced and waived the reading of an ordinance which approves the zone amendment.

Supervisor Cibula voted no as he finds the appeal had merit.

(See Resolution Book No. 47)

3:25 p.m.: The Board of Supervisors recessed.

3:30 p.m.: The Board of Supervisors reconvened.

APPEAL: ZONE AMENDMENT NO. 06-015, USE PERMIT NO. 05-039,
AND RECLAMATION PLAN NO. 05-004
TIMBER MANAGEMENT SERVICES
MILLVILLE AREA
RESOLUTION NOS. 2006-149 AND 2006-150

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 06-015, Timber Management Services, which would amend Ordinance No. 378-1506 to include mining as a permitted use, and consider appeals by Emilie Reedy and Mary Rickert of the Planning Commission's approval of Use Permit No. 05-039 and Reclamation Plan No. 05-004. The appellants' concerns include health and environmental risks due to breach of the existing landfill cell, dioxin contamination to sand and gravel from paper waste transported to and from the site, violation of the existing Use Permit, increased traffic, and inadequate notice regarding the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Senior Planner Bill Walker presented the staff report, noting that the project had been brought before the Board of Supervisors in June 2006. At that time, the project was returned to the Planning Commission to ensure that correct procedure for environmental review had been followed. Mr. Walker recommended approval of the project.

Mr. Walker responded to the issues raised in the two appeals, noting that there is little likelihood of the proposed gravel operation creating environmental contamination due to the safety measures put in place to prevent breach of landfill cells and the low levels of contaminants remaining in the landfill itself. The existing landfill is scheduled for closure, so no new material will be added to the landfill. Traffic for both the gravel and landfill operations will be limited to the amount already allowed for the landfill operation. Any water coming from the site will be caught in detention basins to prevent possible contamination to any surrounding areas. Also, a typographical error was found in the legal notice; however, all mitigations remain the same.

Regional Water Quality Control Board Water Resources Control Engineer Katie Bowman explained that the landfill is essentially already closed as there is no longer a waste stream available in the County for that particular landfill, and the existing landfill cell has already been capped.

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

Emilie Reedy requested the matter be continued until after the Regional Water Quality Control Board holds a public hearing on the revised waste discharge requirements for the landfill on October 26 and 27, 2006.

Bob Harp opposed the project, expressing concerns as to the possibility of release of dioxin, the location of the landfill cells, the adequacy of a 25-foot buffer between the landfill and the gravel operation, the lack of financial assurances should the gravel operation breach the landfill, the increase in truck traffic should the maximum amount of material be excavated, and the potential decrease in property values to houses in the area.

Land Designers representative Keith Hamblin explained that he and Duane Miller prepared the reclamation plan for the project and took into consideration water quality, storm water run-off, the use of detention basins, visibility to residents, and minimizing traffic impacts. He also noted that there are sufficient bearings on maps provided by Vesta Resources and CH2M Hill to exactly locate the landfill boundaries.

James Matson is an equipment operator for the landfill owner and explained that they know exactly where the landfill boundaries are.

Stephanie Gregory supported the project, noting that the roads to the landfill are paved, while the roads to the area residences are gravel.

Chris Workman supported the project, explaining that the roads have been improved and the truck noise is minimal.

Keith Gardner, Jim Wright, Louis Santoro, Don Mann, and Ivan Launder supported the project, saying that the materials from the gravel operation are needed in this area.

Project applicant Chuck Wolf noted that the five adjacent landowners have all expressed their support of the project.

Regional Water Quality Control Board representative Dan Warner explained that the exact location of the landfill cells are known even though they may not be exactly shown on the maps used in Resource Management's presentation.

In response to a question from Chairman Clarke regarding Ms. Reedy's request for a continuance, Assistant County Counsel Michael Ralston explained that a continuance needs to be considered only if a Board Member makes a motion for a continuance.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 06-015, Use Permit No. 05-039, and Reclamation Plan No. 05-004, Timber Management Services, Millville area:

1. Adopted a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2006-124;
2. Made the rezoning findings as specifically set forth in Planning Commission Resolution No. 2006-124;
3. Introduced and waived the reading of an ordinance which amends Ordinance No. 378-1506 and approves the zone amendment;
4. Adopted Resolution No. 2006-149, which denies the appeal and upholds the Planning Commission's approval of Use Permit No. 05-039; and

5. Adopted Resolution No. 2006-150, which denies the appeal and upholds the Planning Commission's approval of Reclamation Plan No. 05-004.
(See Resolution Book No. 47)

4:40 p.m.: The Board of Supervisors recessed to Closed Session.

4:51 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, Assistant County Counsel Michael Ralston, and Deputy Clerks of the Board Linda Mekelburg and Elaine Grossman present.

REPORT OF CLOSED SESSION ACTIONS

Chairman Clarke reported that the Board of Supervisors met in Closed Session to discuss anticipated litigation and a public employee appointment, as well as labor negotiations; however, no reportable action was taken.

4:52 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy