

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, July 24, 2007

REGULAR MEETING

9:02 a.m.: Chairman Cibula 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 Baugh

County Administrative Officer - Larry Lees
County Counsel - Karen Jahr
Deputy Clerk of the Board - Valerie Ibarra
Deputy Clerk of the Board - Nancy Rupert

INVOCATION

Invocation was given by Pastor Mark Smith, Risen King Community Church.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Mel Fisher.

INTRODUCTIONS

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

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Cibula announced that the minutes of the Board of Supervisors meeting held on July 17, 2007 were pulled at the request of the department. Pulled for discussion were the items of the Fall River Mills Airport Expansion Project-Automated Weather Observation System and the agreement with MuniFinancial Inc.

CONSENT CALENDAR

By motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Cibula voted no on the Personnel Rules based on his views regarding speech):

Approved and authorized the Chairman to sign the County Claims List totaling \$3,129.64 requiring special board action. (Auditor-Controller)

Adopted Resolution No. 2007-87, which amends the Personnel Rules, Chapter 21, *Travel and Other Expenses*, regarding online education and Chapter 36, *Personnel Files*, regarding maintenance of medical files; and adopted Resolution No. 2007-88, which adds Chapter 41, *Campaign Activities*, to the Personnel Rules to implement rules as allowed under Government Code section 3207. (Support Services)

(See Resolution Book No. 48)

Approved and authorized the Chairman to sign a cooperative contract with the City of Tucson in the amount of seven percent of the gross sale of surplus County equipment to utilize the Public Surplus website for online surplus sales for Shasta County. (Support Services-Purchasing)

Took the following actions for the In-Home Supportive Services Advisory Committee: Appointed Jennifer Church to an unexpired term to March 2010; appointed Roberta Roberts to a three-year term to March 2010; and reappointed Cathy Wyatt, Lorna Webb, and Timothy Shell to three-year terms to March 2010. (In-Home Supportive Services Public Authority)

Approved and authorized the Chairman to sign an agreement with Vista Staffing Solutions, Inc. in an amount not to exceed \$200,000 per fiscal year to provide temporary psychiatric services from the date of signing through June 30, 2008, with one automatic one-year renewal. (Mental Health)

Approved and authorized the Chairman to sign a Declaration of Intent notifying the California Department of Public Health (DPH) of the County's intent not to apply for Fiscal Year 2007-08 Rural Health Services Program funding in favor of continuing DPH's disbursement of funds directly to area hospitals and physicians for a portion of their indigent medical care costs. (Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with the California Department of Health Services increasing compensation by \$80,000 (for a total of \$124,115) to continue providing activities for the prevention and control of sexually transmitted diseases and extending the term of the agreement to June 30, 2009. (Public Health)

Approved and authorized the Chairman to sign the AIDS Master Grant Agreement and Certification Statement with the California Department of Health Services in a total amount of \$412,827 for all HIV/AIDS activities for the period July 1, 2007 through June 30, 2010; and a Prevention Memorandum of Understanding (MOU) (\$71,652), an HIV Counseling and Testing MOU (\$281,175), and an HIV/AIDS Surveillance MOU (\$60,000). (Public Health)

Approved and authorized the Chairman to sign the annual Agreement Funding Application with the California Department of Health Services in the amount of \$303,909 (\$101,303 per year) to allow Public Health to continue providing maternal, child, and adolescent health services for the period July 1, 2007 through June 30, 2010; and authorized the Auditor-Controller to pay claims related to the expenditures of the allocated funds. (Public Health)

Approved and authorized the Chairman to sign a renewal agreement with the City of Anderson in an amount not to exceed \$6,600 per month for Opportunity Center participants to provide janitorial services at City of Anderson buildings from the date of signing through June 30, 2008, with two automatic one-year renewals (no General Fund impact) (Social Services)

For the proposed Tract Map No. 1878, Nunes Ranch Permanent Road Division (Shingletown area), received the petitions for formation and activation, affidavit verifying petition information, maintenance cost estimate, and parcel charge report; and set a public hearing for September 18, 2007 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 amendment to the agreement with Mead and Hunt, Inc. in the amount of \$215,000 (for a total of \$1,442,000) to add construction engineering services to the Scope of Work for Phase III of the Fall River Mills Airport Expansion Project and retaining the term to September 25, 2011. (Public Works)

ACTION ON ITEMS PULLED FROM THE CONSENT CALENDAR

FALL RIVER MILLS AIRPORT EXPANSION PROJECT- AUTOMATED WEATHER OBSERVATION SYSTEM

In response to a question by Supervisor Kehoe, Public Works Director Pat Minturn explained the Federal Aviation Administration objected to the bids as a unit was selected without allowing a competitive bidding environment. By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors rejected all bids; directed the Public Works Director to revise the plans and specifications to eliminate the proprietary requirements as recommended by the Federal Aviation Administration and re-advertise for bids; and authorized the opening of bids on or after August 16, 2007 at 11:00 a.m. (Public Works)

AGREEMENT: MUNIFINANCIAL INC. DEVELOPMENT FEE IMPACT STUDY

In response to a question by Supervisor Baugh, County Administrative Officer (CAO) Lees related that the City of Redding recently provided pertinent data to MuniFinancial, requiring the contract to be extended to allow time to complete the study. By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an amendment to the agreement with MuniFinancial Inc. extending the term of the agreement to finalize a development fee impact study prior to July 25, 2008. (Resource Management)

REGULAR CALENDAR

PRESENTATIONS

U.S. FOREST SERVICE SHASTA-TRINITY NATIONAL FOREST ACTIVITIES UPDATE

Shasta-Trinity National Forest Supervisor Sharon Heywood discussed activities in the Shasta-Trinity National Forest, including the possible expansion at Turntable Bay Marina, youth summer programs, timber harvest, and the inventory process of roads within the Shasta-Trinity National Forest.

9:46 a.m.: Supervisor Baugh left the room.

BOARD MATTERS

PROCLAMATION: CHILD SUPPORT AWARENESS MONTH

At the recommendation of Child Support Services Director Terri Love and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which designates August 2007 as Child Support Awareness Month in Shasta County.

9:48 a.m.: Supervisor Baugh returned to the room.

PROCLAMATION: BREASTFEEDING AWARENESS MONTH/WEEK

At the recommendation of Public Health Director Donnell Ewert and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates August 2007 as Breastfeeding Awareness Month in Shasta County and August 1-7, 2007 as Breastfeeding Awareness Week in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

CAO Lees presented an update on specific legislation of importance to Shasta County, including the state budget. He has had discussions with Senator Aanstad regarding potential budget cuts and how they affect Shasta County.

Supervisor Kehoe reported he recently attended a joint meeting of the Mental Health Board and the Alcohol and Drug Advisory Board.

Supervisors reported on issues of countywide interest.

HEALTH AND HUMAN SERVICES

MENTAL HEALTH

**AGREEMENT: NORTH VALLEY BEHAVIORAL HEALTH
PSYCHIATRIC INPATIENT SERVICES**

At the recommendation of Mental Health Director Dr. Mark Montgomery and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a renewal agreement with North Valley Behavioral Health in an amount not to exceed \$1,228,250 per fiscal year to provide psychiatric inpatient services from the date of signing through June 30, 2008, with two additional one-year renewals.

LAW AND JUSTICE

SHERIFF

**AGREEMENT: GLOBAL TEL LINK CORPORATION
EQUIPMENT AND CARRIER SERVICES
JAIL INMATE PAYPHONES**

At the recommendation of Sheriff/Coroner Tom Bosenko and by motion made, seconded (Hartman/Hawes), and carried, the Board of Supervisors approved and authorized the Chairman to sign a Letter of Agency and an agreement with Global Tel Link Corporation to provide, install, and maintain inmate phone equipment and carrier services for jail inmate payphones for the period August 2, 2007 through August 1, 2012, with two automatic one-year renewals, with compensation to the County of 55 percent of the gross revenues. Supervisor Cibula voted no as he disagrees with spreading the costs to the inmates and because a Request for Proposal was not pursued.

PUBLIC WORKS

AGREEMENT: INTERNATIONAL SURFACING SYSTEMS 2007 RESURFACING PROJECT

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors awarded to the low bidder, International Surfacing Systems, on a unit-cost basis, the contract for construction on the 2007 Resurfacing Project.

LONG HAY FLAT ROAD AND LAKE McCUMBER ROAD SPEED LIMITS

Public Works Director Pat Minturn presented the staff report and confirmed that speed limits enforceable by State law requires conducting a speed study, determining the existing pattern, and then identifying the 85th percentile.

Frank Galusha requested a 35-mile-per-hour speed limit and expressed his concern that a higher speed limit may not be appropriate as the road is traveled by school buses and pedestrians, is subject to winter road conditions, and the number of residents in the area.

Kenneth Burr requested a 35-mile-per-hour speed limit and expressed his concern regarding road conditions and number of residents of local roads surrounding Lake McCumber Road.

Battle Creek Subdivision Neighborhood Watch President Gordon Patterson recommended a 30- or 35-mile-per-hour speed limit due to children and wildlife in the area.

Supervisor Baugh moved that this item be postponed for three weeks for further review and to confirm calculations collected so as to consider whether a lower speed limit on Lake McCumber Road would be appropriate; however, the motion failed for lack of a second.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which establishes a 30-mile-per-hour speed limit on Long Hay Flat Road and a 40-mile-per-hour speed limit on Lake McCumber Road. Supervisor Baugh voted no as he would rather postpone the matter to a later date to review and confirm calculations collected to consider whether a lower speed limit than 40-miles-per-hour on Lake McCumber Road would be appropriate.

RESOURCE MANAGEMENT

COMMUNITY EDUCATION SECTION

FISCAL YEAR 2006-07

LOCAL GOVERNMENT WASTE TIRE CLEANUP AND AMNESTY EVENT GRANT RESOLUTION NO. 2007-89

At the recommendation of Environmental Health Division Manager Jim Smith and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-89, which authorizes the Director of Resource Management to accept a Local Government Waste Tire Cleanup and Amnesty Event grant for Fiscal Year 2006-07 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 to be

included in the Supplemental Budget process, and authorizes the Auditor-Controller to pay claims for said expenditures.

(See Resolution Book No. 48)

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerk of the Board Linda Mekelburg 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; however, no reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

APPEAL OF USE PERMIT 05-010 AND RECLAMATION PLAN 05-001 SHASTA RANCH ESTATES LLC, SOUTHEAST ANDERSON AREA RESOLUTION NO. 2007-90

1:31 p.m.: Supervisor Hawes recused himself on advice from the Fair Political Practice Commission (FPPC) resulting from business dealings with the project proponent, and he left the Chambers.

This was the time set to conduct a public hearing and consider the appeal by Joann Moore and Gail Mellow on behalf of Shasta County Citizens for a Healthy Environment of the Planning Commission's approval of Use Permit No. 05-010, Reclamation Plan No. 05-001, and certification of the Environmental Impact Report (EIR) for Shasta Ranch Estates LLC (Southeast Anderson area). The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Senior Planner Bill Walker presented the board report regarding the proposed gravel mining project by Shasta Ranch Estates, LLC in the Southeast Anderson area.

Public Works Director Pat Minturn, Director of Resource Management Russ Mull, Mr. Walker, and Special Land Use Economic Analysis Joel Ellinwood answered questions posed by members of the Board of Supervisors.

2:45 p.m. The Board of Supervisors recessed.

2:55 p.m. The Board of Supervisors reconvened.

Mr. Walker, Mr. Minturn, and Mr. Mull provided information regarding roads and safe travel.

The public hearing was opened and Joann Moore, Vicki Harris, Kathy Valles, Elaine Rutkowski, and Gail Mellow spoke in opposition of Shasta Ranch Estates, LLC because of

concerns of surrounding land values, water quality, road conditions, noise, and hazardous substances.

4:25 p.m. The Board of Supervisors recessed.

4:40 p.m. The Board of Supervisors reconvened.

Lyle Tullis, owner of Shasta Ranch Estates, LLC discussed the lack of available aggregate and its importance to Shasta County's economy; he responded to questions by members of the Board of Supervisors, noting that importing aggregate to Shasta County causes increased cost of the product and increased air quality issues due to the pollution from transport vehicles.

Earl Allen Beck, Louise Zimmerman, Linda Schreiber, Deon Pollett, Ken Benke, Doug Bennett, Lori Pritchett, Mark Franco, Caleen Sisk-Franco, Marie Carr-Fitzgerald, Kathy Valles, Patrick Carr, Galen Hopson, John Steiner spoke in opposition to Shasta Ranch Estates, LLC.

Sally Riley, Brian Crane, John Williams, Randall Smith, and Ed Shaw spoke in favor of Shasta Ranch Estates, LLC.

Nancy Milton stated she was not in favor or in opposition, but expressed that everyone uses aggregate, and aggregates are located in areas where they are found.

6:51 p.m. The Board of Supervisors recessed.

7:15 p.m. The Board of Supervisors reconvened.

Rick Anderson, Dianna Thrasher, Kathy Valles, and Betty Juarez spoke in opposition to the project.

On behalf of the appellant, Kathy Valles and Gail Mellow spoke of issues regarding diminishing quality of life and property values due to noise and traffic conditions.

On behalf of the proponent, Lyle Tullis, Wendy Johnston, and Todd Bernhard advised that the site for the Shasta Ranch Estates is not a toxic waste site.

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

Supervisor Hartman moved that the intent to deny the appeal be approved, Supervisor Kehoe seconded the motion. Under discussion, Supervisor Baugh requested: (1) realign the project access road to connect direct to Kimberly Road and to not use the two proposed southern Cottonwood routes; (2) not to include Phase 3; however, Phase 3 be handled for one year of notification; (4) additional testings; (5) fencing around the existing trenches; (6) determine the days of operation; and (6) tie the road maintenance fee to the Consumer Price Index (CPI).

Supervisor Cibula expressed his concern regarding the presence of dioxin.

In reply to Supervisor Cibula's request, Mr. Mull proposed the owner/operator notify the Director of Resource Management at least twelve months prior to the initiation of Phase 3, the Director may then require additional monitoring by the applicant prior to the initiation and during the operation of Phase 3. Mr. Mull stated that based on a certain segment of the economy, the CPI for all urban consumers changes in January every year. This is the same scale used on the changes to fee schedules. The current amount is ten cents and may increase or decrease by approximately one or two percent in January of each year.

Mr. Mull advised that changing the traffic pattern by eliminating the two southern routes would increase traffic on the remaining two routes, which was not evaluated in the EIR, and would therefore require a supplemental EIR.

Supervisor Hartman amended her motion of intent to deny the appeal to: (1) include Phase 3 monitoring; (2) realign the access road at Kimberly Road; (3) tie the annual road maintenance fee to the Consumer Price Index; (4) limit days and hours of operation to be Monday through Friday, 7:00 a.m. to 6:00 p.m., (hauling 8:30 a.m. to 6:00 p.m. when school is in session), with a maximum of 77 round trips per day; (5) install fences around the trenches containing the paper mill waste. Supervisor Kehoe seconded the amended motion, and the motion carried. Supervisor Baugh voted no to respect the wishes of many area residents.

By motion made, seconded (Kehoe/Hartman), and carried, the Board of Supervisors approved certification of the Environmental Impact Report. Supervisor Baugh voted no.

By motion made, seconded (Hartman/Kehoe), and carried, the Board of Supervisors adopted Resolution No. 2007-90, which denies the appeal and upholds the Planning Commission approval of Use Permit No. 05-010, with amendments approved to the conditions as set forth in the motion of intent to deny the appeal. Supervisor Baugh voted no.

By motion made, seconded (Hartman/Kehoe), and carried, the Board of Supervisors adopted the Mitigation Monitoring and Reporting Program, adopted the Findings of Fact and Statement of Overriding Consideration, and approved Reclamation Plan No. 05-001. Supervisor Baugh voted no.

(See Resolution Book No. 48)

9:00 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy