

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 25, 2007

REGULAR MEETING

9:03 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 - Diane Colson

INVOCATION

Invocation was given by Pastor Robert Shaffer, Anderson Foursquare Church.

PLEDGE OF ALLEGIANCE

Pledge of Allegiance to the Flag was led by Assistant District Attorney Daniel Flynn.

INTRODUCTIONS

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

BOARD MATTERS**PROCLAMATION: MENTAL ILLNESS AWARENESS WEEK**

At the recommendation of Director of Mental Health Dr. Mark Montgomery and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation designating October 7-13, 2007 as Mental Illness Awareness Week in Shasta County. Shasta Consortium Program Manager Tish Harris and National Alliance on Mental Illness representative Marge Hall discussed the Mental Health Assessment and Redesign Collaborative Steering Committee's efforts to provide services to the County and the activities of Mental Illness Awareness Week.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Cibula announced that the item regarding the County claims list was pulled for discussion, and the item regarding the request for appointment to the Public Health Advisory Board was pulled at the request of the department.

CONSENT CALENDAR

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended:

Approved the minutes of the meeting held on September 18, 2007, as submitted. (Clerk of the Board)

Approved the appointments in lieu of election for 30 board of directors candidates in 15 special districts as listed on the County Clerk's certificate. (County Clerk/Registrar of Voters)

Approved and authorized the Chief Technology Officer to sign and submit all documents necessary to redeem settlement benefits on behalf of Shasta County (in the amount of \$105,116) and on behalf of County Service Area No. 1 - Fire Protection (in the amount of \$1,163.29) regarding settlement of an antitrust and unfair competition class-action lawsuit concerning certain Microsoft software purchased by state and local government entities. (Information Technology)

Approved and authorized the Chairman to sign a renewal agreement with the Shasta County Foster Parent Association in an amount not to exceed \$99,759 to provide foster parent training and recruiting services for the period July 1, 2007 through June 30, 2010. (Social Services)

Approved and authorized the Chairman to sign Certificates of Compliance to allow the Veterans Service Office to participate in the County Subvention program and the Medi-Cal Cost Avoidance program. (Veterans Service Office)

Recognized that the circumstances and factors that led to the August 28, 2007 proclamation of a local emergency due to drought conditions resulting in a loss of forage have been resolved, and there is no need to continue the proclamation. (Sheriff/Office of Emergency Services)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Various Permanent Road Divisions Project and record it within 10 days of actual completion of the work. (Public Works)

For the Public Works Administration Area Remodel Project, found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA); approved plans and specifications and direct the Public Works Director to advertise for bids; and authorized opening of bids on or after October 25, 2007 at 11:00 a.m. (Public Works)

For the proposed Tract Map No. 1952, Aegean Way Permanent Road Division (Happy Valley 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 November 27, 2007 at 9:00 a.m. (or as soon thereafter as may be heard) to consider formation and activation. (Public Works)

For Tract Map No. 1906 (Teri Rand Road), Jenkins (Oak Run area), released the security in the amount of \$64,895 guaranteeing performance of subdivision improvements; and released the security in the amount of \$64,895 guaranteeing payment. (Public Works)

ACTION ON ITEMS PULLED FROM CONSENT CALENDAR**COUNTY CLAIMS LIST**

In response to questions by Supervisor Kehoe, Auditor-Controller Connie Regnell stated that the claim for payment to Platinum Printing was listed on the claims list because no purchase order was obtained prior to services rendered. Director of Support Services Joann Davis explained that an employee who had resigned ordered materials for the successor and was unaware that a purchase order was required. By motion made, seconded (Hawes/Baugh), and carried, the Board of Supervisors approved and authorized the Chairman to sign the County Claims List totaling \$5,652.07 requiring special board action. Supervisor Kehoe voted no. (Auditor-Controller)

REGULAR CALENDAR**PRESENTATIONS****PRESENTATION: ILLEGAL DUMPING PREVENTION PROGRAM UPDATE**

District Attorney Jerry Benito discussed the success of the Illegal Dumping Prevention Program method of investigation and prosecution, education and awareness, and community clean up. Resource Management Community Education Specialist Allison Figura summarized the advertisement campaign including distribution of pamphlets and newsletters, newspaper ads, public service announcements, and school presentations. Mr. Benito and Public Works Director Pat Minturn displayed before-and-after pictures of areas that have been cleaned up and confirmed that the funding allocation for the program is sufficient.

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 concern about monetary demands at the state level because of the Governor's proposed health plan.

Supervisor Baugh recently attended the Public Health Advisory Board meeting.

Supervisor Cibula recently attended the Regional Council of Rural counties meeting.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

FISCAL YEAR 2007-08 FINAL BUDGET
RESOLUTION NOS. 2007-115 AND 2007-116
SALARY RESOLUTION NO. 1335

County Administrative Office Admin Fiscal Chief Bebe Palin presented the board report and recommended approval of the Final Budget. In response to questions by Supervisor Kehoe, CAO Lees and Ms. Palin confirmed that Williamson Act subventions will not require general fund contributions, and the County continues to provide State-mandated services without sufficient funding from the State.

In response to questions by Supervisors Kehoe and Cibula, Chief Probation Officer Brian Richart explained that juveniles that had exhausted the County's resources were previously transferred to State detention facilities. Senate Bill 81 (Committee on Budget and Fiscal Review) shifts responsibility for housing certain non-violent juvenile offenders from California's Division of Juvenile Justice to the counties, so the additional cost of housing and programming to the County will exceed the funding received from the State. Mr. Richart also mentioned the department is now preparing for the time when the State will start accepting applications for SB 81 funds to renovate and construct juvenile offender facilities.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2007-115, which approves the Fiscal Year 2007-08 Final Budget; adopted Resolution No. 2007-116, which authorizes the transfer of \$3,258 in Sheriff Asset-Forfeiture funds to the City of Shasta Lake to be utilized for approved law enforcement purposes in the City; adopted Salary Resolution No. 1335, which reflects the position allocation amendments approved in the Fiscal Year 2007-08 Final Budget effective September 30, 2007, the 2007-08 County Position Allocation effective September 30, 2007, and the County Salary Plan; approved the job specification for the Animal Care Technician; and as provided in Administrative Policy 8-103, *Fleet Management Program*, authorized increasing the number of vehicles in the County fleet by 4 for a new total of 400.

(See Resolution Book No. 48)

(See Salary Resolution Book)

INFORMATION TECHNOLOGY

IT SUPERVISOR
SALARY RESOLUTION NO. 1336

Chief Technology Officer Charlie Haase presented the board report and recommended approval of adding one temporary IT Supervisor position. Mr. Haase explained that effective November 2007, a long-term IT Supervisor will retire; therefore, adding the additional supervisor will allow for an extended training period of the successor.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1336, which adds one IT Supervisor position in the Information Technology budget effective September 30, 2007 through November 30, 2007.

(See Salary Resolution Book)

SUPPORT SERVICES**HUMAN RESOURCES****HUMAN RESOURCES ANALYST**
SALARY RESOLUTION NO. 1337

At the recommendation of Director of Support Services Joann Davis and by motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1337, which deletes one Human Resources Assistant/Human Resources Technician II/I position and adds one Human Resources Analyst III/II/I in the Personnel budget.
(See Salary Resolution Book)

LAW AND JUSTICE**DISTRICT ATTORNEY/PROBATION/PUBLIC DEFENDER****MEMORANDUM OF UNDERSTANDING: SHASTA COUNTY SUPERIOR COURT**
INTOXICATED DRIVER INTENSIVE SUPERVISION PROGRAM
CALIFORNIA SUPERIOR COURT GRANT AWARD
BUDGET AMENDMENTS
SALARY RESOLUTION NOS. 1338, 1339, AND 1340

District Attorney Jerry Benito presented the staff report and recommended approval of the proposal. In response to questions by Supervisors, Administrative Fiscal Chief Bebe Palin explained that the budget amendments were not authorized in time to include in the Fiscal Year 2007-08 budget.

In response to questions by Supervisors, District Attorney Jerry Benito and Public Defender Neal Pereira explained that the Shasta County Superior Court is adding more judges to hear more cases, which in turn requires more County staff to try the cases. Chief Probation Officer Brian Richart and Mr. Pereira called attention to the fact that driving-under-the-influence (DUI) offenses are increasing in Shasta County; this new program will send a message to offenders and would-be offenders that Shasta County is determined to prosecute DUI offenses. The program will not be optional and will be required as a condition of parole. Mr. Pereira, Mr. Benito, and Mr. Richart confirmed that any additional costs incurred by adding the additional staff will be absorbed by the department and will not require additional funding from the County.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors accepted a grant award from the California Superior Court, County of Shasta (Superior Court) in an amount not to exceed \$321,613 to develop the Intoxicated Driver Intensive Supervision Program for the period September 1, 2007 through July 31, 2009; approved and authorized the County Administrative Officer to sign a Memorandum of Understanding with the Superior Court regarding department responsibilities for the program; approved three budget amendments increasing revenue and appropriations by \$94,269 in the District Attorney budget unit, \$61,614 in the Probation budget unit, and \$101,718 in the Public Defender budget unit; adopted Salary Resolution No. 1338, which adds one Deputy District Attorney III/II/I to the District Attorney budget effective September 30, 2007 through September 30, 2009; adopted Salary Resolution No. 1339, which adds one Deputy Probation Officer II/I to the Probation budget effective September 30, 2007 through July 31, 2009; adopted Salary Resolution No. 1340, which adds one Deputy Public Defender III/II/I to the Public Defender budget effective September 30, 2007 through July 31, 2009; and authorized the Auditor-Controller to pay claims related to the project.

(See Salary Resolution Book)

10:38 a.m.: The Board of Supervisors recessed.

10:46 a.m.: The Board of Supervisors reconvened.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 05-048
HARRY AND HOLLY QUARLES
JONES VALLEY AREA

This was the time set to conduct a public hearing and consider taking action on Zone Amendment No. 05-048, Harry and Holly Quarles, which would rezone approximately 78.4 acres in the Jones Valley area from an Unclassified combined with an Open Space (U-OS) District to a Limited Residential combined with an Open Space and Lot Area Minimum (R-L-OS-BSM) District in conjunction with a four-parcel land division. Senior Planner Lisa Lozier 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 proposal, and the public hearing was closed.

By motion made, seconded (Hartman/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 05-048, Harry and Holly Quarles, Jones Valley area:

1. Adopted the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2007-095.
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2007-095.
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 05-048 as requested.

ZONE AMENDMENT NO. 06-020
LARRY RITCHIE
HAPPY VALLEY AREA

This was the time set to conduct a public hearing and consider taking action on Zone Amendment No. 06-020, Larry Ritchie, which would rezone approximately 104 acres in the Happy Valley area from a Limited Agriculture combined with a mobile home (A-1-T) District, a Limited Agriculture combined with a 10-acre minimum lot area (A-1-BA-10) District, and a 20-acre minimum lot area combined with a mobile home (A-1-T-BA-20) District to a Rural Residential combined with lot area minimum (R-R-BSM) District on the north half of the project site and a Limited Residential combined with a lot area minimum (R-L-BSM) District on the south portion of the site. Senior Planner Lisa Lozier 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 proposal, and the public hearing was closed.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 06-020, Larry Ritchie, Happy Valley area:

1. Adopted the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2007-097.
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2007-097.
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 06-020 as requested.

ZONE AMENDMENT NO. 07-005

JOHN DRUMMOND

BELLA VISTA AREA

This was the time set to conduct a public hearing and consider taking action on Zone Amendment No. 07-005, John Drummond, which would rezone approximately 61 acres in the Bella Vista area from an Unclassified (U) District to a Limited Residential (R-L) District. Senior Planner Lisa Lozier 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 proposal, and the public hearing was closed.

By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 07-005, John Drummond, Bella Vista area:

1. Adopted the California Environmental Quality Act (CEQA) determination of a mitigated negative declaration, with the findings as specifically set forth in Planning Commission Resolution No. 2007-090.
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 2007-090.
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 07-005 as requested.

PUBLIC WORKS

COUNTY SERVICE AREA NO. 13

ALPINE MEADOWS SEWER RATE INCREASE

This was the time set to conduct a public hearing and consider increasing the sewer rate for County Service Area (CSA) No. 13 - Alpine Meadows. Public Works Director Pat Minturn presented the staff report and recommended approval of the increase. The Affidavit and Notice of Hearing are on file with the Clerk of the Board.

In response to questions by Supervisors, Mr. Minturn explained that improvements are needed to the existing deficient sewer system, and only \$5,000 remains in the budget account for the CSA. Raising the monthly sewer rates to \$56.61 would provide enough funding to start the improvements.

The public hearing was opened, at which time Barry DeWalt stated the information presented to the property owners was presented in an urgent manner, which is not the same as was presented to the Board of Supervisors. He requested more negotiations based on information the issues needing immediate attention.

Rod Castro requested information as to why the fees tripled after three years and said that he does not support the transfer of system ownership and operational control to another entity.

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

CAO Lees noted that in accordance with Proposition 218, the property owners must approve the requested increase. The ballots were counted, and the Clerk announced that 23 of the 25 property owners submitted protest ballots, which means that a majority protest of land owners exists pursuant to Article 13D, section 6, of the California Constitution.

In response to questions from Supervisors, Mr. Minturn stated that he had not anticipated lengthy negotiations with property owners, and the current annual revenue of \$18,000 for the CSA will not cover improvements needed.

The public hearing was reopened, at which time Barry DeWalt confirmed that property owners are not opposed to rate increases and that he personally would rather pay the proposed rate increase than have the ownership transferred to a private entity.

Linda Gow explained that it took the property owners several weeks to organize a committee to meet with staff, therefore postponing negotiations.

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

In response to a question by Supervisors, Mr. Minturn confirmed that the \$56.61 proposed rate increase by Supervisor Baugh would be charged on a monthly basis, not bi-monthly.

By motion made, seconded (Baugh/Hartman), and unanimously carried, the Board of Supervisors directed staff to circulate a notice of a rate increase to \$56.61 per month, and pending receipt of a majority protest, circulate a Request for Proposals (RFP) for ownership and operational control of CSA No. 13.

CLOSED SESSION ANNOUNCEMENT

Chairman Cibula announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Coleman, et al. v. Schwarzenegger, et al. and Plata, et al. v. Schwarzenegger, et al., and Shasta County Citizens for a Healthy Environment v. County of Shasta, pursuant to Government Code section 54956.9(a).

12:10 p.m.: The Board of Supervisors recessed to Closed Session.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Cibula, Hawes, Hartman, and Baugh, County Administrative Officer Larry Lees, Assistant County Counsel Mike Ralston, Chief Deputy Clerk of the Board Glenda Tracy, and Deputy Clerks of the Board Linda Mekelburg and Diane Colson 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. In the matter of Coleman, et al. and Plata, et al., by unanimous vote, authorized the law office of Jones & Mayer to represent Sheriff Bosenko. Supervisor Hawes recused on the matter of Shasta County Citizens for a Healthy Environment v. County of Shasta. No other reportable action was taken.

REGULAR CALENDAR

PUBLIC WORKS

**ELK TRAIL ANNEXATION TO
COUNTY SERVICE AREA NO. 6 - JONES VALLEY**

Public Works Director Pat Minturn presented the Well Water Quality Study prepared by Lawrence & Associates after obtaining water samples from 20 wells in Elk Trail East and 10 wells in Elk Trail West. The water was found to be of poor quality and yield. Because many Elk Trail residents have unreliable wells, they have requested annexation into County Service Area (CSA) No. 6 - Jones Valley.

Mr. Minturn advised that water for CSA No. 6 is pumped out of Shasta Lake, treated, stored, and delivered to customers. Sufficient water is available to fight fires. Elk Trail residents and other properties outside the CSA cannot hook up to the CSA and must rely on wells. There are approximately 200 5-acre parcels in the Elk Trail area served by individual wells.

PACE Civil, Inc. prepared a preliminary engineering report to outline how to serve Elk Trail. The annexation would cost approximately \$10 million, which includes the cost of water lines, fire hydrants, storage tanks, and the pumping and treatment improvements to the existing system. Mr. Minturn noted that grant opportunities could possibly pay 60 percent of the cost.

Mr. Minturn stated that a straw vote had been taken by mailing a letter and ballot to Elk Trail property owners. Eighty-eight percent of the ballots were returned. The "yes" votes totaled 73 percent, and "no" votes and/or "non-responses" total 27 percent.

Property owners that have inadequate wells or no wells will possibly elect to choose Plan A, which will allow fire suppression and water service. Property owners with good wells and/or low water use may choose to wait for Plan B, which will cost much less and will provide improvements through fire suppression, water supply, and improved groundwater conditions.

The \$10 million proposed cost, spread over 200 assessments, with a 60 percent grant and 30-year loan at 4 percent, will provide a potential cost to property owners as follows:

	<u>Plan A</u>	<u>Plan B</u>
Project Cost	\$56,000	\$28,000
Loan Amount:	\$22,000	\$11,000
Monthly Loan Payment:	\$ 106	\$ 53
Grant:	\$34,000	\$17,000

Mr. Minturn stated that 50 percent plus one of the votes returned would constitute a majority.

Elk Trail Water Association representative Paul Trout stated the association is in support of the annexation. He advised that 30 percent of the residents are currently hauling water.

Greg Broz, Larry Buchanan, Burt Sted, Randy Mode, Scott Vergers, Jim Nichol, Ron Girard, Stacy Hatfield, Mana Corner, Steve Boyd, Ellen O'Connor, Kathleen Duvolley, and Peter Skiles supported the annexation.

Kathy Jalquin noted that the report from Lawrence Laboratories stated that not all of the wells are contaminated. She stated that property owners with wells that are not working well should not be able to force other property owners to participate in an annexation that is not of their choosing. She urged the Board of Supervisors to support the third option, Alternative Scenario C, which would provide services to Elk Trail West and half of Elk Trail East.

Mike Whitlock, Bill Ashby, Darla Baldwin, Lawrence Plumbing, and Wendy Peet opposed the annexation.

In response to a question by Supervisor Cibula, Mr. Minturn advised that the straw poll was taken to gauge support for the project. If the Board of Supervisors approves the proposed Annexation Boundary Map, staff would then be directed to apply for state and federal grants and loans. Following the garnering of sufficient grants, a bond attorney will be hired, and the assessment engineer will allocate the costs according to the parcel sizes and the assessment spread. The choice of Plan A or Plan B will be determined. Then, a final vote will take place. Every property owner will receive a ballot, and the results are binding.

This matter will return before the Board of Supervisors. If there is a majority vote in favor of annexation, the Board of Supervisors would have the discretion to go forward with the project. If the majority vote is against annexation, the Board of Supervisors would not have the discretion to go forward with the project.

In response to a question by Supervisor Baugh, Mr. Minturn stated that the straw poll vote was 89 percent "yes" from Elk Trail West property owners, and even counting all the "no" or "non-response" votes, there is an affirmative majority in Elk Trail East.

Supervisor Hawes stated that there would be a savings to property owners due to a lesser utilities cost to not being required to run a pump, and fire insurance costs would be easier to obtain and cost less.

In response to questions by Supervisor Kehoe, Mr. Minturn advised that the Water Agency has spent to date for this project approximately \$50,000 for the PACE Civil, Inc. engineering report, \$20,000 for the Lawrence & Associates well study, and \$30,000 for Mr. Minturn's time, totaling approximately \$100,000 as a reasonable estimate. Mr. Minturn stated that the grant acquisition period will be six to eight months, looking to a date of June 30, 2008 to receive adequate funding.

Supervisor Hawes noted that if a drought should occur in the future, some of the wells that are currently adequate could go dry.

By motion made, seconded (Hawes/Hartman), and unanimously carried, the Board of Supervisors took the following actions regarding the proposed Elk Trail Annexation to County Service Area No. 6 – Jones Valley:

1. Received the Well Water Quality Study;
2. Received the Preliminary Engineering Report;
3. Received the results of the Straw Poll;

4. Approved the proposed annexation Boundary Map to include both Elk Trail West and Elk Trail East; and
5. Directed staff to apply for state and federal grants and loans.

3:00 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy