

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 22, 2011

REGULAR MEETING

9:00 a.m.: Chairman Baugh 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 Moty
 District No. 3 - Supervisor Hawes
 District No. 4 - Supervisor Hartman
 District No. 5 - Supervisor Baugh

County Administrative Officer - Larry Lees
 County Counsel - Rubin E. Cruse, Jr.
 Chief Deputy Clerk of the Board - Glenda Tracy
 Agency Staff Services Analyst - Megan Dorney

INVOCATION

Invocation was given by Pastor Rob Brown, First Baptist Church of Redding.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Fall River Tea Party President Ross Jones, Fall River Mills Community Services District President Barbara Briggs, Fall River Valley Chamber of Commerce President Ed Siegel, Chuck Woodrum, Rich Coakley, Chet Szymanski, Janet Chandler, and Susan Davis opposed the General Plan Housing Element changes.

Rebecca Burkett stated she has a petition with 278 signatures opposing high-density housing in Burney and said she will request a referendum if the Board of Supervisors approves the Housing Element changes to the General Plan.

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: WELCOME HOME VIETNAM VETERANS DAY

By motion made, seconded (Hawes/Moty), and unanimously carried, the Board of Supervisors adopted a proclamation which designates March 30, 2011 as Welcome Home

Vietnam Veterans Day in Shasta County. Vietnam veteran Eddie McAllister accepted the proclamation on behalf of Vietnam Veterans of America, Chapter 357.

PLANNING COMMISSION NOMINATION

Supervisor Baugh announced the appointment of a Planning Commissioner has been deferred to the April 5, 2011 Board of Supervisors meeting.

PRESENTATIONS

SHASTA COUNTY ECONOMIC DEVELOPMENT CORPORATION

Shasta County Economic Development Corporation (EDC) Executive Director Mark Lascelles provided the 2011 Mid-Year Report for EDC. The EDC focuses on growing Shasta County economy by primary industry retention and development. Four businesses have returned to Shasta County over the last five years, creating over 300 jobs.

In response to questions by Supervisor Kehoe, Mr. Lascelles stated that results are measured by the growth of the economy in the area, which is determined by whether the dollar return comes from within the County or outside. It is important to retain and assist in growth the companies that are already located in Shasta County.

CONSENT CALENDAR

By motion made, seconded (Hartman/Kehoe), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Hawes abstained from the minutes of the March 15, 2011 meeting as he was not in attendance and Supervisor Kehoe recused from the grant application to the California Department of Community Services and Development as he is a member of Youth Violence Prevention Council):

Approved and authorized the Chairman to sign an amendment to the agreement with Jeffrey L. Jens for conflict indigent defense services reducing compensation by 3 to 6 percent per month (\$117,052.92/\$120,564.50 to \$113,643.61 per month) for the period July 1, 2011 through December 31, 2012; and extending the term of the contract through December 31, 2014, with annual automatic 3 percent increases. (Administrative Office)

Approved a budget amendment transferring \$50,000 from the Trial Court budget to the Land Building & Improvements budget to offset the cost of environmental assessments of County-owned property and improvements proposed for the site of a new Redding Courthouse. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$305.70 requiring special board action. (Auditor-Controller)

Approved the minutes of the meetings held on March 8 and 15, 2011, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-2007, which approves Zone Amendment No. 06-041, Woodfill Development, Inc. (Igo Rural Community Center area), as introduced January 15, 2008. (Clerk of the Board)

(See Zoning Ordinance Book)

Appointed Shasta County Undersheriff Sheila Ashmun as an alternate member to the Shasta Area Safety Communications Agency (SHASCOM) Board of Directors. (Clerk of the Board)

Appointed Janet Tyrell (District 1 appointment), Betty Harrison-Smith (District 2 appointment), Jean Littleton (District 3 appointment), Lori Chapman-Sifers (District 4 appointment), Mary O’Keeffe (District 5 appointment), and Information Technology Supervisor-Geographical Information Systems Dave Powers (technical advisor) to the Citizens Redistricting Advisory Committee. (Clerk of the Board)

Approved and authorized the Chairman to sign an agreement with Far Northern Regional Center (FNRC) to pay Shasta County an amount not to exceed \$430,353 to provide transportation to approximately 70 mutual Opportunity Center-FNRC clients for the period April 1, 2011 through March 31, 2013. (Health and Human Services Agency (HHS)-Regional Services-Opportunity Center)

Adopted Resolution No. 2011-036, which approves and authorizes the Director of Housing and Community Action Programs to sign and submit a Targeted Initiatives and Innovative Projects Community Services Block Grant application to the California Department of Community Services and Development in the amount of \$50,000 to assist the youth/peer court and mentoring programs at the Youth Violence Prevention Council and the teen center at the Hill Country Health and Wellness Center for the period June 1, 2011 through June 30, 2012. (Housing and Community Action Programs)

(See Resolution Book No. 52)

Approved and authorized the Chairman to sign an amendment to the agreement with Laboratory Corporation of America (LabCorp) at no increase in cost to extend the term of the agreement two additional years through June 30, 2013 to provide genetic parentage testing services for the Department of Child Support Services and the Health and Human Services Agency. (Child Support Services/HHS)

For water system improvements to County Service Area No. 23-Crag View Water, approved and authorized the Chairman to sign an agreement with Rome Creek Timber, LLC in an amount not to exceed \$5,950 to purchase an easement for a water tank site; and accepted an easement deed conveying one parcel of project easement. (County Service Area (CSA) No. 23-Crag View Water)

Approved a budget amendment transferring \$4,695 from the Farm Advisor Cooperative Extension Service budget to the Joint Lassen/Shasta Farm Advisor budget to cover increased health insurance benefit costs. (Farm Advisor)

REGULAR CALENDAR, CONTINUED

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 trailer bills being watched by County staff. There continues to be a \$26 billion gap at the state level. Recommendations have been that one-half of the gap be closed with cuts and one-half of the gap be covered with an extension of the Vehicle License Fees and sales tax. The state proposes to relocate low-level offenders back into the counties to be held in county jails, to be monitored by local probation and parole offices. The state has also initiated a cash management plan to withhold funds due to counties; specifically,

funds to Social Services will be deferred for months. The County is mandated to provide services and will be required to provide the funds until reimbursement is received from the state.

Supervisor Baugh directed staff to research what other counties are doing regarding Assembly Bill 37 (Huffman), *Smart Grid Deployment: Smart Meters*, which would allow consumers a choice whether to participate in Pacific Gas & Electric smart-meters programs.

Supervisors reported on issues of countywide interest.

PUBLIC WORKS

**HOLIDAY ACRES PERMANENT ROAD DIVISION
BELLA VISTA AREA
RESOLUTION NO. 2011-037**

Public Works Director Pat Minturn advised that a ballot count was held to determine whether to increase the annual parcel charge for Holiday Acres Permanent Road Division.

Chief Deputy Clerk of the Board Glenda Tracy provided the results of the tabulation of the ballots, as required by Proposition 218. Of 37 ballots received; 29 ballots were in favor of and 8 ballots were opposed to the revised parcel charge for Holiday Acres Permanent Road Division.

By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2011-037, which overrules ballot protests and confirms the parcel charge report for Fiscal Year 2011-12 for Holiday Acres Permanent Road Division (Bella Vista area).

(See Resolution Book No. 52)

**VETERANS HALL ADA UPGRADE AT
BURNEY AND FALL RIVER MILLS PROJECT**

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors took the following actions regarding the Veterans Hall ADA Upgrade at Burney and Fall River Mills Project: Approved plans and specifications and directed the Public Works Director to advertise for bids; and authorized the opening of bids on or after April 7, 2011 at 11:00 a.m.

**AGREEMENT: WAGNER ELECTRIC
FALL RIVER MILLS AIRPORT AUTOMATED WEATHER OBSERVATION SYSTEM
INSTALLATION**

Public Works Director Pat Minturn presented the report and recommended approval. By motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors awarded to the low bidder, Wagner Electric, on a lump-sum basis, the contract for construction on the Fall River Mills Airport Automated Weather Observation System Installation in the amount of \$93,409.

10:28 a.m. The Board of Supervisors recessed.

10:40 a.m. The Board of Supervisors reconvened.

SCHEDULED HEARINGS
RESOURCE MANAGEMENT
PLANNING

GENERAL PLAN AMENDMENT NO. 08-001
ZONE AMENDMENT NO. 08-001
STILLWATER RANCH
EAST REDDING AREA
RESOLUTION NO. 2011-038

This was the time set to conduct a public hearing to consider the request to approve General Plan Amendment No. 08-001 and Zone Amendment No. 08-001, Stillwater Ranch, which would change approximately 114 acres in the east Redding area from an Agricultural-Part-Time Cropland/Grazing (Ac-g) designation to a Rural Residential A (RA) designation to facilitate a 29-lot subdivision and rezone approximately 114 acres from a Planned Development (PD) and Open Space (OS) District to a Planned Development (PD) District. Senior Planner Kent Hector presented the staff report and recommended approval of the project. The Notice of Hearing and the Notice of Publication are on file with the Clerk of the Board.

The purpose of the General Plan Amendment and rezone is to facilitate the 29-lot subdivision (Tract Map 1977) consisting of parcels 1.7 acres to 27.5 acres in size.

In response to questions by Supervisor Hawes, Mr. Hector stated that the mitigations are incorporated in to the conditions of approval for the map.

The public hearing was opened at which time project proponent Jerry Wagner stated he was available to answer any questions.

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

By motion made, seconded (Hartman/Kehe), and unanimously carried, the Board of Supervisors took the following actions on General Plan Amendment No. 08-001 and Zone Amendment No. 08-001, Stillwater Ranch (east Redding area), which would rezone approximately 114 acres to a Planned Development (PD) District and/or other appropriate district:

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. 2011-002;
2. Adopted Resolution No. 2011-038, which approves General Plan Land Use Element map changes for General Plan Amendment No. 08-001 from an Agricultural-Part-Time Cropland/Grazing (Ac-g) designation to a Rural Residential A (RA) designation, as listed in Planning Commission Resolution No. 2011-003;
3. Made the rezoning findings; and
4. Introduced and waived the reading of an ordinance which approves Zone Amendment No. 08-001, as requested.

(See Resolution Book No. 52)

GENERAL PLAN AMENDMENT NO. 10-001
DRAFT HOUSING ELEMENT
RESOLUTION NO. 2011-039

This was the time set to conduct a public hearing to consider updating the existing Housing Element by approving changes to the General Plan Housing Element. Senior Planner

Kent Hector presented the staff report and recommended approval of the project. The Notice of Hearing and the Notice of Publication are on file with the Clerk of the Board.

The Housing Element is required by the State of California to identify adequate sites to meet the Regional Housing Needs Allocation (RHNA), and is to be updated approximately every five years. A housing needs assessment is required; the availability of housing that provides special needs, which includes accessibility needs for buildings for the disabled, transitional emergency housing for homeless individuals and families, and access to services and affordable housing for the elderly are considered. Constraints on affordable housing, such as land use zoning requirements, local processing and fees, and traffic impact fees, and land, building, and infrastructure costs are also considered.

The purpose of the housing element is to ensure that it is possible for others to build the required units based on market conditions, demand, and available funding, by zoning sufficient land to accommodate the RHNA, and through the implementation of goals, policies, and programs of the Housing Element. Shasta County is currently considering rezoning approximately 40 acres of vacant land that would allow a density of up to 20 units per acre. Less than half of those acres will be rezoned to allow either commercial or multi-family residential housing units. The remaining acres would need to be rezoned to a multi-housing zone allowing for only residential uses. No specific properties have been selected for rezoning. In the future, less than 25 percent will be considered for potential rezoning and developed for affordable housing.

The Housing Element does not change or approve zoning on any particular property and does not cause a specific development project to be undertaken or commit to a specific development project in the future. Since there are no project proposals, the negative declaration that was prepared does not show any significant adverse environmental impacts associated with identifying possible sites for potential rezoning. Any future rezone of a property will be a separate process subject to environment review under California Environmental Quality Act (CEQA) by the Planning Commission and will require approval by the Board of Supervisors.

In response to questions by Supervisors Moty and Hawes, Mr. Hector confirmed that a property owner would not be forced to change the use of their property. Mr. Hector stated that after the adoption of the Housing Element, individual property owners will be contacted to determine if they are interested in rezoning their property in order to implement the program.

In response to questions by Supervisor Hartman, Mr. Hector clarified the process to change the zoning of the property. The property owner requesting the rezoning will be required to submit an application to the Planning Division, who will perform a CEQA review, consider the potential impacts of rezoning. A recommendation will then be made to the Planning Commission, and a recommendation will come before the Board of Supervisors.

In response to questions by Supervisor Moty, Mr. Hector confirmed that the Cities of Anderson, Redding, and Shasta Lake make separate recommendations regarding the Housing Element. The decision to be made by the Board of Supervisors is for unincorporated areas.

In response to questions by Supervisor Baugh, Mr. Hector reiterated the approval of the Housing Element does not rezone properties; however, it identifies properties for possible use.

Director of Housing and Community Action Programs Dr. Richard Kuhns stated Shasta County qualifies for Community Development Block Grants (CDBG) funding if a Housing Element is developed. Shasta County has received 19 grants since 2003 (a total of \$5,807,886), of which six were housing related. All program participants, such as housing rehabilitation and down payment assistance, must be in the Targeted Income Group (TIG), which is 80 percent of the median income. The housing rehabilitation and the down payment assistance programs in eastern Shasta County have had CDBG funding of over \$1 million in the last eight years.

The U.S. Census is used to determine the income groups in an area. Currently in Shasta County areas that meet the TIG to qualify for funding by CDBG are Fall River, French Gulch, Cottonwood, Burney, Platina, and Happy Valley.

The public hearing was opened, at which time Rebecca Burkett, Janet Chandler, Kurt Taylor, Ross Jones, Ed Siegel, Charles Woodrum, Rich Coakley, Chet Szymanski, Myra Swartz, Elizabeth Woodwort, David Mitchell, Delores Finstermaker, Terry Rapoza, and Gene Magnum opposed low income housing in the Intermountain area.

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

In response to questions by Supervisor Baugh, Mr. Hector clarified the Housing Element has included the towns of Cottonwood, Burney, and Fall River Mills to support the higher density residential areas, which must be in areas where water and sewer services are available.

In response to questions by Supervisor Moty, Mr. Hector stated that each of the incorporated cities in Shasta County are required to accommodate each income group in their own Housing Element.

In response to questions by Supervisor Baugh, Mr. Hector advised that he received information from the districts regarding the capacity for water and sewer. If adequate capacity is not available, the developer would be required to improve the capacity. If a property owner is contacted and is unwilling to sell property for the high density development, the County representative will not pressure but will ask another land owner.

In response to questions by Supervisor Baugh, Assistant Director of Resource Management Rick Simon reiterated that the goal is to provide adequate housing for all income levels. If there are no interested parties interested in rezoning to residential high density, another plan will be researched in the efforts to accommodate low income housing. By establishing the areas that are appropriate where there is needed housing for individuals of special need, Shasta County is following the requirements of the State. There is not an obligation to build.

In response to questions by Supervisor Hawes, Mr. Simon replied rezoning applications require minimum notification of local land owners within 300 feet of the perimeter of the affected parcel of the upcoming public hearing. When known that there is interest regarding a proposed rezoning, notification beyond the 300 feet border is done. Property owners that are outside the notification area may request to be notified on subject projects.

In response to questions by Supervisor Kehoe, Mr. Simon clarified again that any rezoning to be done in these areas will be predicated on the will of the property owners.

In response to questions by Supervisor Baugh, County Counsel Rubin Cruse stated that under CEQA, publications are to appear in a newspaper of general distribution to generate notice of the 30-day public review process. Since this is a county-wide update, the affected area is the County. The Redding Record Searchlight has the largest circulation in Shasta County; therefore, publication in that newspaper would meet the qualifications under the law for adequate notice.

In response to questions by Supervisors Moty and Baugh, Mr. Simon confirmed that the Planning Commission heard the matter before the public review period had expired. The Planning Commission is an advisory board to the Board of Supervisors and was within their authority to meet prior to the end of the review period.

In response to questions by Supervisor Baugh, Mr. Simon stated that Shasta County does not proposing to build housing at this point, and is not obligated to under the Housing Element or the State law.

In response to questions by Supervisor Baugh, Mr. Lees confirmed that the County's budget is not based on funds that have not been received.

In response to questions by Supervisor Kehoe, Mr. Simon clarified that Shasta County has no intent to invoke eminent domain to satisfy any of the programs within the Housing Element. Specifically, Fall River Mills Airport is known as a transition area on the sides of the runway, as opposed to either end. The master plan shows the area of concern to residents, identified on the list, is outside of the areas of safety concern.

Mr. Cruse advised that if the County does not accept CDBG funding associated with the Housing Element; the State law requires that the County have a legally sufficient General Plan which includes an up-to-date Housing Element. When the General Plan is insufficient it will make any subsequent land use approval vulnerable when the inadequacy is relevant to that approval, which makes the decision subject to challenge.

By motion made, seconded (Kehoe/Moty), and carried, the Board of Supervisors took the following actions regarding General Plan Amendment No. 10-001, Draft Housing Element (countywide), which would update the existing Housing Element in compliance with the requirements of California Government Code, sections 65580-65589.8:

1. Adopted a California Environment Quality Act (CEQA) determination of a negative declaration, with the findings as specifically set forth by Planning Commission Resolution No. 2011-035; and
2. Adopted Resolution No. 2011-039, which approves General Plan Housing Element changes for General Plan Amendment No. 10-001. Supervisor Hawes voted no because several of his constituents have requested that he do so.

(See Resolution Book No. 52)

HEALTH AND HUMAN SERVICES

HOUSING AND COMMUNITY ACTION PROGRAMS

HOUSING AND COMMUNITY ACTION PROGRAMS **COMMUNITY DEVELOPMENT BLOCK GRANT** **RESOLUTION NO. 2011-040**

This was the time set to conduct a public hearing to consider adopting a resolution to submit a Community Development Block Grant (CDBG) application. Director of Housing and Community Action Programs Dr. Richard Kuhns presented the report and recommended approval. The Notice of Hearing and the Notice of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the matter, and the public hearing was closed.

By motion made, seconded (Kehoe/Moty), and carried, the Board of Supervisors adopted Resolution No. 2011-040, which approves and authorizes the Chairman or the Director of Housing and Community Action Programs to sign and submit a Community Development Block Grant (CDBG) program grant application in the amount of \$300,000 to fund a business assistance loan program in the unincorporated areas of Shasta County; approved and authorized the County Administrative Officer to sign the Statement of Assurances and any amendments; approved and authorized the Chairman to sign any grant agreement awarded for this program and any subsequent amendments; and approved and authorized the Director of Housing and Community Action Programs to sign any additional documentation required for participation in the program. Supervisor Hawes voted no in accordance with a large number of requests from his constituents.

(See Resolution Book No. 52)

12:47 p.m. The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

WATER AGENCY

**NORTHERN SACRAMENTO VALLEY INTEGRATED
REGIONAL WATER MANAGEMENT
APPOINTMENT: ERIC WEDEMEYER**

At the recommendation of Public Works Director Pat Minturn and by motion made, seconded (Moty/Kehoe), and unanimously carried, the Board of Supervisors adopted the Northern Sacramento Valley Integrated Regional Water Management (NSVIRWM) Board's recommendation of two appointees from each county, three at-large members appointed by the NSVIRWM Board, and representation by the Northern California Water Association and Department of Water Resources; appointed Supervising Engineer Eric Wedemeyer as the staff member to the technical advisory committee; and directed staff to publicly solicit applications for the remaining positions and return to the Board with a recommendation.

12:51 p.m. The Shasta County Water Agency adjourned, and the Board of Supervisors reconvened.

CLOSED SESSION ANNOUNCEMENT

Chairman Baugh announced that the Board of Supervisors would recess to a Closed Session to confer with its Labor Negotiators, County Administrative Officer Larry Lees, Personnel Director Michelle Schafer, 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.

12:53 p.m.: The Board of Supervisors recessed to Closed Session and convened as the In-Home Supportive Services Public Authority Governing Board.

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD

CLOSED SESSION ANNOUNCEMENT

The Board of Supervisors recessed and convened as the In-Home Supportive Services (IHSS) Public Authority Governing Board to confer with its Labor Negotiators, County Administrative Officer Larry Lees, Health and Human Services Agency Branch Director Leanne Link, IHSS Public Authority Senior Staff Services Analyst Tim Brendler, Labor Consultant Becker and Bell, to discuss: California United Homecare Workers of America, pursuant to Government Code section 54957.6.

1:10 p.m.: The IHSS Public Authority Governing Board recessed to Closed Session.

1:25 p.m.: The IHSS Public Authority Governing Board recessed and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY GOVERNING BOARD

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the IHSS Public Authority Governing Board met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

1:35 p.m.: The IHSS Public Authority Governing Board adjourned, and the Shasta County Board of Supervisors reconvened.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss labor negotiations; however, no reportable action was taken.

1:38 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy