

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, September 13, 2011

**REGULAR MEETING**

9:01 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  
 Administrative Board Clerk - Linda Mekelburg

**INVOCATION**

Invocation was given by Supervisor Baugh.

**PLEDGE OF ALLEGIANCE**

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

**REGULAR CALENDAR**

**BOARD MATTERS**

**SEPTEMBER 2011 EMPLOYEE OF THE MONTH**  
**SERGEANT STEVE GRASHOFF**  
**RESOLUTION NO. 2011-099**

At the recommendation of Sheriff-Coroner Tom Bosenko and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2011-099, which recognizes Sergeant Steve Grashoff as Shasta County's September 2011 Employee of the Month.

(See Resolution Book No. 52)

**SHASTA COUNTY EMPLOYEE WELLNESS PROGRAM**  
**RESOLUTION NO. 2011-100**

Director of Support Services Michelle Schafer stated the Shasta County Employee Wellness Program promotes healthy eating and physical activity and increases employee wellness and safety. Improvement in these areas increases productivity and decreases absenteeism.

By motion made, seconded (Hawes/Moty), and carried, the Board of Supervisors adopted a proclamation, which designates September 21, 2011 as Shasta County Employee Wellness and Appreciation Day; adopted Resolution No. 2011-100, recognizes and supports the Shasta County Employee Wellness Program's completed goals and goals for the future, authorizes the Department of Support Services to purchase promotional items, incentive and opportunity drawing prizes, healthy food items, and supplies for the Employee Wellness and Appreciation Fair, and authorizes the Department of Support Services to accept and receive donations and reimbursements from vendors and/or other interested parties, such as the California State Association of Counties-Excess Insurance Authority (CSAC-EIA) Risk Management Subsidy funds, to be deposited into expenditure accounts and applied against County expenses; and approved and authorized the Director of Support Services to sign claims and the Auditor-Controller to pay related claims for the activities of the Shasta County Employee Wellness Task Force.

(See Resolution Book No. 52)

LETTER: ASSEMBLY BILL X1 24, SENATE BILL X1 7  
LANDOWNER FEES: STATE RESPONSIBILITY AREA

County Administrative Officer (CAO) Larry Lees explained that Assembly Bill X1 24 (Blumenfield) and Senate Bill X1 7 (Committee on Budget and Fiscal Review) were pulled for consideration and not sent to the desk of Governor Brown; however, it is still appropriate to voice opposition should there be future movement in these areas, which would include imposition of fees upon landowners in the State Responsibility Area.

Supervisors Kehoe and Moty expressed concern that the letter should be amended to state that Shasta County realizes that these bills have not moved forward; however, but that Shasta County remains strongly opposed to any movement in this direction.

Chuck Lema objected to unacceptable taxes.

By motion made, seconded (Hawes/Hartman), and carried unanimously, the Board of Supervisors approved and authorized the Chairman to sign a letter which opposes Assembly Bill X1 24 (Blumenfield) and Senate Bill X1 7 (Committee on Budget and Fiscal Review) regarding the new State Responsibility Area fire protection fee, as amended to include language regarding recognition that the bills have been removed from consideration.

**PRESENTATIONS**

UNIVERSITY OF CALIFORNIA COOPERATIVE EXTENSION

Shasta County Farm Advisor Larry Forero explained that the mission of the University of California Division of Agriculture and Natural Resources is to serve California through the creation, development, and application of knowledge in agricultural, natural, and human resources. Dr. Concepcion Mendoza stated that the goal of the Nutrition, Family, and Consumer Sciences program is to improve consumers and families' life and decision-making abilities in nutrition and health.

**CONSENT CALENDAR**

By motion made, seconded (Hartman/Kehoe), and unanimously carried, the Board of Supervisors took the following actions, as listed on the Consent Calendar (Supervisor Hawes recused on the SHASTEC item due to personal property holdings in the vicinity of Stillwater Business Park):

In accordance with Resolution No. 2011-077, authorized the Auditor-Controller to transfer \$516,391.78 from the Public Safety Fund to the General Reserve as partial repayment of a \$2,000,000 loan. (Administrative Office)

Adopted Policy Resolution No. 2011-07, which amends Administrative Policy 2-103, *Budgetary Reserves*. (Administrative Office/Auditor Controller)

(See Policy Resolution Book)

Approved and authorized the Chairman to sign the County Claims List totaling \$573.40 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on July 19, July 26, and August 1, 2011, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a letter which requires the Redding School of the Arts to prepare and submit a 2010 Local Agency Biennial Notice to the Clerk of the Board by October 31, 2011. (Clerk of the Board)

Enacted Ordinance No. 378-2013, which approves Zone Amendment No. 07-002, Banghart (Bella Vista area), as introduced June 15, 2010. (Clerk of the Board)

(See Zoning Ordinance Book)

Enacted Ordinance No. 378-2014, which approves Zone Amendment No. 05-041, Lyu (Millville area), as introduced April 26, 2011. (Clerk of the Board)

(See Zoning Ordinance Book)

Enacted Ordinance No. 378-2015, which approves Zone Amendment No. 09-004, McConnell Foundation (west Redding area), as introduced July 26, 2011. (Clerk of the Board)

(See Zoning Ordinance Book)

Enacted Ordinance No. 690, which elects and implements participation by the County of Shasta and the Shasta County Redevelopment Agency in the Alternative Voluntary Redevelopment Program pursuant to Part 1.9 of the California Community Redevelopment Law, as introduced August 16, 2011. (Clerk of the Board)

(See General Ordinance Book)

Adopted Policy Resolution No. 2011-08, which amends Administrative Policy 7-145, *Disability Retirement Procedures for Employees Who Are Not Safety Members*. (Support Services-Personnel)

(See Policy Resolution Book)

Terminated the current agreement with Governmentjobs.com effective September 12, 2011; and approved and authorized the Chairman to sign a renewal agreement with Governmentjobs.com, Inc. d.b.a. NEOGOV in an annual amount of \$25,720 to provide web-based applicant and performance evaluation tracking software licenses for Shasta County's automated online recruitment system for the period September 13, 2011 through September 12, 2012, with successive automatic one-year renewals. (Support Services-Personnel)

Approved and authorized the Chairman to sign a retroactive amendment to the agreement with the City of Redding decreasing annual compensation to the County for janitorial services by \$2,393.63 (for a new total not to exceed \$120,162.33 for Fiscal Year 2011-12, the first of four optional one-year renewals), and extended the term of the agreement through June 30, 2012; and approved and authorized the HHSA Director or his/her designee to sign prospective and retroactive amendments to the agreement as long as the maximum compensation does not increase or decrease by more than \$15,000 per year. (Health and Human Services Agency (HHSA)-Regional Services-Opportunity Center)

Adopted Resolution No. 2011-101, which approves and authorizes the County Administrative Officer to sign an agreement in an amount not to exceed \$250,337 for the period October 1, 2011 through September 30, 2012 and other program-related documents for the Felony Driving Under the Influence (DUI) Vertical Prosecution grant program; and adopted Salary Resolution No. 1396, which extends the sunset date for one Deputy District Attorney I/II/III to September 30, 2012. (District Attorney)

(See Resolution Book No. 52)  
(See Salary Resolution Book)

Approved and authorized the Chairman to sign a retroactive amendment to the agreement with Central Valley Toxicology, Inc. increasing maximum compensation by \$30,000 (for a new maximum of \$80,000) to provide additional forensic toxicology services. (Sheriff-Coroner)

Authorized the Auditor-Controller to grant a relief of accountability to County Service Area (CSA) No. 25-Keswick Water for a \$558.00 advance payment to the U.S. Bureau of Reclamation. (County Service Area (CSA) No. 25-Keswick Water)

Awarded to the low bidder, Ka'pel Construction, Inc., on a unit-cost basis, the contract for construction on the Salt Creek Road Storm Drain Replacement Project in the amount of \$143,953. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Black Lane at Schmeider Gulch Bridge Deck Replacement Project and record it within 10 days of actual completion of the work. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Foster Road at Poverty Gulch Bridge Replacement Project and record it within 10 days of actual completion of the work. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Additional Bays at Whitmore Fire Station Project and record it within 10 days of actual completion of the work. (Public Works)

Released the securities guaranteeing faithful performance in the amount of \$52,600 and guaranteeing payment in the amount of \$26,300 of the public improvements for Tract Map No. 1923, Lone Tree Subdivision (east Anderson area). (Public Works)

## **REGULAR CALENDAR, CONTINUED**

### **GENERAL GOVERNMENT**

#### **ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS**

#### **LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer (CAO) Larry Lees had no legislative update.

Supervisor Kehoe recently attended the Mental Health, Alcohol and Drug Advisory Board meeting.

Supervisors reported on issues of countywide interest.

**SCHEDULED HEARINGS****GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE****WILLIAMSON ACT AMENDMENTS****ASSEMBLY BILL 1265 (NIELSEN)****RESOLUTION NO. 2011-102****RESOLUTION NO. 2011-103**

This was the time set to conduct a public hearing and consider implementing the provisions authorized in Assembly Bill (AB) 1265 (Nielsen) and outlined in Government Code sections 51244(b) and 51244.3. Administrative Analyst Angela Davis presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

Ms. Davis explained that in 2010, Senate Bill 863 allowed amendments to Williamson Act Contracts for 2011 but was later repealed. However, the actions of the County taken to implement SB 863 are still valid for 2011. The provisions of AB 1265 allow amendments to the Williamson Act, which encourages preservation of farmland. The benefit for landowners to enter into Williamson Act contracts with counties is to continue to receive a reduction in property tax. The benefit to the County is that the County will receive ten cents to every dollar in property tax that a contracted landowner currently avoids by having their land under contract. Due to the recent economic downturn, the State will no longer fund the Williamson Act contracts. AB 1265 will possibly provide partial funding to counties to aid in the funding that is no longer available. AB 1265 is not mandated by the State and sunsets in 2016.

If the Board of Supervisors implements AB 1265, the landowners currently holding Williamson Act contracts would have their contracts reduced from ten years to nine years, which will, in effect, potentially increase their property tax. The County would receive a portion of those dollars, and it would be directly allocated to the County. If approved, the County will reassess the properties and the tax bills will be modified. The landowner may choose to file a Notice of Non-Renewal, which would allow them to run out their contract time; however, during that time, the property tax would incrementally increase to the full amount at the end of the ten-year contract.

The Assessor's Office has information for the Williamson Act on the County's website, which allows property owners to input their parcel number into a calculator and receive an estimate of their potential property tax increase.

The public hearing was opened, at which time Chuck Lema and Ginger Fowler spoke in support of preserving the Williamson Act.

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

By motion made, seconded (Hartman/Moty), and unanimously carried, the Board of Supervisors took the following actions:

1. Adopted Resolution No. 2011-102, which finds that the subvention payment the County received from the State of California for Fiscal Year 2010-11 pursuant to the Open Space Subvention Act was less than one-half of the County's actual foregone general fund property tax revenue that resulted from Williamson Act contracts, and states the Board of Supervisors' decision to implement Government Code sections 51244(b) and 51244.3 effective January 1, 2012;
2. Adopted Resolution No. 2011-103, which amends the County's uniform Williamson Act rules to facilitate implementation of Assembly Bill 1265 (Nielsen) (AB 1265);

3. Directed staff to notify all Williamson Act contracted landowners of the final decision of the Board of Supervisors after the conclusion of the public hearing on whether to implement the AB 1265 provisions and any other amendments to the County's uniform Williamson Act Rules to implement the AB 1265 provisions, and the landowner's right to prevent the reduction in the term of his or her contract due to the implementation of the AB 1265 provisions by serving notice of non-renewal and any adopted County procedure; and
4. Directed the County Administrative Officer, Assessor-Recorder, Auditor-Controller, Tax Collector, and Director of Resource Management to take all necessary steps to implement AB 1265.

(See Resolution Book No. 52)

### **COUNTY CLERK/ELECTIONS**

#### **REDISTRICTING OF SUPERVISORIAL DISTRICTS**

This was the time set to consider the finalization of the plan adjusting the supervisorial district boundaries. County Clerk and Registrar of Voters Cathy Darling Allen presented the staff report and recommended approval of the request. 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 matter, and the public hearing was closed.

By motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors finalized the plan for Shasta County's redistricting of supervisorial boundaries; and introduced and waived the reading of an ordinance which adopts the new supervisorial boundaries.

### **RESOURCE MANAGEMENT**

#### **PLANNING DIVISION**

#### **ZONE AMENDMENT NO. 09-007**

#### **TOM BAILEY**

#### **JONES VALLEY AREA**

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 09-007, Bailey, which would rezone approximately 182 acres in the Jones Valley area from an Unclassified (U) District to Limited Residential, 15-Acre Lot, 30-Acre Lot, and 130-Acre Minimum Districts (R-L-BA-15, R-L-BA-30, R-L-BA 130) District, to facilitate a two-parcel residential land division with a 131.92-acre remainder parcel. Associate Planner Lio Salazar presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

The public hearing was opened, at which time no one spoke for or against the matter, 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. 09-007, Tom Bailey, Jones Valley 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. 2011-028; and
2. Adopted rezoning findings as specifically set forth in Planning Commission Resolution No. 2011-028; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 09-007, as requested.

ZONE AMENDMENT NO. 11-003

CITY OF REDDING

CHURN CREEK BOTTOM AREA

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 11-003, City of Redding, which would rezone approximately 70 acres in the Churn Creek Bottom area from Limited Agriculture (A-1) District to an Open Space (OS) District. Senior Planner Bill Walker presented the staff report and recommended approval of the project. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Moty), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 11-003, City of Redding, Churn Creek Bottom area:

1. Found that the project is not subject to the California Environmental Quality Act (CEQA), with the findings as set forth by the Planning Commission; and
2. Adopted rezoning findings as specifically set forth in Planning Commission Resolution No. 2011-030; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 11-003, as requested.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Baugh announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled Smith v. County of Shasta, Beyelia v. County of Shasta, and California Regional Water Quality Board v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (a).

10:41a.m.: The Board of Supervisors recessed to Closed Session.

11:00 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, County Administrative Officer/Clerk of the Board Larry Lees, and County Counsel Rubin Cruse, Jr. present.

**REPORT OF CLOSED SESSION ACTIONS**

County Counsel Rubin Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss existing litigation.

In the matter of Donna Smith v. County of Shasta, a workers' compensation case, the Board of Supervisors, by a unanimous 5-0 vote, approved the open medical compromise and release for Donna Smith in the amount of \$80,000, less credit for previously paid permanent disability advances in the amount of \$52,926.05.

In the matter of Lori Beyelia v. County of Shasta, a workers' compensation case, the Board of Supervisors, by a unanimous 5-0 vote, approved stipulations with request for award for Lori Beyelia in the amount of \$56,157.38, less credit for previously paid permanent disability advances in the amount of \$21,498.02.

No other reportable action was taken.

11:04 a.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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