

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, July 17, 2012

REGULAR MEETING

9:01 a.m.: Vice Chairman Hartman 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. 3 - Supervisor Hawes
District No. 4 - Supervisor Hartman
District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg

District No. 2 - Supervisor Moty - Absent

INVOCATION

Invocation was given by Father Jeffrey Smith, St. Luke's Anglican Church.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Ron and Connie Nilson stated they had not received return phone calls from County staff regarding stolen belongings. They were directed to leave their telephone number and staff would be informed of the request.

Russ Wade and Ashley Wayman opposed the Sierra Pacific Industries Cogeneration Project.

Mike Ricks opposed environmentalists.

Dolores Lucero alleged that illegal activity has occurred in local government.

Curtis Brown supported the Sierra Pacific Industries Cogeneration Project.

Sheriff Tom Bosenko stated that Shasta County Jail has had capacity releases since 1993. Currently staff is exploring possible agreements with other counties who may be able to provide room for additional inmates. Over 200 applicants are being considered for Correctional Officer vacancies to staff the Jail so the floor may be re-opened.

REGULAR CALENDAR

BOARD MATTERS

EMPLOYEE OF THE MONTH
PROGRAM MANAGER EVONNE HANCOCK
RESOLUTION NO. 2102-079

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-079, which recognizes Program Manager Evonne Hancock as Shasta County's Employee of the Month for July 2012.

(See Resolution Book No. 53)

PROBATION SUPERVISION WEEK
JULY 15-21, 2012

At the recommendation of Chief Probation Officer Wes Forman and by motion made, seconded (Kehoe/Baugh), and unanimously carried, the Board of Supervisors adopted a proclamation which designates July 15-21, 2012 as Probation Supervision Week in Shasta County.

CONSENT CALENDAR

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors took the following actions which were listed on the Consent Calendar (Supervisor Hawes recused from the ordinance which amends Shasta County Code Section 2.32.080, *County Fire Warden-Mutual Aid Agreement*):

Approved and authorized the Chairman to sign a retroactive lease with Redding MSA Limited Partnership d.b.a. Verizon Wireless in an annual amount of \$5,400 (paid in monthly installments) with five percent annual rent increases to provide space for existing radio communications equipment on Shasta Bally for a five-year period beginning July 1, 2010, with two optional five-year terms. (Administrative Office)

Approved and authorized the Chairman to sign the County claims list totaling \$15,842.32, requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on June 19, 2012, as submitted. (Clerk of the Board)

Enacted Ordinance No. SCC 2012-05, which amends Shasta County Code Section 2.32.080, *County Fire Warden-Mutual Aid Agreements*, to approve and authorize the County Executive Officer to sign mutual aid, automatic aid, and assistance-by-hire agreements, as introduced June 26, 2012. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

For the agreements with Gould & Lamb, LLC, ratified the signature of the County Administrative Officer on an agreement at various rates to provide Medicare Set Aside reporting services for the period April 14, 2009 through June 30, 2012; and approved and authorized the Chairman to sign a retroactive renewal agreement in an amount not to exceed \$50,000 to provide Medicare Set Aside reporting services for the period July 1, 2012 through June 30, 2013, with two automatic one-year renewals. (Support Services)

Approved and authorized the Chairman to sign a renewal agreement with the Record Searchlight at various agreed-upon rates to provide advertising for County departments for the period August 1, 2012 through July 31, 2013. (Support Services-Personnel)

Approved and authorized the Chairman to sign a retroactive agreement with Northern Valley Catholic Social Service, Inc. in an amount not to exceed \$175,000 to provide mental health wellness and recovery services for the period July 1, 2012 through December 31, 2012. (Health and Human Services Agency (HHSA)-Adult Services)

Approved and authorized the Chairman to sign a retroactive agreement with the Shasta Regional Transportation Agency to pay Shasta County \$405,000 to provide Safe Routes to Schools non-infrastructure activities from May 1, 2012 through April 30, 2015. (HHSA-Public Health)

Approved and authorized the Chairman to sign a retroactive agreement with Prime Healthcare Services - Shasta LLC, d.b.a. Shasta Regional Medical Center to pay Shasta County at various rates to perform specified laboratory testing services for the period July 1, 2012 through June 30, 2017. (HHSA-Public Health)

Adopted Resolution No. 2012-080, which designates authorized agents for the purpose of obtaining funding through the Homeland Security Grant Programs for Federal Fiscal Year 2012. (HHSA-Public Health)

(See Resolution Book No. 53)

Approved and authorized the Chairman to sign retroactive agreements to reimburse Shasta County for coordination services, consulting services, and staff training by Sam Leach LLC, d.b.a. Candor Consulting for the period February 1, 2012 through January 31, 2013 with the County of Colusa in the amount of \$5,612 plus \$120 per day per employee for staff training; and the County of Humboldt in the amount of \$5,612 plus \$120 per day per employee for staff training. (Probation)

Approved and authorized the Chairman to sign retroactive agreements to reimburse Shasta County for licenses, customization and consulting services, and staff training by Allvest, Inc. for the period January 1, 2012 through December 31, 2012 with the County of Tehama in the amount of \$4,058.48 plus \$120 per day per employee for staff training; the County of Mendocino in the amount of \$5,176.36 plus \$120 per day per employee for staff training; the County of Glenn in the amount of \$1,663.03 plus \$120 per day per employee for staff training; and the County of Colusa in the amount of \$3,659.24 plus \$120 per day per employee for staff training. (Probation)

Approved and authorized the Chairman to sign an agreement with the County of Yuba in an amount not to exceed \$84,000 to provide beds at the Maxine Singer Youth Guidance Center to court commitments from the date of signing through June 30, 2013; and approved a budget amendment in the amount of \$84,000 transferring funds within the Probation budget. (Probation)

Approved the use of 2012 Justice Assistance Grant funds to the Sheriff's Office in the amount of \$39,401 to purchase replacement handheld narrowband radios, a narrowband radio base station, and radio battery chargers; and approved a budget amendment increasing appropriations and revenues by \$39,401 in the Sheriff's Jail budget. (Sheriff)

For the Cassel-Fall River Road at Pit River Bridge Replacement Project, approved and authorized the Chairman to sign an agreement with Taber Consultants, Inc. in an amount not to exceed \$66,000 to provide geotechnical services from the date of signing through December 13, 2013; and approved and authorized the Public Works Director to sign amendments to the agreement in an amount not to exceed a total of 10 percent of the original value of the agreement (\$6,600). (Public Works)

For construction on the 2012 Permanent Road Divisions (PRDs), 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 the opening of bids on or after August 16, 2012 at 11:00 a.m. (Public Works)

Awarded to the low bidder, Tullis, Inc., on a unit-cost basis, the contract for construction on the Deschutes Road Overlay Project in the amount of \$674,898. (Public Works)

Approved budget amendments for the Mental Health Roof Replacement Project increasing appropriations and revenues by \$215,500 in the Lands Buildings and Improvements budget; increasing appropriations and revenues by \$215,500 in the Mental Health budget; and increasing appropriations by \$215,500 in the Accumulated Capital Outlay budget, to be offset by use of fund balance. (Public Works)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Executive Officer (CEO) Larry Lees presented an update on specific legislation of importance to Shasta County, including the state budget which has been signed by the governor. Governor Brown is actively making budget cuts to alleviate some of the \$16 billion state deficit. It appears that more responsibility will be placed on local government levels, although the state may not provide the necessary funding.

Supervisors reported on issues of countywide interest.

ADMINISTRATIVE OFFICE

AIR POLLUTION CONTROL BOARD FIVE-MEMBER BOARD

County Executive Officer (CEO) Larry Lees stated that the City of Redding (COR) City Council and the City of Anderson (COA) City Council have each requested to have a member serve on the Air Pollution Control Board (APCB). City of Shasta Lake City Council members do not wish to serve on the APCB. Board members do not receive any additional compensation or stipend for acting as APCB members.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors directed CEO Lees to propose to the City of Redding and the City of Anderson a five-member Air Pollution Control Board comprised of three members from the Board of Supervisors, one member from the Redding City Council, and one member from the Anderson City Council.

AGRICULTURAL COMMISSIONER

2011 SHASTA COUNTY CROP AND LIVESTOCK REPORT

Agricultural Commissioner/Sealer of Weights and Measures Mary Pfeiffer presented the 2011 Crop and Livestock Report. By motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors accepted the 2011 Crop and Livestock Report.

SCHEDULED HEARINGS

PUBLIC WORKS

TRACT MAP NO. 1969
DERSCH ESTATES (NORTH ANDERSON AREA)
SCENIC OAK COURT PERMANENT ROAD DIVISION
RESOLUTIONS NO. 2012-081 AND 2012-082

This was the time set to conduct a public hearing to consider the formation of Scenic Oak Court Permanent Road Division in the north Anderson area. Supervising Engineer Al Cathey 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.

Chief Deputy Clerk of the Board Glenda Tracy provided the results of the tabulation of the ballots, as required by Proposition 218. One ballot was received in favor of an imposition of an annual parcel charge on the affected parcels for the permanent maintenance on Scenic Oak Court.

The public hearing was opened, at which time no one spoke for or against the formation of the permanent road division, and the public hearing was closed.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Tract Map No. 1969, Dersch Estates (north Anderson area):

1. For the Scenic Oak Court Permanent Road Division:
 - a. Adopted Resolution No. 2012-081, which forms the Division;
 - b. Adopted Resolution No. 2012-082, which confirms the annual parcel charge report, and received the annual parcel charge report; and
2. For the final map:
 - a. Approved the final map for filing,
 - b. Accepted on behalf of the public offers of dedication for public roads, public utility easements, and relinquished access, and
 - c. Approved and authorized the Chairman to sign an agreement with Shasta Verde Land Development, Inc. guaranteeing workmanship on Scenic Oak Court and the widening of Dersch Road, and
3. Accepted security for maintenance in the amount of \$20,750.
 (See Resolution Book No. 53)

10:00 a.m.: The Board of Supervisors recessed.

10:07 a.m.: The Board of Supervisors reconvened.

RESOURCE MANAGEMENT

PLANNING

USE PERMIT NO. 07-021
SIERRA PACIFIC INDUSTRIES
COGENERATION POWER PLANT PROJECT
RESOLUTION NO. 2012-083

This was the time set to conduct a public hearing to consider approving a use permit for the Sierra Pacific Industries (SPI) Cogeneration Power Plant Project in the Anderson area, which was appealed by the Center for Biological Diversity. The Notice of Hearing and Affidavit of Publication are on file with the Clerk of the Board.

Supervisors Kehoe, Hawes, and Hartman disclosed that they have not discussed the project or appeal with any members of the public and have reviewed the Environmental Impact Report (EIR) and the staff report. Supervisor Baugh advised that he attended the June 14, 2012 Planning Commission meeting and the original scoping meeting and has had discussions with individuals.

Chief Deputy Clerk of the Board Glenda Tracy acknowledged receipt of two documents offered as evidence which were received prior to the hearing. Correspondence from Adams Broadwell Joseph & Cardoza, received June 22, 2012 and correspondence from State of California Department of Transportation, received June 25, 2012. Copies of documents were made available to the members of the Board of Supervisors and to the public.

Associate Planner Lio Salazar presented the staff report, advising that SPI applied for and was granted a use permit to build a cogeneration facility in the Anderson area. The proposed use is consistent with the existing use of the property. At the June 14, 2012 Planning Commission meeting, the Environmental Impact Report (EIR) was certified and adopted.

On June 19, 2012, the Center for Biological Diversity filed an appeal. The appellant asserts that the EIR fails to meet minimum requirements of California Environmental Quality Act (CEQA). The project description includes all the elements required by CEQA and has remained stable, accurate, and complete throughout the EIR process. A reasonable range of potentially feasible alternatives has been considered.

De Novo Planning Group Principal Planner Ben Ritchie explained the environmental review process and assured the Board of Supervisors that timelines have been met. The EIR concluded that greenhouse gas impacts would be less than significant with mitigation.

The public hearing was opened, at which time Center for Biological Diversity Senior Attorney Kevin Bundy asserted that the final EIR does not meet the requirements of CEQA. Factual determination and choices of methodology must be supported by substantial evidence. The greenhouse gas emissions produced by combustion of fossil fuels, deforestation, and combustion of biomass. If the project is approved, greenhouse gas emissions will be increased by 175,000 metric tons per year in carbon dioxide (CO₂) equivalents.

SPI Manager of Resource Inventory Systems Edward Murphy stated the approval of the project will allow SPI to produce renewable energy. SPI harvests and replants trees; renewable and sustainable biomass byproducts are produced. The fuel SPI produces does not increase the CO₂ in the atmosphere. The California Air Resources Board has provided information that all forests store more carbon than is released.

Lyle Tullis, Dave Scott, Don Gallino, Greg Balkovek, Kate Baker, and Duane Miller supported the Sierra Pacific Industries Cogeneration Power Plant.

Bruce Waggoner and Ashley Wayman opposed the Sierra Pacific Industries Cogeneration Power Plant.

11:34 a.m.: The Board of Supervisors recessed.

11:40 a.m.: The Board of Supervisors reconvened.

Mr. Bundy stated the conditions of approval for the project do not have meaningful limitations on the wood that will cut and burned, thereby increasing CO₂ emissions. The current EIR should not be approved due to unexposed critical information, and substantial evidence does not support the conclusion that the impacts are less than significant.

Mr. Murphy explained that the appellant has sued SPI on 19 separate harvest plans; a court decision ruled that the CEQA process had been followed correctly.

No one else spoke for or against the approval of the use permit, and the public hearing was closed.

In response to questions by Supervisor Baugh, outside legal counsel Kate Hart replied that notices for the EIR scoping meetings were sent to property owners within 500 feet of the project, which exceeds the legal requirement of 300 feet. Mr. Salazar confirmed that notices were mailed to Ms. Wayman.

By motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-083 regarding Use Permit No. 07-021, Sierra Pacific Industries (Anderson area), which certifies the Final Environmental Impact Report (EIR) for the Sierra Pacific Industries Cogeneration Project; adopts certain California Environmental Quality Act (CEQA Findings of Fact; adopts a Mitigation Monitoring and Reporting program; adopts a Statement of Overriding Considerations regarding the significant and unavoidable adverse impacts identified in the Final EIR; and approves Use Permit No. 07-021 for the Sierra Pacific Industries Cogeneration Power Plant Project subject to certain specific conditions.

(See Resolution Book No. 53)

CLOSED SESSION ANNOUNCEMENT

Vice Chairman Hartman announced that the Closed Session item regarding the existing litigation entitled *McLaughlin v. County of Shasta* has been pulled from the Closed Session.

Vice Chairman Hartman announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

1. Confer with its counsel to discuss existing litigation entitled *Rutherford v. County of Shasta*; *Harry Arthur Kennedy v. State of California, et al.*; *Mark Roerhrig v. Union Pacific Railroad Company, et al.*; pursuant to Government Code section 54956.9, subdivision (a); and
2. Confer with its Labor Negotiators, County Executive Officer Larry Lees, Assistant Personnel Director Angela Davis, and Labor Consultant Becker and Bell, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriffs Association, Deputy Sheriffs Association-Correctional Officers, Sheriffs Administrative Association, Professional Peace Officers Association, Unrepresented Employees, United Public Employees of California-General Unit, United Public Employees of California-Professional Unit, and Teamsters-Trades and Crafts, pursuant to Government Code section 54957.6.

12:01 p.m.: The Board of Supervisors recessed to Closed Session.

12:22 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with Supervisors Kehoe, Hawes, Hartman, and Baugh, County Executive 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, as well as labor negotiations.

In the matter of Rutherford v. County of Shasta, a workers' compensation case, the Board of Supervisors, by a 4-0 vote, approved a stipulated award for Tracy Rutherford in the amount of \$87,835.

In the matter of Harry Arthur Kennedy v. State of California, et al., a case that involves allegations of a dangerous condition of public property, the Board of Supervisors, by a 4-0 vote, gave approval to its legal counsel to defend this action and authorized the County Counsel's Office to assign this case to Gary Brickwood, Esq.

In the matter of Mark Roehrig, et al v. Union Pacific Railroad Company, et al., a case that involves allegations of a dangerous condition of public property, the Board of Supervisors, by a 4-0 vote, gave approval to its legal counsel to defend this action and authorized the County Counsel's Office to assign this case to Gary Brickwood, Esq.

No other reportable action was taken.

12:22 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy