

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, September 11, 2012

REGULAR MEETING

9:00 a.m.: Chairman Moty 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 Executive Officer - Larry Lees
County Counsel - Rubin E. Cruse, Jr.
Chief Deputy Clerk of the Board - Glenda Tracy
Administrative Board Clerk - Linda Mekelburg

MOMENT OF SILENCE

A moment of silence was observed in memory those who lost their lives in the September 11, 2001 terrorist attack.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Elsbeth Prigmore provided information regarding the harmful health and psychological effects of marijuana on children.

Homecare Worker and California United Homecare Workers Vice President Tami Orr stated Community First Choice Case option will enhance Medi-Cal's ability to provide community-based personal attend services and support to seniors and persons with disabilities to certain enrollees who otherwise would need institutional care.

Sobering Choice Coalition Project Director Cathy Grindstaff voiced concern over the limited enforcement of the ordinance which restricts marijuana cultivation in Shasta County. Supervisor Baugh stated he has referred the subject matter to staff to be placed on a future agenda for discussion.

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

REGULAR CALENDAR

BOARD MATTERS

EMPLOYEE OF THE MONTH
DETECTIVE MARK HASLAM
RESOLUTION NO. 2102-099

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Baugh/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-099, which recognizes Detective Mark Haslam as Shasta County's Employee of the Month for September 2012.

(See Resolution Book No. 53)

CONSENT CALENDAR

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

Approved and authorized the Chairman to sign the County claims list, as submitted. (Auditor-Controller)

Approved the minutes of the regular meetings held on July 31 and August 14, 2012 and the special meeting held on August 21, 2012, as submitted. (Clerk of the Board)

Appointed the County Executive Officer or his designee to the Shasta Public Library System Citizens' Advisory Committee for a four-year term to November 2016. (Clerk of the Board)

Enacted Ordinance No. SCC 2012-06, which amends Shasta County Code Section 8.02.020, *Department Structure*, to consolidate the oversight of the Resource Management Community Education Section with the department's fiscal and administrative function, as introduced August 21, 2012. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Enacted Ordinance No. SCC 2012-07, which amends Shasta County Code Section 2.36.030, *County Auditor*, regarding qualifications and continuing education requirements for the Shasta County Auditor-Controller, as introduced August 21, 2012. (Clerk of the Board)

(See Shasta County Code Ordinance Book)

Approved and authorized the Chairman to sign a retroactive renewal agreement with John Muir Behavioral Health in an amount not to exceed \$10,000 per fiscal year to provide psychiatric inpatient hospital services for the period July 1, 2012 through June 30, 2013, with two automatic one-year renewals. (Health and Human Services Agency (HHS)-Adult Services)

Adopted Resolution No. 2012-100, which approves and authorizes the Chairman to sign an agreement with Caltrans in an amount not to exceed \$657,514.84 for the Opportunity Center to provide maintenance services at the O'Brien and Lakehead Safety Roadside Rest Areas for the period October 12, 2012 (or upon California Department of General Services approval, whichever is later) through October 11, 2015; and approves and authorizes the HHS Director

or his/her designee to sign amendments (including retroactive) that do not result in substantive or material changes, and other related agreement documents. (HNSA-Regional Services)
(See Resolution Book No. 53)

Approved and authorized the Chairman to sign a retroactive agreement with the City of Redding to compensate Shasta County in the amount of \$20,000 to administer Homeless Continuum of Care activities for the period July 1, 2012 through June 30, 2013; and approved and authorized the Director of Housing and Community Action Programs to sign the expense reimbursement request and progress reporting forms and the anti-lobbying certification. (Housing and Community Action Programs)

Adopted Resolution No. 2012-101, which approves and authorizes the County Executive Officer to sign an agreement in an amount not to exceed \$220,000 for the period October 1, 2012 through September 30, 2013 and other program-related documents for the Felony Driving Under the Influence (DUI) Vertical Prosecution grant program; and adopted Salary Resolution No. 1410, which extends the sunset date for one Deputy District Attorney I/II/III position to September 30, 2013. (District Attorney)

(See Resolution Book No. 53)
(See Salary Resolution Book)

Approved and authorized the Chairman to sign retroactive agreements to reimburse Shasta County for coordination, consulting, and training services from Sam Leach LLC d.b.a. Candor Consulting for the period February 1, 2012 through January 31, 2013 with the County of Lassen in an amount not to exceed \$10,612, plus \$120 per employee per day for staff training; and with the County of Yuba in an amount not to exceed \$10,612, plus \$120 per employee per day for staff training. (Probation)

Approved and authorized the Chairman to sign retroactive agreements to reimburse Shasta County for software licenses, and customization, consulting, and training services from Allvest, Inc. for the period January 1, 2012 through December 31, 2012 with the County of Lassen (16 licenses) in an amount not to exceed \$6,693.47, plus \$120 per employee per day for staff training; with the County of Yuba (30 licenses) in an amount not to exceed \$11,005.28, plus \$120 per employee per day for staff training; and with the County of Trinity (9 licenses) in an amount not to exceed \$4,138.33, plus \$120 per employee per day for staff training. (Probation)

Approved and authorized the Chairman to sign a retroactive renewal agreement with the Shasta Union High School District in an amount not to exceed \$90,820 for Shasta County to provide a Deputy Sheriff School Resource Officer assigned to the Foothill High School campus for the period August 20, 2012 through June 7, 2013. (Sheriff)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Crag View Water Improvement Project and record it within 15 days of actual completion of the work. (County Service Area No. 23-Crag View Water)

Approved and authorized the Public Works Director to sign a Notice of Completion for the Fall River Mills Airport Taxiway and Apron Improvement Project effective August 31, 2012. (Public Works)

9:20 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES**REGULAR CALENDAR****WATER AGENCY****SHASTA-TEHAMA COUNTY WATERMASTER DISTRICT
WATERMASTER DUTIES ON LOCAL CREEKS**

Water Agency Chief Engineer Pat Minturn provided history of the creation of watermaster districts. In 2008, the Shasta-Tehama Counties Watermaster District (STWD) was created, initial members of a governing body were appointed, and efforts have been expended to assume watermaster duties on local creeks. The five watermaster service areas in Shasta County include Burney, North Fork Cottonwood Creek, Hat Creek, North Cow Creek, and a portion of Digger Creek, which are funded on assessments by property based upon the water rights.

Recently, the Shasta-Tehama County Watermaster District requested authority to apply for a \$45,000 startup grant to fund legal counsel to petition the court to move watermaster authority from California Department of Water Resources (DWR) to STWD.

In Siskiyou County, the Scott Valley and Shasta Valley Watermaster District was established. Siskiyou County provided \$25,000 for startup legal costs and continues to provide legal services through a Memorandum of Understanding.

In Modoc County, the Modoc County Agricultural Commission provides the watermaster duties. The annual budget remained at \$234,500 per year for the first five years. The Watermaster recently became a separate County department.

In Lassen County, the Honey Lake Resource Conservation District assumed watermaster duties. There are repeated disputes and litigation.

Paul Stout stated that STWD has years of experience with water users and watermasters and they believe the costs will be approximately 20 percent less than the DWR and requested that the Water Agency provide a loan for STWD fees.

Bob Pearce opposed providing funds to STWD and recommended that the water issues remain with DWR.

STWD member Shannon Wooten explained that the STWD Board of Directors was started with no funds and is made up of two large water users, two small water users, and two people at large. The intention is for assessment costs to remain the same as the DWR charges, with anticipation to be lower in the future.

In response to questions by Supervisor Hawes, Mr. Minturn advised Water Agency funds were depleted heavily through the Elk Trail project. However, it is possible that the \$45,000 loan could be allocated. It is not currently in the STWD operational budget to repay the loan.

In response to questions by Supervisor Baugh, Mr. Minturn stated that he sees the importance of the courts in overseeing the property rights aspect and greater certainty and stability with DWR. DWR is made up of engineers who have quality equipment, expertise, and records, and could clearly explain procedures if called upon to do so.

Supervisor Hawes made a motion that the Water Agency provide a loan to Shasta-Tehama Water District that will be repaid. County Counsel Rubin Cruse advised that action item on the agenda is to provide direction to staff. Supervisor Hawes withdrew the motion.

Mr. Cruse explained that watermaster districts were established by State law and will continue to exist and can take whatever actions are appropriate in their independent authority.

Supervisor Kehoe said there is no compelling reason for the County to involve itself in the operation and therefore would not be in favor of loan or grant.

By motion made, seconded (Hawes/Moty), and carried, the Water District directed staff to return, for possible action, with further information about a loan. Supervisor Kehoe voted no.

10:10 a.m.: The Shasta County Water Agency adjourned and reconvened as the Shasta County Board of Supervisors.

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

10:16 a.m.: The Board of Supervisors reconvened.

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

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

Supervisor Kehoe recently attended a Local Agency Formation Commission (LAFCO) meeting and a Mental Health, Alcohol and Drug Advisory Board meeting.

Supervisor Baugh recently attended an Area Agency on Aging, PSA II, Executive Board meeting.

Supervisor Moty recently attended a Northern Sacramento Valley Integrated Regional Water Management Board meeting.

Supervisors reported on issues of countywide interest.

SUPPORT SERVICES

PUBLIC EMPLOYEES' RETIREMENT SYSTEM **ORDINANCE NO. 692**

At the recommendation of Assistant Director of Support Services Angela Davis and by motion made, seconded (Hawes/Baugh), and unanimously carried, the Board of Supervisors enacted Ordinance No. 692, which implements changes to the Public Employees' Retirement System contract to provide retirement benefits (2% @ 55 Full formula) to county peace officers entering membership for the first time in the county peace officer classification, as introduced August 21, 2012; and approved and authorized the Chairman to sign a Certification of Compliance with Government Code section 20475.

(See General Ordinance Book)

LAW AND JUSTICE**SHERIFF****NORTH STATE INITIATIVE (NSI)****CALIFORNIA MULTIJURISDICTIONAL METHAMPHETAMINE ENFORCEMENT TASK FORCE (CAL-MMET)**
BUDGET AMENDMENT

At the recommendation of Sheriff Tom Bosenko and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved a budget amendment increasing appropriations by \$334,405 in the North State Initiative (NSI) California Multijurisdictional Methamphetamine Enforcement Task Force (Cal-MMET) budget, to be offset by use of Restricted Cal-MMET Federal Asset Forfeiture Fund Balance, to facilitate a partial disbursement of prior year asset forfeiture funds to participating agencies as part of the dissolution of the NSI Cal-MMET task force; and authorized the Auditor-Controller to pay claims related to the distribution of the funds.

RESOURCE MANAGEMENT**WAIVER OF CERTAIN BUILDING/ZONING REQUIREMENTS****ORDINANCE NO. 693****RESOLUTION NO. 2012-102**

Director of Resource Management Russ Mull stated that on August 21, 2012 the Board of Supervisors declared a local emergency in connection with the Ponderosa Fire, in which buildings and dwellings were damaged or destroyed. Pursuant to Government Code section 8634, the Board of Supervisors may temporarily waive rebuilding requirements for legal nonconforming buildings within the Ponderosa Fire boundary area and allow rebuilding of such legal nonconforming uses as long as basic health and safety standards are met.

By motion made, seconded (Baugh/Kehoe), and unanimously carried, the Board of Supervisors found that adoption of the proposed ordinance and resolution are exempt from the California Environmental Quality Act (CEQA) in accordance with California Code of Regulations, Title 14, section 15269, *Emergency Projects*; introduced, waived the reading of, and enacted Ordinance No. 693, which makes certain findings and temporarily waives application of zoning ordinance requirements affecting reconstruction or replacement of lawfully created nonconforming uses where buildings or manufactured/mobile homes were destroyed by the Ponderosa Fire; and adopted Resolution No. 2012-102, which authorizes the Director of Resource Management to waive certain development standards for manufactured/mobile homes in Resolution No. 96-133 under certain conditions.

(See General Ordinance Book)

(See Resolution Book No. 53)

SCHEDULED HEARINGS**GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE****AB 1265 (NIELSEN) LOCAL GOVERNMENT: WILLIAMSON ACT
CONVERSION OF WILLIAMSON ACT CONTRACTS
RESOLUTION NO. 2012-103**

This was the time set to conduct a public hearing regarding the continued implementation of AB 1265 (Nielsen) *Local government: Williamson Act* (AB 1265), which allows conversion of 10-year Williamson Act contracts to nine years. Administrative Analyst Megan Dorney presented the report and recommended approval of the request. The Notice of Public Hearing and Affidavit of Publication are on file with the Clerk of the Board.

All supervisors stated that they had received emails from individuals regarding the Williamson Act, which are part of the record.

The public hearing was opened, at which time Chuck Lema and Patricia Rue objected to the reduction in a landowner's Williamson Act property tax benefits.

Joe Crowe thanked the members of the Board of Supervisors for their service.

Shannon Wooten advised the Shasta County Farm Bureau supports the Williamson Act with the provisions of AB 1265.

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

By motion made, seconded (Kehoe/Hartman), and unanimously carried, the Board of Supervisors adopted Resolution No. 2012-103, which finds that the subvention payment the County received from the State of California for Fiscal Year 2011-12 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, 2013; 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 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 directed the County Executive 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. 53)

RESOURCE MANAGEMENT

PLANNING DIVISION

ZONE AMENDMENT NO. 11-004
REDDING RESERVE ONE LLC
MOUNTAIN GATE AREA

This was the time set to conduct a public hearing to consider the request to approve Zone Amendment No. 11-004, Redding Reserve One LLC, which would rezone a 3.3-acre portion of 10.03-acres in the Mountain Gate area from a Rural Residential (R-R) zone district to a Highway Commercial combined with Design Review (C-H-DR) zone district. Senior Planner Kent Hector 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 proposal and the public hearing was closed.

By motion made, seconded (Hartman/Hawes), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 11-004, Redding Reserve One, LLC, Mountain Gate 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. 2012-025; and
2. Adopted rezoning findings as specifically set forth in Planning Commission Resolution No. 2012-025; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 11-004, as requested.

CLOSED SESSION ANNOUNCEMENT

Chairman Moty announced that the Board of Supervisors would recess to a Closed Session to confer with its counsel to discuss existing litigation entitled California Department of Transportation v. County of Shasta and Robert Raymond v. Cathy Darling Allen, pursuant to Government Code section 54956.9, subdivision (a).

10:56 a.m.: The Board of Supervisors recessed to Closed Session.

11:15 a.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Supervisors, 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. In the matter of Robert Raymond v. Cathy Darling Allen, a

case involving the alleged unconstitutionality of certain Elections Code provisions, the Board of Supervisors, by a 5-0 vote, gave approval to its legal counsel to defend the action.

No other reportable action was taken.

11:17 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy