

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, October 1, 2013

**REGULAR MEETING**

9:00 a.m.: Chairman Kehoe 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 Giacomini  
 District No. 4 - Supervisor Schappell  
 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

**INVOCATION**

Invocation was given by Pastor Paul Shrum, Foursquare Gospel.

**PLEDGE OF ALLEGIANCE**

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

**REGULAR CALENDAR**

**BOARD MATTERS**

**PROCLAMATION: DOMESTIC VIOLENCE AWARENESS MONTH**

By motion made, seconded (Moty/Giacomini), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2013 as Domestic Violence Awareness Month in Shasta County. One SAFE Place Executive Director Jean King was present to accept the proclamation.

**UPDATE: TAX-SHARING DISCUSSIONS**

County Executive Officer (CEO) Larry Lees, Supervisor Kehoe, and Supervisor Moty have attended numerous meetings with the Cities of Anderson, Redding, and Shasta Lake to discuss various tax-sharing concepts. Each jurisdiction continues to struggle with significant budget challenges due to recent economic issues. CEO Lees recommended tabling the current tax-sharing discussions until sales tax revenue and property tax revenue return to pre-recession levels.

Supervisor Moty expressed disappointment with the inflexible proposals made by the representative of the City of Redding.

BOARD OF BUILDING APPEALS  
STATUS REPORT RE VACANCY APPOINTMENT PROCESS  
AMENDED HEARING PROCEDURES  
RESOLUTION NO. 2013-093

County Counsel Rubin E. Cruse, Jr. stated that in the interest of avoiding possible conflicts related to legal representation, the County Counsel's office has not been involved or provided legal advice concerning the proposed changes to the Board of Building Appeals (BBA) hearing procedures or the selection process for the BBA vacancies. Jim Underwood is the outside legal counsel for the BBA and has provided such legal representation.

Chief Deputy Clerk of the Board Glenda Tracy advised that the two vacancies on the BBA are for the financial and citizen-at-large classifications. The deadline for the letters of interest was July 31, 2013 and the deadline for the supplemental candidate questionnaire was August 30, 2013. The submitted forms were sent to an independent review committee made up of building professionals of the City of Redding and the City of Anderson. The scores and criteria were received on September 27, 2013 and are being reviewed by staff; a board report will be submitted at the October 8, 2013 Board of Supervisors meeting.

The amendments to the hearing procedures are primarily procedural clarifications. A paragraph on page six regarding "Effect of No Decision" is being removed from consideration, and the recommendation includes approving the resolution which will repeal Resolution No. 2013-049 and approve amended hearing procedures.

McNeill Law Offices Associate Dan Kim, representing Reverage Anselmo and Seven Hills Cattle and Land Company, stated that the hearing procedures of the BBA are invalid because the BBA should adopt rules for its hearings, not the Board of Supervisors; the BBA has the authority to reverse the decisions of the building official; and the proposed revised hearing procedure that requires a strict majority of three votes is contrary to the general rule.

Dolores Lucero opposed changing the hearing procedures as the Anselmo matter before the BBA is pending.

Walt McNeill of McNeill Law Offices agreed that the hearing procedures of the BBA should be adopted by the BBA; he also noted that the appeal was filed in February 2012, and a hearing has not yet been completed.

In response to questions by Supervisor Baugh, Mr. Kim said a simple majority refers to a majority of board members present.

Supervisor Schappell stated that the BBA is a board with five members from different vocations, and five members are necessary to make an adequate decision.

In response to questions by Supervisor Moty, Mr. Lees advised that the BBA would remain as a five-member board; however, three members constitute a quorum.

Mr. Underwood stated that the BBA reviewed and affirmed the hearing procedures. The inclusion in the proposed amended hearing procedures regarding a quorum of a five-member board is being added for clarification.

In response to questions of Supervisor Baugh, Mr. Lees and Mr. Underwood explained that it is appropriate for the Board of Supervisors to adopt the amended hearing procedures for the BBA, which will then assist the members of the Board of Building Appeals in adopting their own rules.

In response to questions by Supervisor Baugh, Mr. Cruse responded on behalf of the County that decisions to prosecute a violation are not subject to the appeal process.

Supervisor Giacomini stated that it is appropriate to provide the members of the BBA with guidance as to how handle their meetings.

Charles Alexander said the candidates applying for the vacant positions should be interviewed in open session.

Mr. Lees further clarified that when the BBA held the initial hearing on Mr. Anselmo's appeal, decision was made to delay until they had a full, sitting board.

In response to questions by Supervisor Schappell, Mr. Lees said through contact with the City of Redding and City of Anderson city managers, individuals from their building departments were used to review the applications.

By motion made, seconded (Moty/Giacomini), and carried, the Board of Supervisors adopted Resolution No. 2013-093, which repeals Resolution No. 2013-049, and approves amended hearing procedures for the Shasta County Board of Building Appeals, as amended. Supervisor Schappell voted no.

(See Resolution Book No. 54)

### **PUBLIC COMMENT PERIOD - OPEN TIME**

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

Attorney Walt McNeill stated that his client Reverge Anselmo requested eight Director's Determinations from the Planning Director to address zoning code and planning issues concerning the chapel. He has not received responses to the planning issues. There have been numerous Williamson Act violations. Mr. McNeill stated his office is willing to discuss the matters with the County.

County Counsel Rubin Cruse clarified information regarding the statements made by Mr. McNeill. Some of Mr. Anselmo's requests for Planning Director determinations did not qualify as Planning Director determinations and the Director of Resource Management Rick Simon advised Mr. Anselmo's attorney of this. As for the requests by Mr. Anselmo that were properly the subject of Planning Director determinations, Mr. Simon advised Mr. Anselmo's attorney that additional information was needed in order to be in a position to make the requested determinations. Upon receipt of the requested information, Mr. Simon will proceed to make the Planning Director determinations that are within the jurisdiction of the Planning Director as provided for under the County Code. The County's outside legal counsel has communicated with Mr. McNeill regarding the Williamson Act issues.

### **ITEMS PULLED FROM CONSENT CALENDAR**

Chairman Kehoe advised that the matter regarding a retroactive renewal agreement with the County of Glenn has been pulled at the request of the department.

### **CONSENT CALENDAR**

By motion made, seconded (Baugh/Schappell), and unanimously carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar (Supervisor Moty recused on the agreement with Dignity Health Medical Foundation.), as amended:

Adopted Policy Resolution No. 2013-06, which repeals Administrative Policy 2-102, *Extension of Budget Process Deadlines*; and repeals Policy Resolution No. 92-7, which concerns budget deadlines. (Administrative Office)

(See Policy Resolution Book)

Approved and authorized the Public Works Department to develop plans and specifications for the proposed demolition of the County's Animal Shelter Facility on Radio Lane, Redding and present them to the Board of Supervisors for consideration at a future date; and approved a budget amendment increasing appropriations in the amount of \$175,000 in the Sheriff's Animal Control budget, to be offset with the use of Animal Shelter Designated fund balance in the General Fund. (Administrative Office)

Approved and authorized the Chairman to sign the County Claims List totaling \$46.25 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on August 27 and September 10, 2013, as submitted. (Clerk of the Board)

Approved and authorized the Chairman to sign a retroactive renewal agreement with Dignity Health Medical Foundation d.b.a. Woodland Memorial Hospital in an amount not to exceed \$100,000 to provide psychiatric inpatient services at its Woodland Hospital Facility for the period July 1, 2013 through June 30, 2014. (Health and Human Services Agency (HHS)-Adult Services)

Adopted Resolution No. 2013-094, which approves and authorizes the Chairman to sign an amendment to the agreement with the California Department of Housing and Community Development to provide an owner-occupied housing rehabilitation program in the unincorporated area of Shasta County, extending the term through October 19, 2014 and retaining the maximum compensation of \$600,000. (Housing and Community Action Programs)  
(See Resolution Book No. 54)

Approved and authorized the Chairman to sign an amendment to the agreement with Voorhis/Robertson Justice Services, LLC increasing maximum compensation by \$20,000 (for a new total not to exceed \$69,840) and extending the term through February 28, 2014 to add security and operational shake-down services to the transition consultation services for the Juvenile Rehabilitation Facility. (Probation)

## **REGULAR CALENDAR, CONTINUED**

### **GENERAL GOVERNMENT**

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

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

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

Supervisors Schappell and Baugh recently attended a Rural County Representatives of California (RCRC) meeting.

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

Supervisors reported on issues of countywide interest.

**ADMINISTRATIVE OFFICE**

**LAPSATION OF MANTON JOINT UNION ELEMENTARY SCHOOL DISTRICT**  
**LAPSATION OF MINERAL ELEMENTARY SCHOOL DISTRICT**  
**LAPSATION PLUM VALLEY ELEMENTARY SCHOOL DISTRICT**  
**RESOLUTION NO. 2013-095**

Administrative Analyst Megan Dorney stated that in an effort to keep Tehama County schools open, school officials have been working to consolidate the administration of Manton Joint Union Elementary School, Mineral Elementary School, Plum Valley Elementary School and Antelope Elementary School Districts. Government code requires the approval of the board of supervisors in the areas affected. As a portion of the Manton Joint Union Elementary School District is located in Shasta County, the Shasta County Board of Supervisors is required to confirm the lapsation and annexation, and to establish the revised boundaries.

In response to questions by Supervisor Kehoe, Tehama County Superintendent of Schools Larry Champion stated that the annexation will not harm or inconvenience students that reside in Shasta County, and with the districts reduction in number, enhanced services will be provided.

Shasta County Superintendent of Schools Tom Armelino stated that the schools will remain where they are located, the consolidated of the school districts will allow the affected smaller schools to share administrative duties.

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors adopted Resolution No. 2013-095, effective July 1, 2013, which orders the lapsation of the Manton Joint Union Elementary, Mineral Elementary, and Plum Valley Elementary School Districts; orders the annexation of territory to the Antelope Elementary School District; and establishes the revised boundaries of the Antelope Elementary School District.

(See Resolution Book No. 54)

**SCHEDULED HEARINGS**

**GENERAL GOVERNMENT**

**AGRICULTURAL COMMISSIONER/SEALER OF WEIGHTS AND MEASURES**

**ORDINANCE INTRODUCTION**

**REVISION TO SHASTA COUNTY CODE CHAPTER 6.08, *BEES***

This was the time set to conduct a public hearing to consider amending Shasta County Code Chapter 6.08, *Bees*. Agricultural Commissioner/Sealer of Weights and Measures Mary Pfeiffer presented the staff report and recommended approval. 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 Patrick Heitkam, Pat Stayer, Jackie Park-Burris, and Shannon Wooten spoke in favor of the item. Rick Arrowsmith requested the matter be continued for 60 days for additional research.

No one else spoke for or against the proposed amendment to the Shasta County Code, and the public hearing was closed.

By motion made, seconded (Baugh/Giacomini), and unanimously carried, the Board of Supervisors introduced and waived the reading of an ordinance which amends Shasta County Code Chapter 6.08, *Bees*.

**CLOSED SESSION ANNOUNCEMENT**

Chairman Kehoe announced that the Board of Supervisors would recess to a Closed Session to confer with legal counsel to discuss existing litigation entitled Torres v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1).

11:01 a.m.: The Board of Supervisors recessed to Closed Session.

11:08 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; however, no reportable action was taken.

11:09 a.m.: The Board of Supervisors adjourned.

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Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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