

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, October 3, 2023

REGULAR MEETING

9:00 a.m.: Chair Jones called the Regular Session of the Board of Supervisors to order on the above date with the following present:

District No. 1 - Supervisor Crye
District No. 2 - Supervisor Garman
District No. 3 - Supervisor Rickert
District No. 4 - Supervisor Jones
District No. 5 - Supervisor Kelstrom

County Executive Officer/Clerk of the Board - David J. Rickert
Interim County Counsel - Gretchen Stuhr
Chief Deputy Clerk of the Board - Stefany Blankenship

Chair Jones announced that the two closed session items concerning a Health Officer had been pulled by the department and would come back to the Board at a later date.

INVOCATION

Invocation was given by Margaret Hansen.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

PROCLAMATION: GLOBAL WAR ON TERRORISM AND DESERT STORM VETERANS APPRECIATION DAY

OCTOBER 3, 2023

Supervisor Kelstrom read the proclamation declaring October 3, 2023, as “Global War on Terrorism and Desert Storm Veterans Appreciation Day” in Shasta County.

Margaret Hansen, Lori, Monique Welin, Richard, Larkin David Cockrill, Mike James, Josh, Christian Gardinier, and two anonymous speakers spoke during public comment.

By motion made, seconded (Kelstrom/Crye), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 3, 2023, as “Global War on Terrorism and Desert Storm Veterans Appreciation Day” in Shasta County. Wesley Tucker, Veterans Services Officer, was present to accept the proclamation.

PUBLIC COMMENT PERIOD - OPEN TIME

Robert, Nick Gardner, Margaret Hansen, David Larkin Cockrill, Dawn Duckett, Pamelyn Morgan, Alex Bielecki, Janet Chandler, Bev Gray, Joshua Brown, Margaret Cantrell, Deidre Holliday, Steve Kohn, Dolores Lucero, Laura Hobbs, Christian Gardinier, Shelby Tucker, Jenny, Benjamin Nowain, Catherine Jackson, Von Ruiz, Monique Welin, Mike James, Nathan Blaze, B.G., Kim Moore, Lori Bridgeford, Jeff Gorder, Richard, Bob, Jeff, Gary Cadd, Terry Rapoza, Jim Burnett, and an anonymous speaker spoke during public comment – open time.

REGULAR CALENDAR, CONTINUED**BOARD MATTERS, CONTINUED****ORDINANCE ESTABLISHING ELECTIONS OVERSIGHT AND ADVISORY COMMITTEE**

Supervisor Jones discussed the Citizens Election Advisory Committee (CEAC) and his reasons for establishing the CEAC.

A motion was made and seconded (Jones/Crye) to postpone the proposed ordinance until the October 17, 2023, regular meeting to allow staff time for further revisions.

Susanne Baremore, Dawn Duckett, Pamelyn Morgan, Margaret Hansen, Janet Chandler, Jim Burnett, Richard, an anonymous woman, Joshua Brown, Dolores Lucero, Kim Moore, Lori Bridgeford, Steve Kohn, Christian Gardinier, Jenny, and Jeff Gorder spoke during public comment.

In response to questions by Supervisor Rickert, Supervisor Jones stated that he was partially responsible for writing the proposed ordinance and discussed his consultations with a

citizens group and outside attorneys, as well comparisons to similar ordinances from San Joaquin County.

Supervisor Rickert expressed her concerns about the potential cost of the proposed ordinance and stated that she would not support anything not supported by County Counsel.

By motion made, seconded (Jones/Crye), and carried 4-1 by roll call vote with Supervisor Rickert voting no, the Board of Supervisors postponed the proposed ordinance until the October 17, 2023, regular meeting to allow staff time to revise the ordinance.

CLOSED SESSION ANNOUNCEMENT

Chair Jones announced that the Board of Supervisors would recess to a Closed Session to take the following actions:

Confer with legal counsel to discuss one case of anticipated litigation, pursuant to Government Code section 54956.9, subdivision (d), paragraph (2).

Dolores Lucero, Richard, and Lori spoke during public comment.

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

12:37 p.m.: The Board of Supervisors returned from Closed Session and reconvened in Open Session with all Supervisors, County Executive Officer/Clerk of the Board David J. Rickert, and Interim County Counsel Gretchen Stuhr present.

REPORT OF CLOSED SESSION ACTIONS

Interim County Counsel Gretchen Stuhr reported that the Board of Supervisors met in Closed Session to discuss anticipated litigation; however, no reportable action was taken.

REGULAR CALENDAR, CONTINUED

BOARD MATTERS, CONTINUED

PROCLAMATION: GLOBAL YOUTH JUSTICE MONTH OCTOBER 2023

Supervisor Crye read the proclamation declaring October 2023, as “Global Youth Justice Month” in Shasta County.

Lori Bridgeford spoke during public comment.

By motion made, seconded (Crye/Kelstrom), and unanimously carried, the Board of Supervisors adopted a proclamation which designates October 2023, as “Global Youth Justice Month” in Shasta County. Jennifer Coulter, Program Director for Youth Options Shasta, was present to accept the proclamation.

FOUNTAIN WIND PROJECT UPDATE

Supervisor Jones discussed his reasons for bringing the subject back to the Board, including his desire to educate the community and the rest of the state about the status of the Fountain Wind Project (Project) and the California Energy Commission (CEC), as well as the possibility of providing the County’s complete administrative record regarding the Project to the CEC.

Supervisor Rickert discussed her ongoing efforts regarding the Project and the various groups and agencies she had been in contact with, including State legislators. She also spoke about the importance of working in coalition with the local tribes.

In response to questions by Supervisor Garman and Rickert, Assistant County Counsel Matt McOmber stated that decisions regarding what information to submit to the CEC concerning the Project’s history in the County and when to submit it would be made in conjunction with staff, including County Counsel, Resource Management, and outside counsel. Mr. McOmber described procedures around information sharing during adversarial processes and recommended caution with discussions in open forums.

In response to questions by Supervisor Kelstrom, Mr. McOmber stated that the CEC had not yet declared the Project’s application to them as complete, so the 270-day timeline for the CEC to make a decision had not started. He also stated that the CEC had recently sent a letter to the Project stating the reasons for the application remaining incomplete, and the County had already submitted several documents to the CEC about the Project outlining the County’s initial arguments against the Project. Mr. McOmber discussed the ongoing legal arguments with the CEC concerning the Project and possible opportunities for future action if necessary.

Margaret Hansen, Janet Chandler, Lori Bridgeford, Steve Johnson, two anonymous speakers, and Bob Holsinger spoke during public comment.

In response to questions by Supervisor Kelstrom, Mr. McOmber stated that the County’s documentation regarding the Project was being prepared.

A motion was made and seconded (Jones/Kelstrom) to direct outside counsel to assemble all administrative records related to the Project, including the County’s ban on large wind energy projects and forward those records to the CEC as soon as possible, allocate \$200,000 toward community education about the Project, and hire an outside public relations firm to distribute information about the Project throughout the state.

In response to questions by Supervisor Crye, CEO Rickert stated that the County Administrative Office, including the Public Information Officer, could be involved in the community education and information distribution concerning the Project.

Supervisor Jones amended his motion to reduce the proposed budget allocation from \$200,000 to \$100,000, utilizing County staff as much as possible, and to forward the administrative records to the CEC at the discretion of outside counsel. Supervisor Kelstrom seconded the amended motion.

A substitute motion was made and seconded (Rickert/Garman) to add to the amended motion the direction to consult with the tribe before moving forward.

In response to questions by Supervisor Garman, Mr. McOmber stated that he was in contact with the legal counsel for the tribe and that he supported continuing to keep them informed.

Supervisor Garman rescinded his second for the substitute motion.

The substitute motion died for lack of a second.

Supervisor Jones further amended his motion to include a directive that the County continue to work with the tribes to include them in the County's activities regarding the Project. Supervisor Kelstrom seconded the further amended motion.

By motion made, seconded (Jones/Kelstrom), and unanimously carried by roll call vote, the Board of Supervisors directed outside counsel to assemble all administrative records related to the Fountain Wind Project (Project), forward those records to the California Energy Commission at the recommendation of outside counsel, allocate up to \$100,000 to establish a community education plan about the Project using both internal and external resources, and to continue working with the tribes to keep them informed about the County's activities concerning the Project.

CONSENT CALENDAR

There was no public comment.

By motion made, seconded (Kelstrom/Rickert), and unanimously carried (except for the item concerning the Stillwater Ranches Unit 2 Phase 2 Permanent Road Division, noted below where Supervisor Jones recused himself), the Board of Supervisors took the following actions, which were listed on the Consent Calendar:

Approved a retroactive renewal agreement with Online Data Exchange, LLC, for e-OSCAR System, effective July 1, 2023, to process automated credit dispute verifications and automated universal data forms in an amount not to exceed \$600 over the entire term (\$200 per Fiscal Year) for the period July 1, 2023, through June 30, 2026. (Child Support Services)

Approved an amendment to the agreement with the Anderson Union High School District for Deputy Probation Officers to serve as Juvenile Prevention Officers which adds one additional Deputy Probation Officer III to serve as a Juvenile Prevention Officer at Anderson Union High School and increases compensation payable to County by \$176,122 for a new maximum compensation not to exceed \$516,866 for period October 3, 2023, through June 30, 2024. (Probation)

Took the following actions regarding Tract No. 18-0001, Stillwater Ranches Unit 2 Phase 2 Permanent Road Division (PRD) in the Palo Cedro area: Received the: petition for formation and the petition for activation of the PRD; affidavit verifying information contained in the petitions; annual maintenance cost estimate for the PRD; County Surveyor's Report on the boundary description (in the form of a map); Consent and Waiver to Assess Annual Parcel Charges from Albert L. Shufelberger, President of Stillwater Properties, a California Corporation (Developer); annual parcel charge report; adopted Resolution No. 2023-109 which forms the PRD; adopted Resolution No. 2023-110 which confirms the annual parcel charge report for Fiscal Year 2024-2025; approved the Final Map for filing and recordation; found that as required by Planning Commission Resolution No. 2018-033, adopted November 8, 2018, all required offers of dedication for public roads, pedestrian path easements, public utility easements, and open space; easements as shown on the Final Map have been made and on behalf of the public, accept said offers of dedication; and approved a maintenance agreement with the Developer guaranteeing workmanship on the project roads and accept a security bond for maintenance in the amount of \$83,847. Supervisor Jones recused himself due to personal acquaintance with the applicant. (Public Works)

(See Resolution Book No. 72)

Approved an amendment to the agreement with Packway Materials, Inc., for water transport services, which increases maximum compensation by \$300,000 for a new maximum compensation of \$350,000, and corrects a clerical error on the signature page, retaining the term August 14, 2023, through August 14, 2024, with two automatic one-year renewals. (Public Works)

Authorized the County Executive Officer to sign a revenue agreement with the Department of Forestry and Fire Protection (CAL FIRE) in the amount of \$750 per day, when activated, to allow for emergency use of the facilities at Fall River Mills Airport for the period October 3, 2023, through December 31, 2026. (Public Works)

Accepted the donation of two speed feedback signs and associated hardware valued at a total of \$11,865.77 from the North Cow Creek School for installation on Swede Creek Road near North Cow Creek School and found the donation and installation of the signs categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines section Guidelines Section 15301, Class 1 – Existing Facilities. (Public Works)

Took the following actions regarding the “Shasta County Mental Health HVAC Replacement Project,” Contract No. 610949: Found the Project to be categorically exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15301, Class 1 – Existing Facilities; approved plans and specifications and directed the Public

Works Director to advertise for bids; and authorized opening of bids on or after November 2, 2023, at 11:00 a.m. (Public Works)

Took the following actions regarding the “CSA No. 3-Castella Water Intake Replacement Project,” Contract No. 610471 (Project): Adopted Resolution No. 2023-111 which adopts a California Environmental Quality Act (CEQA) determination of a Mitigated Negative Declaration (MND) subject to the findings; approved the Project as described and defined in the MND; authorized staff to move forward with the construction phase of the Project; and approved a budget amendment increasing appropriations and revenue by \$1,751,000 in the CSA No. 3-Castella Water Administration Budget (BU 374). (Public Works)

(See Resolution Book No. 72)

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE

County Executive Officer (CEO) David J. Rickert presented an update on County issues and specific legislation of importance to Shasta County, including Assembly Bill (AB) 969, AB 504, AB 1484, and Senate Bill (SB) 525, which were all awaiting action by the Governor. Governor Newsom vetoed SB 799, which would have granted unemployment benefits to striking workers.

In response to questions by Supervisor Jones, CEO Rickert stated that he would consult with staff and bring further information regarding AB 969 to the Board.

SUPERVISORS' REPORTS

There was no public comment.

Supervisor Rickert recently attended Juvenile Justice Coordinating Council and Air Pollution Control Board (APCB) meetings and reported on issues of countywide interest.

Supervisor Garman reported on issues of countywide interest.

Supervisor Kelstrom reported on issues of countywide interest.

Supervisor Crye reported on issues of countywide interest.

Supervisor Jones recently attended an APCB meeting and reported on issues of countywide interest.

COUNTY CLERK/ELECTIONS

**CERTIFICATE OF SUFFICIENCY FOR PETITION TO RECALL KEVIN CRYE,
SHASTA COUNTY SUPERVISOR, DISTRICT 1
RESOLUTION NO. 2023-112**

2:01 p.m.: Supervisor Crye recused himself and left the room.

Cathy Darling Allen, County Clerk/Registrar of Voters, presented the staff report and recommended approval.

In response to questions by Supervisor Jones, Ms. Darling Allen explained that the law did not allow non-Elections employees to observe the signature verification process for petitions, nor to view the petitions themselves. She stated that signed petitions are protected from Public Records Act requests. Ms. Darling Allen explained that the members of the Citizens Election Advisory Committee (CEAC) would not be allowed to view the petitions, as Government Code does not allow anyone to examine signed petitions except in specific cases where petitions are insufficient.

In response to further questions by Supervisor Jones, Ms. Darling Allen stated that signature gatherers are not allowed to verify the signatures they collect, but that Elections staff encourage gatherers to ensure their signers are residents of the district applicable to their petition. She explained that she had not compared the signature verification to past similar petitions, so she was unable to comment on the number of signatures disqualified.

In response to questions by Supervisor Kelstrom, Ms. Darling Allen stated that previous petitions had likely collected higher numbers of signatures from people who were not registered to vote, gave inaccurate addresses, or did not live in the required districts.

2:12 p.m.: The Board of Supervisors recessed.

2:23 p.m.: The Board of Supervisors reconvened.

Margaret Hansen, Bev Gray, K.C., Lori, Jim Burnett, Deidre Holliday, Kim Moore, Bob Holsinger, Eric Silberstein, Dana Silberstein, Steve Kohn, Benjamin Nowain, Jeff Gorder, Jenny, and Mike James spoke during public comment.

By motion made, seconded (Garman/Rickert), and carried 3-1 by roll call vote with Supervisor Kelstrom voting no and Supervisor Crye recused, the Board of Supervisors took the following actions: Received a Certificate of Sufficiency for the Petition to Recall Kevin Crye, Shasta County Supervisor, District 1 (Supervisor Crye); and, pursuant to Elections Code section 11240, adopted Resolution No. 2023-112 ordering that a special election be held in accordance with law to determine whether or not Supervisor Crye shall be recalled, to be consolidated with the March 5, 2024, Primary Election.

3:10 p.m.: Supervisor Crye returned to the room.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

ZONE AMENDMENT 21-0002: (GREG AND NIKOLA HAWES)
ASSESSOR'S PARCEL NUMBERS 057-190-031, 057-190-036, 057-190-037, 057-190-041, and 057-190-040

This was the time set to conduct a public hearing to consider the Hawes Farms agritourism/agritainment project (Project). The Notice of Public Hearing and the Notice of Publication are on file with the Clerk of the Board.

Chief Deputy Clerk of the Board Stefany Blankenship confirmed that any and all correspondence received related to the hearing had been entered into the record.

In response to questions by Supervisor Jones, Ms. Stuhr stated that County Counsel did not normally provide personal advice to supervisors concerning potential conflicts of interest, but that if a supervisor believed they had a conflict of interest, it is advisable that they should recuse themselves from that item.

Supervisor Jones recused himself due to a close family member being an employee of the applicants.

Supervisor Crye recused himself due to his company having business dealings with the applicants.

Supervisor Rickert recused herself on the advice of the Fair Political Practices Commission, due to a long-standing personal relationship with, business dealings with, and being a direct neighbor of the applicants.

Chair Jones announced that, due to the lack of a quorum, the item under consideration would not be heard. He turned the gavel over to Vice-Chair Garman.

3:16 p.m.: Supervisors Jones, Crye, and Rickert left the room.

In response to questions by Supervisor Kelstrom, Ms. Stuhr explained that, without a quorum, no action could be taken, and the Project could not move forward. She stated that she would research what options were available and provide that information to the Board.

Paul Hellman, Director of Resource Management, stated that the Project would be considered tabled indefinitely.

In response to questions by Supervisor Garman, Ms. Stuhr stated that the Board could take public comment on the Project as agendaized but could not take comment as part of a public hearing, as the hearing could not be held without a quorum.

Margaret Hansen, Greg Hawes, Ken Osbourne, David Ledger, Julie Ford, Tony Lewis, Mike James, Anna Puffer, an anonymous woman, Laura, and Lori spoke during public comment.

In response to public comment, Supervisor Kelstrom explained that any activities already operating at the Hawes Farm were approved through a Special Use Permit, and that any further expansion relied on the Project, so those activities would be on hold.

In response to questions by Supervisor Garman, Mr. Hellman explained that a Zone Amendment had been approved in 2006 to allow the initial activities at the Hawes Farm. He stated that the County had been working with the applicants for several years to have further features identified and permitted, which resulted in the 2021 application for Zone Amendment 21-0002. Mr. Hellman stated that some attractions had been added which would not be usable until they were approved by zoning or permitted. He discussed the possibility of a formal Planning Director's Determination regarding some of the unpermitted features, as well as other limited processes available to the applicants until a Zone Amendment could be heard by the Board.

Lio Salazar, Planning Division Manager, clarified that the 2006 Zone Amendment had allowed for the annual harvest festival and other similar seasonal festivals. Adam Fieseler, Assistant Director of Resource Management, further clarified that the County could work with the applicants to obtain any building or temporary permits needed for them to make the current planned development legally operable but could not do anything about building permits for rides. Mr. Fieseler clarified public reports of what items had or had not been red tagged by County staff and existing permits for the features on Hawes Farm.

Due to the lack of a quorum, the Board of Supervisors postponed to a future date uncertain a public hearing and Board consideration of: a California Environmental Quality Act determination of a Negative Declaration; the recommended findings listed in Planning Commission Resolution 2023-017; and two ordinances related to the Hawes Farms agritourism/agritainment proposal to rezone an existing Planned Development (PD) zone district to a revised PD zone district for an approximately 8.25-acre parcel and to change the zoning of four parcels totaling approximately 137.09 acres from the PD and Limited Agriculture (A-1) zone districts to the Commercial Recreation (C-R) zone district identified as Zone Amendment 21-0002. The approximately 145.34-acre project site is located at 6171 Deschutes Road, 6465 Deschutes Road, and 21945 Dersch Road, Anderson, CA 96007 (Assessor's Parcel Numbers (APNs) 057-190-031, 057-190-036, 057-190-037, 057-190-041, and 057-190-040 as those APNs are assigned for purposes of the 2023 Regular Assessment Roll). No changes are proposed to the Designated Flood (F-1) and Restrictive Flood (F-2) combining zone districts within the southern portion of the project site, the Building Site (B) combining districts applicable to APNs 057-190-037 and 057-190-041, and the Interim Mineral Resource (IMR) combining district applicable to APN 057-190-041.

4:02 p.m.: Supervisors Crye, Rickert, and Jones returned to the room. Vice-Chair Garman handed the gavel back to Chair Jones.

4:02 p.m.: The Board of Supervisors adjourned.

Chair

ATTEST:

DAVID J. RICKERT
Clerk of the Board of Supervisors

By _____
Deputy