

November 14, 2017

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**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, November 14, 2017

**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 Rickert  
District No. 4 - Supervisor Morgan  
District No. 5 - Supervisor Baugh

County Executive Officer - Larry Lees  
County Counsel - Rubin E. Cruse, Jr.  
Administrative Board Clerk - Courtney Mathews  
Administrative Board Clerk - Candice Marlar  
County Executive Officer Executive Assistant - Jenn Duval

**INVOCATION**

Invocation was given by Coordinator Amarjit Singh, Gurdwara The Sikh Center.

**PLEDGE OF ALLEGIANCE**

Pledge of Allegiance to the Flag was led by Supervisor Rickert; the Colors were presented by Big Valley High School's Big Valley Cardinal Color Guard.

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## **REGULAR CALENDAR**

### **BOARD MATTERS**

#### **PROCLAMATION**

##### **NORTH STATE GIVING TUESDAY NOVEMBER 28, 2017**

Adopted a proclamation which designates November 28, 2017 as "North State Giving Tuesday" in Shasta County (Supervisor Kehoe). Giving Foundation CEO Carrie Cransi was present to accept the proclamation.

### **PRESENTATIONS**

#### **CERTIFICATE OF RECOGNITION: 18 YEARS OF SERVICE TO SHASTA COUNTY CHIEF FISCAL OFFICER CHRISTINE E. ORR**

Presented a certificate of recognition to Department of Support Services Chief Fiscal Officer Christine E. Orr on the occasion of her retirement after more than 18 years of service to Shasta County.

#### **PRESENTATION: SHASTA PUBLIC LIBRARY SYSTEM**

Received an update on the Shasta Public Library System from Acting Shasta Public Libraries Director Anna Tracy.

In response to questions by Supervisor Rickert, Ms. Tracy reported on a video series filmed at the Redding Library to help people with mental illness.

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

Peter Scales and Roy Vincent spoke regarding concerns with County Service Area No. 6-Jones Valley Water.

In response to questions by Supervisor Baugh, Mr. Vincent stated it is legally impossible for County Service Area No. 6-Jones Valley to be insolvent due to it being under the general county sphere of influence.

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Russ Wade spoke regarding concerns of carbon generating activities, reducing greenhouse emissions, and oil recycling.

Resource Management Director Rick Simon provided project updates for Agritourism and Short Term Rentals Ordinance.

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

Chairman Kehoe noted that the item regarding a revenue agreement with The McConnell Foundation had been pulled for discussion and the Closed Session item pulled for consideration at a later date.

### **CONSENT CALENDAR**

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

Approved and authorized the Chairman to sign the County claims list in the amount of \$7,000, as submitted. (Auditor-Controller)

Took the following actions regarding the Shasta Children and Families Commission, also known as First 5 Shasta: Appointed Dianna Wagner as the Health and Human Services Agency Director's designee to a three-year term to expire January 2021; and reappointed Dr. Andrew Deckert to a three-year term to expire January 2021. (Clerk of the Board)

As introduced on November 7, 2017, enacted Ordinance No. 733 of the Board of Supervisors of the County of Shasta Repealing Ordinance No. 730 Declaring a Water Shortage Emergency and a Necessity for a Water Conservation Program, Adopting a Water Conservation Program and Finding that the Actions are Exempt from the California Environmental Quality Act (CEQA) in County Service Area No. 3-Castella Water, operative November 1, 2017. (Clerk of the Board)

(See General Ordinance Book)

As introduced on November 7, 2017, enacted Ordinance No. 734 of the Board of Supervisors of the County of Shasta Repealing Ordinance No. 719 Declaring a Water Shortage Emergency and a Necessity for a Water Conservation Program, Adopting a Water Conservation Program and Finding that the Actions are Exempt from the California Environmental Quality Act (CEQA) in County Service Area No. 6-Jones Valley Water, operative November 1, 2017. (Clerk of the Board)

(See General Ordinance Book)

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Adopted Salary Resolution No. 1517, effective December 24, 2017, which amends Shasta County's Salary Schedule increasing the salary range to five percent above the 2018 California minimum wage (\$11.00) for various job classifications. (Support Services-Personnel)  
(See Salary Resolution Book)

Took the following actions: Awarded the purchase of 13 monitor arms and 24 computer holders in the total amount of \$4,470.12 (including tax, delivery, and installation) to Caliber Office Furniture, LLC (Caliber) under the Humanscale California Multiple Award Schedule Contract Number (CMAS) Contract #4-1371-0095B; awarded the purchase of 24 cubicle workstations and 12 cubicle systems in the total amount of \$43,071.05 (including tax, delivery, and installation) to Caliber under, the Affordable Interior Systems, Inc. CMAS Contract #4-16-710150A; awarded the associated installation services to Caliber, in the amount of \$9,570.00; and approved and authorized the Health and Human Services Agency to purchase 24 cubicle workstations, 13 monitor arms, 24 computer holders, and 12 cubicle systems in an amount not to exceed \$57,111.17 including all taxes and fees. (Health and Human Services Agency-Business and Support Services)

Relieved the Health and Human Services Agency Director of accountability for capital assets no longer present in the Health and Human Services Agency's inventory. (Health and Human Services Agency-Business and Support Services)

Approved and authorized the Chairman to sign a renewal agreement with Family Dynamics Resource Center in an amount not to exceed \$80,000 to provide evidence based parenting education program known as the Positive Parenting Program for the period date of signing through June 30, 2019. (Health and Human Services Agency-Children's Services)

Approved and authorized the Chairman to sign an agreement with Shasta County Office of Education in an amount not to exceed \$183,688 to provide evidence based parenting education program known as the Positive Parenting Program for the period date of signing through June 30, 2019. (Health and Human Services Agency-Children's Services)

Approved and authorized the Health and Human Services Agency Director to sign: Retroactive renewal agreement, No. 17-94556, with the California Department of Health Care Services at no compensation to establish performance criteria for Shasta County in the provision of mental health services and to allow access to certain federal and state resources and local realignment funds to support mental health care delivery for the period July 1, 2017 through June 30, 2018; the Contractor Certification Clauses Form CCC-307; and amendments, including retroactive, that do not result in a substantial or functional change to the original intent of the agreement and that otherwise comply with Shasta County Administrative Policy 6-101, Shasta County Contracts Manual. (Health and Human Services Agency-Office of the Director)

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Approved and authorized the Public Health Officer to execute annual recertification agreements with the California Department of Public Health, California Vaccines for Children Program, with no compensation, to receive and distribute publicly funded vaccines for the period January 1, 2018 through December 31, 2027, provided County Counsel has reviewed and approved each annual agreement as to form. (Health and Human Services Agency-Public Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Technical Resource Management, LLC dba Cordant Forensic Solutions, to update the legal name of the consultant and contact information, and to increase the maximum compensation not to exceed from \$65,000 to \$110,000 to provide additional alcohol and drug testing services, retaining the term July 1, 2015 through June 30, 2016, with two optional one-year renewals. (Health and Human Services Agency-Public Health)

Approved and authorized the Chairman to ratify the signature of the County Executive Officer on the agreement with Shasta Women's Refuge, Inc. in an amount not to exceed \$36,000 to provide a domestic violence program for the period July 1, 2017 through June 30, 2018. (Housing and Community Action Programs)

Took the following actions for Assessor's Parcel Number 057-520-015-000 (Anderson area): Found the project categorically exempt in conformance with the California Environmental Quality Act (CEQA) Section 15316 Guidelines, Class 16 Transfer of Ownership of Land in Order to Create Parks and Section 15325 Guidelines, Class 25-Transfers of Ownership of Interest In Land to Preserve Existing Natural Conditions and Historical Resources; approved and authorized the Chairman to sign a Real Property Purchase Agreement with Thomas R. Semingson and Judy Semingson in the amount of \$301,345.51; accepted the Grant Deed for the property; approved a budget amendment increasing appropriations and revenue by \$301,346 in the Land, Buildings and Improvement budget; and approved a budget amendment increasing appropriations by \$301,346 in the Accumulated Capital Outlay budget. (Public Works)

Approved and authorized the Chairman to sign an agreement with Dokken Engineering in an amount not to exceed \$482,000 to provide engineering and geotechnical services for "2017 Storm Damage Projects," Contract No. 706775, for the period effective date of signing through December 31, 2021. (Public Works)

Approved and authorized the Public Works Director to sign a Notice of Completion for the "Mental Health Basement Remodel Project," Contract No. 610446, and record it within 15 days of actual completion of the work. (Public Works)

Took the following actions: Authorized the County Purchasing Agent to purchase a portable chemical spectrometer in an amount not to exceed \$75,122; and waived the competitive procurement requirements of Administrative Policy 6-101, Shasta County Contracts Manual and Shasta County Code section 3.04.020(A), "Competitive Procurement," due to sole source availability and use of United States General Services Administration competitively assessed

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pricing for the purchase of the portable chemical spectrometer. (County Service Area No. 1-County Fire)

### **ACTION ON ITEMS PULLED FROM CONSENT CALENDAR**

#### **THE MCCONNELL FOUNDATION AGREEMENT** **HEALTHY SHASTA COLLABORATIVE**

Public Health Deputy Branch Director Brandy Isola reported on Healthy Shasta Collaborative.

In response to questions by Supervisor Kehoe, Ms. Isola reported the agreement is an ongoing contribution of The McConnell Foundation, given annually for the past decade, totaling approximately \$1 million.

By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors took the following actions: Approved and authorized the Chairman to sign a revenue agreement with The McConnell Foundation in an amount not to exceed \$80,000 to help fund the Healthy Shasta Collaborative, which promotes policies and environments that encourage healthy and active living, for the period date of signing through December 31, 2019; and approved and authorized the Health and Human Services Agency (HHSA) Director or any HHSA Branch Director to sign prospective and retroactive amendments and other documents related to the agreement that result in a net change not to exceed \$16,000, and other, non-monetary amendments as necessary, in compliance with Administrative Policy 6-101, Shasta County Contracts Manual. (Health and Human Services Agency-Public Health)

### **REGULAR CALENDAR, CONTINUED**

#### **GENERAL GOVERNMENT**

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

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

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

Supervisor Morgan recently attended a Public Health Advisory Board meeting.

Supervisors reported on issues of countywide interest.

## **RESOURCE MANAGEMENT**

### **INTRODUCTION OF ORDINANCE**

#### **AMENDING SECTION 8.28.060 OF THE SHASTA COUNTY CODE**

At the recommendation by Director of Resource Management Rick Simon, and by motion made, seconded (Morgan/Moty), and unanimously carried, the Board of Supervisors introduced and waived the reading of an Ordinance of the Board of Supervisors of the County of Shasta Amending Section 8.28.060 of the Shasta County Code Concerning Nuisances. (Resource Management)

### **INTRODUCTION OF ORDINANCE**

#### **AMENDING SECTION 1.12.0303 AND 1.12.050 OF THE SHASTA COUNTY CODE**

At the recommendation of Director of Resource Management Rick Simon, and by motion made, seconded (Moty/Rickert), and unanimously carried, the Board of Supervisors introduced and waived the reading of an Ordinance of the Board of Supervisors of the County of Shasta Amending Subsection (B) of Section 1.12.030 and Subdivision (6) of Subdivision (B) of Section 1.12.050 the Shasta County Code Concerning Administrative Enforcement. (Resource Management)

### **INTRODUCTION OF ORDINANCE**

#### **ADDING SECTION 1.12.055 OF THE SHASTA COUNTY CODE**

In response to question by Supervisor Moty, Director of Resource Management Rick Simon stated he would bring a report back to the Board after 12 months of implementation.

By motion made, seconded (Moty/Morgan), and unanimously carried, the Board of Supervisors introduced and waived the reading of an Ordinance of the Board of Supervisors of the County of Shasta Adding Section 1.12.055 to the Shasta County Code Concerning Administrative Enforcement. (Resource Management)

**SCHEDULED HEARINGS**

**RESOURCE MANAGEMENT**

**PLANNING DIVISION**

**ORDINANCE NO. SCC 2017-07**  
**COMMERCIAL CANNABIS ACTIVITY**

This was the time set aside to conduct a public hearing to consider Zone Amendment No. Z17-005, an ordinance amending the Shasta County Code to prohibit commercial cannabis activity, delivery of cannabis to customers, and temporary events involving onsite sale or consumption of cannabis. Resource Management Director Rick Simon presented a staff report and recommended approval. The Notice of Hearing and the Notice of Publication are on file with Clerk of the Board.

In response to questions by Supervisor Morgan, Mr. Simon stated the zoning permit requirement for personal marijuana cultivation still applies, a separate ordinance would need to be considered regarding adult personal use, and the current ban on outdoor marijuana cultivation is still in effect.

In response to questions by Supervisor Morgan, Mr. Simon stated the legislative findings are not all associated with illegal marijuana growing operations.

In response to questions by Supervisor Morgan, Mr. Simon stated banning marijuana cultivation is consistent with Board policies.

In response to questions by Supervisor Morgan, Mr. Simon spoke regarding how other jurisdictions are addressing commercial marijuana use.

In response to questions by Supervisor Moty, Mr. Simon clarified the ordinance is governing commercial use, and personal use will be addressed and considered at a future date.

The Public Hearing was opened.

Scott Halsey spoke regarding concerns of marijuana use.

Sheriff Tom Bosenko, Peter Scales, Tom Hildebrandt and Joe Lavasick spoke in favor of the proposed ordinance.

Stacy Lindie spoke in opposition of the ordinance.



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The Public Hearing was closed.

In response to questions by Supervisor Kehoe, Mr. Simon confirmed that this ordinance regulates commercial growth and use of marijuana.

In response to questions by Supervisor Morgan, Mr. Simon advised an additional ordinance would be brought at a later date regulating personal use.

Supervisor Kehoe called for a roll call vote as follows:

District No. 4 - Supervisor Morgan - No  
District No. 5 - Supervisor Baugh - Aye  
District No. 1 - Supervisor Kehoe - Aye  
District No. 2 - Supervisor Moty - Aye  
District No. 3 - Supervisor Rickert - Aye

By motion made, seconded (Moty/Baugh), and carried, the Board of Supervisors took the following actions: found Ordinance No. SCC 2017-07 is categorically exempt from the California Environmental Quality Act (CEQA) for the reasons stated in Planning Commission Resolution No. 2017-040; found Ordinance No. SCC 2017-07 is consistent with the County General Plan; and introduced, waived the reading of, and enacted Ordinance No. SCC 2017-07 of the Board of Supervisors of the County of Shasta Regulating Commercial Cannabis Activity, Amending Shasta County Code Title 17, "Zoning Plan," By Repealing Section 17.88.315, "Medical Cannabis Delivery," And Adding Section 17.88.325, "Commercial Cannabis Activity." (Resource Management Planning Division)

10:41 a.m.: The Board of Supervisors recessed.

11:00 a.m.: The Board of Supervisors reconvened.

#### **CLERK OF THE BOARD**

This was the time set to conduct public hearings to consider appeals of water bill penalties for County Service Area No. 6-Jones Valley Water. The Notices of Hearings are on file with the Clerk of the Board.

County Executive Officer Larry Lees advised that documents related to hearings have been received and entered into the record.

Joseph Hlavacik spoke regarding water use fines and requested information be made online or to receive a copy.

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In response to questions raised by Mr. Hlavacik, Director of Public Works Pat Minturn, said fines are tracked in the financial statement, are tallied on quarterly basis, and are available.

In response to questions by Supervisor Moty, County Counsel Rubin Cruse advised penalty fines for County Service Area No. 6-Jones Valley Water are to be used for water conservation for CSA No.6-Jones Valley Water, as directed by the Board at a future meeting.

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-310-002 (MCLAUGHLIN)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-310-002 (Mclaughlin).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. and Mrs. Mclaughlin presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-310-002.

Mr. Minturn advised a variance was approved for 900 gallons per day, which was exceeded.

The public hearing was closed.

In response to questions by Supervisor Baugh, Mr. Minturn advised the additional water use was approximately 100,000 gallons over the allocated amount.

County Counsel Rubin Cruse clarified the issue before the Board is whether a violation of the ordinance has been proven and whether they would impose the penalty or not impose the penalty.

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-310-002 (Mclaughlin).

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WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-160-020 (BLACKMAN)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-160-020 (Blackman).

The public hearing was opened; Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty; Blackman was not present; no one spoke for or against the matter; and the public hearing was closed.

By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-160-020 (Blackman).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-320-010 (BOOTH)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-320-010 (Booth).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. and Mrs. Booth presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-320-010. Mr. Booth advised he conducted leak checks and that running a swamp cooler during extreme temperatures caused the over use.

In response to questions by Supervisor Moty, Mr. Booth stated he did not apply for a variance because he did not know of the option to apply.

The public hearing was closed.

County Counsel Rubin Cruse clarified the motion was not to impose the penalty.

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors did not impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-320-010 (Booth).

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WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 305-030-011 (BOYD)

This was the time set to conduct a public hearing to consider an appeal of a \$1,000 water bill penalty for Assessor's Parcel Number 305-030-011 (Boyd).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty. Mr. Minturn presented that the following had occurred: (1) The residential user had actual knowledge of the requirements found to be violated, (2) The conduct was intentional, and (3) the amount of water involved was substantial in that it was an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of Ordinance No. 719.

Mr. Boyd presented information related to imposing a water bill penalty for Assessor's Parcel Number 305-030-011.

In response to questions raised by Mr. Boyd, County Counsel Rubin Cruse advised three minutes had been allotted for the person subjected to the penalty to present information and two minutes for follow-up response, and that should the individual wish to use all five minutes allotted for their presentation, with no follow-up response, they can do so.

In response to questions by Supervisor Baugh, Mr. Minturn advised no application for a variance was received.

In response to questions by Supervisor Baugh, Supervisor Moty advised Congressman LaMalfa had not been in attendance at a Shasta County Board of Supervisors meeting.

In response to questions by Supervisor Moty, Mr. Minturn confirmed water was purchased to help Community Service Areas.

The public hearing was closed.

By motion made, seconded (Moty/Morgan), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$1,000 civil penalty concerning the water bill penalty for Assessor's Parcel Number 305-030-011 (Boyd).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 305-040-015 (BRADLYN)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 305-040-015 (Bradlyn).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty. Mr. Minturn advised a variance request was submitted and denied.

Mr. Bradlyn presented information related to imposing a water bill penalty for Assessor's Parcel Number 305-040-015.

In response to questions raised by Mr. Bradlyn, Supervisor Kehoe clarified Board motions and actions to impose or not impose fines.

Peter Scales spoke regarding County Service Area (CSA) No. 6-Jones Valley Water.

In response to questions raised by Mr. Bradlyn, Mr. Minturn advised the CSA No. 6-Jones Valley Water is insolvent, no medical conditions were raised in application for a variance, and the daily use was 644 gallons per day, more than twice the allocated amount allowed.

In response to questions by Supervisor Moty, Mr. Minturn confirmed Ordinance No. 719 has been rescinded.

In response to questions raised by Mr. Bradlyn, Supervisor Moty clarified rates and operational costs of CSA No. 6-Jones Valley Water.

In response to questions raised by Mr. Bradlyn, Supervisor Baugh clarified the role of the Board of Supervisors to impose law.

The public hearing was closed.

County Counsel Rubin Cruse clarified the motion was to impose the penalty.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 305-040-015 (Bradlyn).

#### WATER BILL PENALTY

#### ASSESSOR'S PARCEL NUMBER 304-320-008 (BUCHANAN)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-320-008 (Buchanan).

The public hearing was opened.

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Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. and Mrs. Buchanan presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-320-008.

Joseph Hlavacik spoke regarding County Service Area (CSA) No. 6-Jones Valley Water water loss.

In response to Supervisor Moty, County Counsel Rubin Curse advised Ordinance No. 719 is not illegal.

In response to Supervisor Moty, Mr. Minturn advised a leak detection study has been completed which suggested meters were running slow.

In response to Supervisor Baugh, Mr. Minturn advised a medical variance was not requested.

In response to questions by Supervisor Morgan, Mr. Minturn stated the variance form could be revised to add a request for more medical information if a medical condition is stated as the reason for the variance request.

In response to questions by Supervisor Kehoe, Counsel Cruse advised the variance request from Mrs. Buchanan could be amended.

In response to questions by Supervisor Kehoe, Mrs. Buchanan advised a medical variance is required as Mr. Buchanan has had kidney cancer, is a disabled veteran and they need to run the swamp cooler to regulate temperature.

Mr. Minturn advised had a variance been approved, the allotted amount would have been 325 gallons per day, and the daily use was 263 gallons per day.

The public hearing was closed.

Supervisor Moty motioned, Supervisor Baugh seconded, to impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-320-008 (Buchanan).

Failing to receive a simple majority, the motion failed.

County Executive Officer (CEO) Larry Lees advised since the motion failed, another motion would need to be made to not impose the civil penalty.

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By motion made, seconded (Rickert/Morgan) and carried, the Board of Supervisors did not impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-320-008 (Buchanan).

CEO Lees recommended the McLaughlin's be permitted an additional two minutes to present to receive the allotted five minutes to speak.

Counsel Rubin Cruse advised the Board could reconsider their decision after receiving additional information.

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-310-002 (MCLAUGHLIN)  
REOPENED HEARING

The public hearing was reopened to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-310-002 (McLaughlin).

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mrs. McLaughlin presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-310-002.

The public hearing was closed.

In response to questions by Supervisor Kehoe, County Counsel Rubin Cruse clarified the Board's option to reconsider or affirm the decision to impose the civil penalty.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors reaffirmed its prior action to impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-310-002 (McLaughlin).

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-140-010 (CALLAHAN/NYBERG)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-140-010 (Callahan/Nyberg).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

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Callahan/Nyberg was not present.

Roy Vincent spoke regarding concerns for meters in County Service Area No. 6-Jones Valley Water.

The public hearing was closed.

By motion made, seconded (Moty/Morgan), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-140-010 (Callahan/Nyberg).

12:32 p.m.: The Board of Supervisors recessed.

1:02 p.m.: The Board of Supervisors reconvened.

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-160-018 (COUCH)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-160-018 (Couch).

The public hearing was opened; Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty; Couch was not present; no one spoke for or against the matter; and the public hearing was closed.

In response to questions by Supervisor Moty, Mr. Minturn advised they have no knowledge of a water leak and water use was consistent with previous July/August billing.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-160-018 (Couch).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-130-007 (DANIEL)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-130-007 (Daniel). Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

The public hearing was opened.



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Mr. Daniel presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-130-007 (Daniel).

In response to questions by Supervisor Moty, Mr. Daniel advised he found two water leaks.

In response to questions by Supervisor Kehoe, Mr. Minturn advised no cessation of service would occur, penalties would apply and outstanding balances would be added to property tax bills, unless the Board modifies the payable amount.

In response to questions by Supervisor Rickert, Mr. Minturn advised late penalty payments would apply if payments were made in increments.

In response to questions by Supervisor Baugh, Mr. Minturn advised usage was 409 gallons per day.

In response to questions by Supervisor Moty, Mr. Minturn advised the late penalty, for past due amounts is \$25 and applied bi-monthly.

The public hearing was closed.

In response to questions by Supervisor Baugh, County Counsel Rubin Cruse said the amount of the civil penalty could not be changed.

By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-130-007 (Daniel).

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-090-012 (FREEMAN)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-090-012 (Freeman).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty. Mr. Minturn advised a variance request was granted for 625 gallons per day and usage was 784 gallons per day.

Freeman was not present; communication from Ms. Freeman was received and entered into the record.

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The public hearing was closed.

In response to questions by Supervisor Baugh, CEO Larry Lees advised notices were sent via certified mail November 7, 2017 and phone calls were made, messages left and if no response, second calls were made.

In response to questions by Supervisor Baugh, Mr. Minturn advised the variance was granted for seven people and medical reasons.

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-090-012 (Freeman).

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-130-027 (GANT)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-130-027 (Gant).

The public hearing was opened; Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty; Gant was not present; no one spoke for or against the matter; and the public hearing was closed.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-130-027 (Gant).

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-260-003 (GARCIA)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-260-003 (Garcia).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Garcia was not present.

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TBA

Ed Larmour spoke regarding water needs for Assessor's Parcel Number 304-260-003 (Garcia) and requested fine not be imposed.

Mr. Minturn advised water use was approximately 1800 gallons per day.

The public hearing was closed.

In response to questions by Supervisor Kehoe, Mr. Minturn advised there was two months from the date of enactment of Ordinance No. 719 and the imposing of water use penalties.

In response to questions by Supervisor Moty, CEO Lees confirmed there are legal parameters and time frames related to Board actions.

By motion made, seconded (Moty/Rickert), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-260-003 (Garcia).

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-080-026 (JEFFRES)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-080-026 (Jeffres).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. Jeffres presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-080-026.

In response to questions by Supervisor Kehoe, Mr. Jeffres claimed theft of water after checking meter and conducting pressure checks, has been occurring for a number of years.

The public hearing was closed.

By motion made, seconded (Moty/Morgan), and carried, the Board of Supervisors did not impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-080-026 (Jeffres).

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TBA

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-280-006 (LARMOUR)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-280-006 (Larmour).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. Larmour presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-280-006.

The public hearing was closed.

In response to questions by Supervisor Rickert, Mr. Larmour said some people used wells and hauled water to care for properties.

By motion made, seconded (Baugh/Rickert), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-280-006 (Larmour).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 305-030-005 (LOCKETT)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 305-030-005 (Lockett).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. Lockett presented information related to imposing a water bill penalty for Assessor's Parcel Number 305-030-005.

In response to questions by Supervisor Kehoe, Mr. Lockett clarified the location of the meter.

In response to questions by Supervisors Morgan and Rickert, Mr. Lockett described the location and discovery of the leak.

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TBA

In response to questions by Supervisor Rickert, Mr. Minturn described the meter reading process with digital meters, the back flow prevention device, and billing.

In response to questions by Supervisor Kehoe, Mr. Minturn confirmed water use, resulting from leaks is the responsibility of the home owner.

2:12 p.m.: The Board of Supervisors recessed to allow Mr. Minturn to contact staff.

2:20 p.m.: The Board of Supervisors reconvened.

In response to questions by the Board, Mr. Minturn clarified billing and notification of leak, and stated Mr. Lockett has not yet been billed for the water penalty or backflow prevention testing.

The public hearing was closed.

By motion made, seconded (Moty/Baugh), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 305-030-005 (Lockett).

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-070-007 (MARX)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-070-007 (Marx).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

CEO Larry Lees advised there was a request to reschedule the hearing for a future date.

No one else spoke for or against the matter; the public hearing was closed; and the Board of Supervisors continued the hearing concerning a water bill penalty for Assessor's Parcel Number 304-070-007 (Marx) to a later date to be determined.

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TBA

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-100-020 (MCKENDRY)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-100-020 (McKendry).

The public hearing was opened; Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty; McKendry was not present; no one else spoke for or against the matter; and the public hearing was closed.

By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-100-020 (McKendry).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-170-030 (MORLEY)

This was the time set to conduct a public hearing to consider an appeal of a \$1,000 water bill penalty for Assessor's Parcel Number 304-170-030 (Morley).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty. Mr. Minturn presented that the following had occurred: (1) The residential user had actual knowledge of the requirements found to be violated, (2) The conduct was intentional, and (3) the amount of water involved was substantial in that it was an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of Ordinance No. 719.

Mr. Morely presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-170-030.

The public hearing was closed.

By motion made, seconded (Moty/Rickert), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$1,000 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-170-030 (Morley).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-080-039 (MORRISON)

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TBA

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-080-039 (Morrison).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. Morrison presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-080-039.

In response to questions by Supervisor Moty, Mr. Morrison, despite conservation efforts, advised water use still exceeded the allotted amount during his last billing cycle.

The public hearing was closed.

In response to questions by Supervisor Moty, Mr. Minturn advised a variance was granted for 300 gallons per day and daily use was 552 gallons.

By motion made, seconded (Moty/Morgan), and unanimously carried, the Board of Supervisors did not impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-080-039 (Morrison).

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-140-016 (OLKOWSKI)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-140-016 (Olkowski).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Larry Olkowski presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-140-016.

In response to questions by Supervisor Moty, Mr. Olkowski, despite fixing leak, advised water use still exceeded the allotted amount during his last billing cycle.

The public hearing was closed.

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TBA

By motion made, seconded (Moty/Rickert), and unanimously carried, the Board of Supervisors did not impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-140-016 (Olkowski).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-040-009 (PALMER)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-040-009 (Palmer).

The public hearing was opened; Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty; Palmer was not present; no one else spoke for or against the matter; and the public hearing was closed.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-040-009 (Palmer).

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-050-011 (SEABOURN)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-050-011 (Seabourn).

The public hearing was opened; Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty; Seabourn was not present; no one else spoke for or against the matter; and the public hearing was closed.

By motion made, seconded (Baugh/Rickert), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed civil penalty concerning a water bill penalty for Assessor's Parcel Number 304-050-011 (Seabourn).

In response to questions by Supervisor Moty, regarding the previous item, Mr. Minturn advised water use for Assessor's Parcel Number 304-040-009 (Palmer), 2015 July/August was 56,000 gallons, 2016 July/August was 46,000, and 2017 July/August was 41,000 gallons.

WATER BILL PENALTY

ASSESSOR'S PARCEL NUMBER 304-170-013 (SMITH)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-170-013 (Smith).



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TBA

The public hearing was opened; Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty; Smith was not present; no one else spoke for or against the matter; and the public hearing was closed.

By motion made, seconded (Baugh/Moty), and unanimously carried, the Board of Supervisors found that the facts presented support the imposition of the penalty and imposed the \$100 civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-170-013 (Smith).

3:02 p.m.: The Board of Supervisors recessed.

3:05 p.m.: The Board of Supervisors reconvened.

WATER BILL PENALTY  
ASSESSOR'S PARCEL NUMBER 304-100-048 (WILLIAMS)

This was the time set to conduct a public hearing to consider an appeal of a \$100 water bill penalty for Assessor's Parcel Number 304-100-048 (Williams).

The public hearing was opened.

Public Works Director Pat Minturn presented the staff report and recommended imposing a water bill penalty.

Mr. and Mrs. Williams presented information related to imposing a water bill penalty for Assessor's Parcel Number 304-100-048.

In response to questions by Supervisor Rickert, Mr. Williams confirmed his contractor, while installing a septic system, was responsible for cutting sprinkler lines.

In response to questions by Supervisor Morgan, Mr. Williams advised previous owners and he both had parts of the sprinkler system installed.

The public hearing was closed.

Mr. Minturn advised a variance was approved for 325 gallons, which was left out of the staff report.

In response to questions by Supervisor Baugh, Mr. Minturn confirmed the water use decreased by 30,000 gallons from July/August to September/October.

November 14, 2017

TBA

In response to questions by Supervisor Morgan, Mr. Minturn confirmed water use decreased after leak was repaired.

In response to questions by Supervisor Moty, Mr. Minturn advised water use in 2015 September/October was 27,000 gallons, in 2016 September/October was 100,000 gallons and in 2017 September/October was 20,000 gallons.

By motion made, seconded (Baugh/Morgan), and unanimously carried, the Board of Supervisors did not impose the civil penalty concerning the water bill penalty for Assessor's Parcel Number 304-100-048 (Williams).

3:19 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

LAWRENCE G. LEES  
Clerk of the Board of Supervisors

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