



SHASTA COUNTY

BOARD OF SUPERVISORS

1450 Court Street, Suite 308B
Redding, California 96001-1673
(530) 225-5557
(800) 479-8009
(530) 225-5189 FAX

Supervisor David A. Kehoe, District 1
Supervisor Leonard Moty, District 2
Supervisor Mary Rickert, District 3
Supervisor Steve Morgan, District 4
Supervisor Les Baugh, District 5

AGENDA

REGULAR MEETING OF THE BOARD OF SUPERVISORS

Tuesday, January 23, 2018, 9:00 AM

The Board of Supervisors welcomes you to its meetings which are regularly scheduled for each Tuesday at 9:00 a.m. in the Board of Supervisors Chambers on the second floor of the Shasta County Administration Center, 1450 Court Street, Suite 263, Redding, California. Your interest is encouraged and appreciated.

The agenda is divided into two sections: **CONSENT CALENDAR:** These matters include routine financial and administrative actions and are usually approved by a single majority vote. **REGULAR CALENDAR:** These items include significant financial, policy, and administrative actions and are classified by program areas. The regular calendar also includes "Scheduled Hearings," which are noticed hearings and public hearings, and any items not on the consent calendar.

TO ADDRESS THE BOARD: Members of the public may directly address the Board of Supervisors on any agenda item on the regular calendar before or during the Board's consideration of the item. In addition, the Board of Supervisors provides the members of the public with a Public Comment-Open Time period, where the public may address the Board on any agenda item on the consent calendar before the Board's consideration of the items on the consent calendar and may address the Board on any matter not listed on the agenda that is within the subject matter jurisdiction of the Board of Supervisors. Pursuant to the Brown Act (Govt. Code section 54950, et seq.), **Board action or discussion cannot be taken** on non-agenda matters, but the Board may briefly respond to statements or questions and, if deemed necessary, refer the subject matter to the appropriate department for follow-up and/or to schedule the matter on a subsequent Board Agenda.

Persons wishing to address the Board are requested to fill out a Speaker Request Form and provide it to the Clerk before the meeting begins. Speaker Request Forms are available at the following locations: (1) online at http://www.co.shasta.ca.us/BOS/docs/Request_to_talk.pdf, (2) from the Clerk of the Board on the third floor of 1450 Court Street, Suite 308B, Redding, and (3) in the back of the Board of Supervisors Chambers. If you have documents to present for the members of the Board of Supervisors to review, please provide a minimum of ten copies. When addressing the Board, please approach the rostrum, and after receiving recognition from the Chairman, give your name and comments. Each speaker is allocated three minutes to speak. **Comments should be limited to matters within the subject matter jurisdiction of the Board.**

CALL TO ORDER

Invocation: Pastor Dennis Tucker, Word of Life

Pledge of Allegiance: Supervisor Moty

REGULAR CALENDAR

Members of the public may directly address the Board of Supervisors on any agenda item on the regular calendar before or during the Board's consideration of the item. Persons wishing to address the Board are requested to fill out a Speaker Request Form prior to the beginning of the meeting (forms are available from the Clerk of the Board, 1450 Court Street, Suite 308B, Redding, or in the back of the Board of Supervisors Chambers). If you have documents to present for the members of the Board of Supervisors to review, please provide a minimum of ten copies. Each speaker is allocated three minutes to speak.

BOARD MATTERS

R 1 Board Matters

Adopt a resolution which recognizes Shasta County Department of Public Works, Accounting Technician, Tina Carlin as Shasta County's Employee of the Month for January 2018.

No Additional General Fund Impact

Simple Majority Vote

R 2 Board Matters

Adopt a proclamation which designates January 21-27, 2018 as "School Choice Week" in Shasta County (Supervisor Kehoe).

No General Fund Impact

Simple Majority Vote

PUBLIC COMMENT PERIOD - OPEN TIME

During the Public Comment Open Time period, the public may address the Board on any agenda item on the consent calendar and may address the Board on any matter not listed on the agenda that is within the subject matter jurisdiction of the Board of Supervisors. Persons wishing to address the Board during Public Comment Open Time are requested to fill out a Speaker Request Form and, if you have documents to present to the Board of Supervisors, please provide a minimum of ten copies.

CONSENT CALENDAR

The following Consent Calendar items are expected to be routine and non-controversial. They may be acted upon by the Board at one time without discussion. Any Board member or staff member may request that an item be removed from the Consent Calendar for discussion and consideration. Members of the public may comment on any item on the Consent Calendar during the Public Comment Period - Open Time, which shall precede the Consent Calendar.

GENERAL GOVERNMENT

C 1 Auditor-Controller

Adopt a resolution which: (1) Repeals Resolution No. 2008-139; and (2) authorizes the County Executive Officer and the County Auditor-Controller to close the CalPERS California Employers Retiree Benefit Trust and transfer the

assets to the PARS Public Agencies Post-Retirement Health Care Plan.

No General Fund Impact

Simple Majority Vote

C 2 Clerk of the Board

Approve the minutes of the meeting held on January 9, 2018, as submitted.

No General Fund Impact

Simple Majority Vote

C 3 County Clerk/Registrar of Voters

Adopt a resolution which: (1) Accepts a state of California grant for the Help America Vote Act of 2002 (HAVA) Polling Place Accessibility Training Program in an amount not to exceed \$20,000 to provide polling place accessibility activities for the period December 1, 2017 through June 30, 2019; and (2) authorizes the County Executive Officer to sign the grant agreement, amendments to the agreement in an amount not to exceed \$20,000, including retroactive, the Contractor's Certification Clauses (CCC 04/2017) form, and any documents required by the state and/or federal government to comply with the grant agreement requirements, so long as they otherwise comply with Administrative Policy 6-101, *Shasta County Contracts Manual*.

No Additional General Fund Impact

Simple Majority Vote

C 4 Support Services-Personnel

Take the following actions effective January 23, 2018: (1) Adopt a resolution establishing Shasta County Administrative Policy No. 8-520, *Shasta County Background Investigation Policy Under Internal Revenue Service Publication 1075*; and (2) adopt a resolution which amends Chapter 6, *Recruitments and Appointments*, of the Shasta County Personnel Rules, to implement Assembly Bill 1008, a new law relating to obtaining criminal history information on employment applicants.

No Additional General Fund Impact

Simple Majority Vote

HEALTH AND HUMAN SERVICES

C 5 Health and Human Services Agency-Business and Support Services

Adopt a salary resolution, effective February 4, 2018, which amends Shasta County's Position Allocation List to add 1.0 Full-Time Equivalent Staff Services Analyst I/II position in the Social Services and Benefit Administration budget.

No Additional General Fund Impact

Simple Majority Vote

C 6 Health and Human Services Agency-Children's Services

Approve and authorize the Chairman to sign a retroactive amendment, effective October 1, 2017, to the agreement with Northern Valley Catholic Social Service, Inc., to provide youth specialty mental health services, to increase the maximum compensation by \$799,598 for a new total in an amount not to exceed \$3,193,079 during the term of the agreement, and to extend the term from October 1, 2017

through June 30, 2018.

No Additional General Fund Impact Simple Majority Vote

C 7 Health and Human Services Agency-Children's Services

Approve and authorize the Chairman to sign an agreement with Lilliput Children's Services in an amount not to exceed \$683,118 to provide foster youth family finding and post adoption support services for the period date of signing through December 31, 2019.

No Additional General Fund Impact Simple Majority Vote

C 8 Health and Human Services Agency-Regional Services

Approve and authorize the Chairman to sign an amendment to the agreement with Kaleidoscope Coffee Company, Inc., to increase compensation by \$150,000, for a new total not to exceed \$200,000 over the term of the agreement, to provide additional employment subsidy reimbursement, as the employer of record for additional eligible CalWORKs recipients, and extend the end date from March 31, 2018 to March 31, 2019.

No Additional General Fund Impact Simple Majority Vote

LAW AND JUSTICE

C 9 District Attorney

Take the following actions for the District Attorney's (DA) community prosecution program: (1) Adopt a salary resolution, effective February 4, 2018, which amends Shasta County's Position Allocation List for the DA to add 1.0 Full-Time Equivalent (FTE) Deputy District Attorney I/II/III and 1.0 FTE Legal Process Clerk I/II position in the DA budget; and (2) approve a budget amendment in the DA's budget to increase appropriations by \$56,250 and revenues by \$225,000 to support costs of the program.

No Additional General Fund Impact 4/5 Vote

C 10 Sheriff-Jail

Approve and authorize the Chairman to sign an evergreen agreement effective February 1, 2018, for no maximum compensation with Relias Learning, LLC in a minimum amount of \$10,118.25 annually (paid in advance semi-annually at half the total annual fee), with a one-time advance payment set-up fee of \$2,500 to provide a subscription service for online jail staff training that will meet state of California requirements.

No Additional General Fund Impact Simple Majority Vote

PUBLIC WORKS

C 11 Public Works

County Service Area No. 6-Jones Valley Water

On behalf of County Service Area (CSA) No. 6-Jones Valley Water, adopt a resolution which: (1) Repeals Resolution No. 2017-067 Suspending Operations of the CSA No. 6-Jones Valley Water Community Advisory Board (CAB); and (2) re-establishes the CSA No. 6-Jones Valley Water CAB.

No General Fund Impact

Simple Majority Vote

C 12 Public Works

Public Works-County Service Areas

Appoint property owners to two-year terms on their respective Community Advisory Boards for the various County Service Areas.

No General Fund Impact

Simple Majority Vote

C 13 Public Works

Take the following actions regarding the “Olinda Road Widening Cycle 5 Project,” Contract No. 702977: (1) Approve and authorize the Chairman to sign right-of-way contracts with: (a) PAC NF, LP for right-of-way (9.28 acres at \$14,000); and (b) Fahm Chow Saechao and Nai Pou Saechao for right-of-way (0.32 acres at \$3,500) plus a Federal Highway Administration signing incentive of \$1,000; (2) accept two Easement Deeds conveying the right-of-way parcels; and (3) approve and authorize the Chairman to sign a utility agreement with PG&E in an amount not to exceed \$21,108.75 to provide relocation of utilities.

No General Fund Impact

Simple Majority Vote

C 14 Public Works

Take the following actions regarding the “Gas Point Road Widening Project,” Contract No. 702976: (1) Find the project categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1-Existing Facilities; (2) approve and authorize the Chairman to sign right-of-way contracts with: (a) Dennis Huhtala and Arline Huhtala for right-of-way (0.09 acres at \$6,145) plus a Federal Highway Administration (FHWA) signing incentive of \$1,000; (b) Gretchen J. Lasater for right-of-way (0.26 acres at \$2,400) plus a FHWA signing incentive of \$1,000; (c) Suzanne Sargent for right-of-way (0.27 acres at \$9,900) plus a FHWA signing incentive of \$1,000; (d) Thomas Richards and Lisa Richards for right-of-way (0.02 acres at \$2,050) plus a FHWA signing incentive of \$1,000; and (e) Nancy Garber for right-of-way (0.66 acres at \$4,400) plus a FHWA signing incentive of \$1,000; and (3) accept five Easement Deeds conveying the right-of-way parcels.

No General Fund Impact

Simple Majority Vote

REGULAR CALENDAR, CONTINUED

GENERAL GOVERNMENT

R 3 Administrative Office

(1) Receive a legislative update and consider action on specific legislation related

to Shasta County's legislative platform; and (2) receive Supervisors' reports on countywide issues.

No General Fund Impact

No Vote

R 4 Support Services-Personnel

Take the following actions: (1) Adopt a resolution amending Chapter 39, Elected Department Head and Board of Supervisor Benefits, Section 39.4, Health Insurance Premiums reducing the County contribution to health care premiums for the Board of Supervisors during their terms of service commencing on January 7, 2019; and (2) introduce and waive the reading of An Ordinance of the Board of Supervisors of the County of Shasta Establishing Compensation for Members of the Board of Supervisors that establishes the employment benefits for the Board of Supervisors as those identified in the revised Chapter 39 of the Shasta County Personnel Rules that pertain to the Board of Supervisors as proposed.

General Fund Impact

Simple Majority Vote

SCHEDULED HEARINGS

A court challenge to action taken by the Board of Supervisors on any project or decision may be limited to only those issues raised during the public hearing or in written correspondence delivered to the Board of Supervisors during, or prior to, the scheduled public hearing.

GENERAL GOVERNMENT

R 5 Clerk of the Board

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-510-048 (Caserta); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 6 Clerk of the Board

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-610-005 (Fairhurst/Mitchell); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 7 Clerk of the Board

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-540-019 (Kotab); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 8 Clerk of the Board

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-510-043 (Martin); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 9 Clerk of the Board

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-510-039 (Ramirez); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 10 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-140-031 (Bellinger); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 11 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-150-010, (Carrico); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 12 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-080-010, (Carter); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 13 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-130-007 (Daniel); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 14 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-240-007 (Eilts); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) find that: (a) the residential user had actual knowledge of the requirements found to be violated; (b) the conduct was intentional; and (c) the amount of water was substantial; (5) impose, modify, or not impose the civil penalty; and (6) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 15 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-260-003 (Garcia); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 16 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-060-021 (Gardner); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 17 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-130-012 (Hale); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 18 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-110-030 (Hightower); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 19 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-100-039 (Jones); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 20 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-070-007 (Marx); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 21 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-090-008 (McArdle); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 22 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-100-028 (Merryman); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 23 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance

declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-050-006 (Michelle/Wilson); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 24 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-120-002 (Modica); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 25 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-060-033 (Moran); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 26 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-080-039 (Morrison); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 27 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation

program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-090-027 (Penland); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 28 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-100-035 (Snodgrass); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 29 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-030-003 (Stewart); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 30 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-040-016 (Tryan); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 31 **Clerk of the Board**

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No.

6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-120-003 (Weight); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

R 32 Clerk of the Board

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-120-042 (Wilson); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

General Fund Impact

Simple Majority Vote

NO CLOSED SESSION SCHEDULED

At the conclusion of the Closed Session, reportable action, if any, will be reported in Open Session.

RECESS

ADJOURN

REMINDERS

Date:	Time:	Event:	Location:
1/23/2018	9:00 a.m.	Board of Supervisors Meeting	Board Chambers
1/30/2018	9:00 a.m.	Board of Supervisors Meeting	Board Chambers
2/1/2018	2:00 p.m.	Airport Land Use Commission Meeting	Board Chambers
2/6/2018	8:30 a.m.	Air Pollution Control Board Meeting	Board Chambers
2/6/2018	9:00 a.m.	Board of Supervisors Meeting	Board Chambers
2/8/2018	2:00 p.m.	Planning Commission Meeting	Board Chambers
2/12/2018		HOLIDAY- OFFICES CLOSED	
2/13/2018		Board of Supervisors Meeting Canceled	
2/19/2018		HOLIDAY- OFFICES CLOSED	

2/20/2018		Board of Supervisors Meeting Canceled	
2/27/2018	9:00 a.m.	Board of Supervisors Meeting	Board Chambers

COMMUNICATIONS received by the Board of Supervisors are on file and available for review in the Clerk of the Board's Office.

The County of Shasta does not discriminate on the basis of disability in admission to, access to, or operation of its buildings, facilities, programs, services, or activities. The County does not discriminate on the basis of disability in its hiring or employment practices. Questions, complaints, or requests for additional information regarding the Americans with Disabilities Act (ADA) may be forwarded to the County's ADA Coordinator: Director of Support Services Angela Davis, County of Shasta, 1450 Court Street, Room 348, Redding, CA 96001-1676, Phone: (530) 225-5515, California Relay Service: (800) 735-2922, Fax: (530) 225-5345, E-mail: adacoordinator@co.shasta.ca.us. Individuals with disabilities who need auxiliary aids and/or services for effective communication in the County's programs and services are invited to make their needs and preferences known to the affected department or the ADA Coordinator. For aids or services needed for effective communication during Board of Supervisors meetings, please call Clerk of the Board (530) 225-5550 two business days before the meeting. This notice is available in accessible alternate formats from the affected department or the ADA Coordinator. Accommodations may include, but are not limited to, interpreters, assistive listening devices, accessible seating, or documentation in an alternate format.

The Board of Supervisors meetings are viewable on Shasta County's website at www.co.shasta.ca.us.

Public records which relate to any of the matters on this agenda (except Closed Session items), and which have been distributed to the members of the Board, are available for public inspection at the office of the Clerk of the Board of Supervisors, 1450 Court Street, Suite 308B, Redding, CA 96001-1673.

This document and other Board of Supervisors documents are available online at www.co.shasta.ca.us.

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: BOARD MATTERS-1.

SUBJECT:

Shasta County Employee Recognition Program January 2018 Employee of the Month.

DEPARTMENT: Board Matters

Supervisory District No. : All

DEPARTMENT CONTACT: Alene Eddy, Executive Assistant-Conf. 530-225-5120

STAFF REPORT APPROVED BY: Angela Davis, Director of Support Services

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Adopt a resolution which recognizes Shasta County Department of Public Works, Accounting Technician, Tina Carlin as Shasta County's Employee of the Month for January 2018.

SUMMARY

The Shasta County Employee Recognition Committee meets on a regular basis to screen nominees for the Employee of the Month Program. After reviewing nominations, the Employee Recognition Committee is recommending for Board recognition and approval, the Employee of the Month for January 2018.

DISCUSSION

Shasta County is fortunate to have many exemplary employees. On a daily basis, their dedication, integrity, creativity, and professionalism are called upon to maintain the high quality of local public services enjoyed by the citizens of Shasta County. Their jobs are becoming more challenging as public expectations of service and demands for increased efficiency escalate. In this environment, it is important that we recognize those employees who set the standard of excellence and dedication for the entire organization. Their contribution deserves the thanks and appreciation of the entire County family and the citizens of the community.

In this spirit, the Board is being asked to recognize the Employee of the Month who has been nominated by the Employee Recognition Committee. This nomination is based on a review of all nominations using the selection criteria provided for in the Employee Recognition Policy. It is the recommendation of the Employee Recognition Committee that Tina Carlin, Accounting Technician, Shasta County Department of Public Works, be recognized as the January 2018 Employee of the Month.

Ms. Carlin is the voice of the County Service Area (CSA) Division of Public Works. She handles all administrative aspects of the division and is the first point of contact when CSA customers call. There are over 2,000 accounts spread across nine CSA's. Ms. Carlin consistently addresses each customer's call with professionalism and quietly listens to every caller and

responds calmly, explaining details needed by the caller. Call volume has doubled due to increased activity in CSAs. Ms. Carlin has initiated changes to the billing structure, reminder notices, and ordinances that have improved billing time and comprehension of notices for customers. Ms. Carlin has been able to accomplish all her duties while answering the increased number of phone calls without management receiving one customer complaint.

Because of Ms. Carlin's outstanding customer service, professionalism, teamwork, and initiative/innovation she is a tremendous value to the Public Works Department, the County of Shasta, and the citizens of Shasta County.

ALTERNATIVES

No other alternatives are recommended.

OTHER AGENCY INVOLVEMENT

The Employees participating on the Employee Recognition Committee include: Jack Ball, Maintenance Supervisor; Ayla Tucker, Administrative Analyst I; Michael Conti, HHSA Program Manager; Mark Dudley, Correctional Officer-Deputy Sheriff; Captain Pat Kropholler, and Angela Davis, Director Support Services.

FINANCING

The cost of the Employee Recognition Program is nominal. There is no additional General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
Resolution for EOM January 2018	1/11/2018	Resolution for EOM January 2018

RESOLUTION NO. _____

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
RECOGNIZING TINA CARLIN, ACCOUNTING TECHNICIAN
OF SHASTA COUNTY'S DEPARTMENT OF PUBLIC WORKS,
AS JANUARY 2018 EMPLOYEE OF THE MONTH**

WHEREAS, the Shasta County Board of Supervisors has adopted the Shasta County Employee Recognition Program to identify exceptional employees who deserve to be recognized and honored for their contribution to County service; and

WHEREAS, such recognition is given to the employee meeting the criteria of the program, namely exceptional customer service, professionalism, high ethical standards, initiative, innovation, teamwork, productivity, and service as a role model for other public employees; and

WHEREAS, the Shasta County Employee Recognition Committee has considered all current nominations for the Shasta County Employee of the Month;

NOW, THEREFORE, BE IT RESOLVED that Tina Carlin, Accounting Technician, of Shasta County's Department of Public Works, is hereby named Shasta County Employee of the Month for January 2018; and

BE IT FURTHER RESOLVED that Ms. Carlin is the voice of the County Service Area (CSA) Division of Public Works. She handles all administrative aspects of the division and is the first point of contact when CSA customers call.

There are over 2,000 accounts spread across nine CSAs. Ms. Carlin consistently addresses each customer's call with professionalism and quietly listens to every caller and responds calmly, explaining details needed by the caller. Call volume has doubled due to increased activity in CSAs.

Ms. Carlin has initiated changes to the billing structure, reminder notices, and ordinances that have improved billing time and comprehension of notices for customers.

Ms. Carlin has been able to accomplish all her duties while answering the increased number of phone calls without management receiving one customer complaint.

DULY PASSED AND ADOPTED this 23rd day of January, 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta

State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: BOARD MATTERS-2.

SUBJECT:

Proclaim January 21-27, 2018 as "School Choice Week" in Shasta County.

DEPARTMENT: Board Matters

Supervisory District No. : All

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, 530-225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Adopt a proclamation which designates January 21-27, 2018 as "School Choice Week" in Shasta County (Supervisor Kehoe).

SUMMARY

N/A

DISCUSSION

N/A

ALTERNATIVES

N/A

OTHER AGENCY INVOLVEMENT

N/A

FINANCING

N/A

ATTACHMENTS:

Description	Upload Date	Description
School Choice Week Proclamation	1/18/2018	School Choice Week Proclamation

Shasta County Board of Supervisors Proclamation

School Choice Week
January 21 -27, 2018

WHEREAS, all children in Shasta County should have access to the highest quality education possible; and

WHEREAS, Shasta County recognizes the important role that an effective education plays in preparing all students in Shasta County to be successful adults; and

WHEREAS, quality education is critically important to the economic vitality of Shasta County; and

WHEREAS, Shasta County is home to a multitude of high quality public and nonpublic schools from which parents can choose for their children, in addition to families who educate their children in the home; and

WHEREAS, educational variety not only helps to diversify our economy, but also enhances the vibrancy of our community; and

WHEREAS Shasta County has many high-quality teaching professionals in all types of school settings who are committed to educating our children; and

WHEREAS, *School Choice Week* is celebrated across the country by millions of students, parents, educators, schools, and organizations to raise awareness of the need for effective educational options.

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Shasta hereby proclaims January 21-27, 2018 as *School Choice Week* in Shasta County.

Les Baugh, Chairman

January 23, 2018

Date

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - General Government-1.

SUBJECT:

Closing the County's CalPERS Employers Retiree Benefit Trust and moving the assets to the PARS Public Agencies Post-Retirement Health Care Plan trust.

DEPARTMENT: Auditor-Controller

Supervisory District No. : All

DEPARTMENT CONTACT: Brian Muir, Auditor-Controller, (530) 225-5541

STAFF REPORT APPROVED BY: Brian Muir, Auditor-Controller

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Adopt a resolution which: (1) Repeals Resolution No. 2008-139; and (2) authorizes the County Executive Officer and the County Auditor-Controller to close the CalPERS California Employers Retiree Benefit Trust and transfer the assets to the PARS Public Agencies Post-Retirement Health Care Plan.

SUMMARY

N/A

DISCUSSION

Combining the two Other Post Employment Benefit (OPEB) trusts will potentially create an increased rate of return and contribute to reducing the County's unfunded OPEB liability.

ALTERNATIVES

OTHER AGENCY INVOLVEMENT

The County Administrative Office has reviewed the recommendation.

FINANCING

There is no General Fund impact with adoption of the resolution.

ATTACHMENTS:

Description	Upload Date	Description
Resolution	1/10/2018	Resolution
OPEB Trust Memo	1/10/2018	OPEB Trust Memo
Resolution No. 2008-139	1/10/2018	Resolution No. 2008-139

RESOLUTION 2018-

**RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
COMBINING OTHER POST EMPLOYMENT BENEFIT (OPEB) TRUST FUNDS AND
REPEALING RESOLUTION NO. 2008-139**

WHEREAS, the Board of Supervisors Resolution No. 2008-139 authorized the establishment of two other post-employment benefit (OPEB) trusts and authorized the County Administrative Officer to execute trust agreements with CalPERS California Employers Retiree Benefit Trust and PARS Public Agencies Post-Retirement Health Care Plan; and

WHEREAS, review of earnings and administrative costs associated with the trusts shows that combining the trusts would result in lower administrative charges and potential additional return; and

NOW, THEREFORE, BE IT RESOLVED that the County Executive Officer and County Auditor-Controller are authorized to close the CalPERS California Employers Retiree Benefit Trust and transfer the balance to the PARS Public Agencies Post-Retirement Health Care Plan.

BE IT FURTHER RESOLVED that Resolution No. 2008-139 is hereby repealed.

DULY PASSED AND ADOPTED this xxxth day of xxxx 2018, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

MEMORANDUM

Shasta County Auditor-Controller's Office

Brian Muir, Auditor-Controller

To: Board of Supervisors

From: Brian Muir, Auditor-Controller

Subject: Combining OPEB Trusts

Date: January 5, 2018

In order to pre-fund Other Post Employment benefits (OPEB), the County has been contributing to two separate trusts since 2008 – the CalPERS California Employers Retiree Benefit Trust and the PARS Public Agencies Post-Retirement Health Care Plan. The trusts have total assets of around \$52 million, and both trusts are invested in a broad range of relatively conservative mutual funds. Over time the CalPERS trust has had greater earnings, but the PARS trust has been invested in a more conservative portfolio than the CalPERS trust portfolio. Although an exact comparison is not possible, below is a comparison if the PARS trust had been invested at a roughly equivalent risk level:

PARS Highmark Capital Appreciation	CalPERS CERBT Strategy 1
<i>24% Fixed Income</i>	<i>27% Fixed Income</i>
One Year	
14.07%	10.80%
Less fees (0.59%)	Less fees (0.10%)
Net 1-Year Return 13.48%	Net 1-Year Return 10.70%
Three Years	
7.54%	5.93%
Less fees (0.59%)	Less fees (0.10%)
Net 3-Year Return 6.95%	Net 1-Year Return 5.83%
Five Years	
9.56%	7.69%
Less fees (0.59%)	Less fees (0.10%)
Net 5-Year Return 8.97%	Net 5-Year Return 7.59%

Past earnings are no guarantee of future earnings, but PARS has historically produced better returns. In addition, if the County were to combine its OPEB trusts with PARS their fees would drop from 0.59% to 0.36% per year.

RESOLUTION NO. 2008 - 139

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
OF INTENT TO REFUND REVENUES FROM THE RISK MANAGEMENT FUND AND
CHARGE BACK FOR OTHER POST EMPLOYMENT BENEFIT (OPEB) EXPENSE TO
FUND AN APPROPRIATE IRREVOCABLE TRUST FUND FOR OPEB
AND REPEALING RESOLUTION NO. 2008-117**

WHEREAS, Shasta County operates a self insured Liability program and a self insured Workers' Compensation program in the Risk Management Fund; and

WHEREAS, these programs have excess retained earnings and the County has an identified obligation for Other Post Employment Benefits (OPEB); and

WHEREAS, the Liability program funds and the Workers' Compensation funds were collected over time by the same method from the same customer base as OPEB would be collected; and

WHEREAS, the Board of Supervisors on December 18, 2007, approved the use of \$2,875,000 of Liability and Workers' Compensation exposure revenues from the Risk Management Fund 00202 to prefund the County's OPEB liability in an appropriate irrevocable trust fund to fund OPEB; and

WHEREAS, the Auditor-Controller has received a favorable opinion from the State Controller that OPEB is an allowable expense in accordance with OMB Circular A-133; and

WHEREAS, the Auditor-Controller has received a favorable opinion from the State Controller that excess retained earnings in the self-insured Plans may be utilized to prefund the OPEB liability by applying a refund to departments based on their percent of payroll and then implementing a charge-back for the OPEB expense as these funds were collected as a percentage of payroll for an employee benefit, and their use for OPEB is also an employee benefit; and

WHEREAS, an OPEB working group composed of the County Administrative Officer, Administrative Fiscal Chief, Auditor-Controller, Treasurer-Tax Collector, and Director of Support Services is recommending the County diversify its OPEB prefunding with an initial investment of \$6 million with CalPERS California Employers Retiree Benefit Trust and \$6 million with PARS Public Agencies Post-Retirement Health Care Plan Trust;

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors reaffirms that net \$2,875,000 of Liability and Workers' Compensation exposure revenues from Risk Management Fund 00202 is identified to be used to prefund an appropriate irrevocable trust fund for OPEB liabilities; and

BE IT FURTHER RESOLVED that additional excess retained earnings in the self-insured Plans in the amount of \$9.125 million, for a new total of \$12 million, which sum includes the above \$2,875,000, may be utilized in the manner approved by the State Controller to prefund OPEB liabilities; and

RESOLUTION NO. 2008 – 139
Page 2 of 2

BE IT FURTHER RESOLVED that the Auditor-Controller is authorized to process the necessary refund and recharge and transfer the funds to an appropriate Trust pending execution of the Shasta County Irrevocable OPEB Trust Funds; and

BE IT FURTHER RESOLVED that the Board of Supervisors authorizes the County Administrative Officer to establish two irrevocable trusts for prefunding other post employment benefits other than pension (OPEB), and to execute agreements with CalPERS California Employers Retiree Benefit Trust and PARS Public Agencies Post-Retirement Health Care Plan; and


BE IT FURTHER RESOLVED that the Auditor-Controller is authorized to transfer \$6 million into each irrevocable OPEB trust fund upon the execution of the Trust agreements; and

BE IT FURTHER RESOLVED that the above action shall be effective on and after the 18th day of November, 2008.

BE IT FURTHER RESOLVED that Resolution No. 2008-117 is hereby repealed.

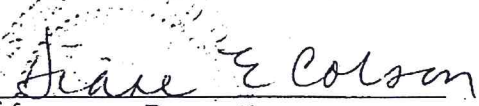
DULY PASSED AND ADOPTED this 18th day of November, 2008, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Hawes, Baugh, Kehoe, Cibula, and Hartman
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None


LINDA HARTMAN CHAIRMAN
Board of Supervisors
County of Shasta, State of California

ATTEST:

Lawrence G. Lees
Clerk of the Board of Supervisors

By 
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - General Government-2.

SUBJECT:

1/9 Draft Minutes

DEPARTMENT: Clerk of the Board

Supervisory District No. : ALL

DEPARTMENT CONTACT: Courtney Mathews, Deputy Clerk of the Board, 530-225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Approve the minutes of the meeting held on January 9, 2018, as submitted.

SUMMARY

n/a

DISCUSSION

n/a

ALTERNATIVES

n/a

OTHER AGENCY INVOLVEMENT

n/a

FINANCING

There is no General Fund impact associated with this action.

ATTACHMENTS:

Description	Upload Date	Description
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SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, January 9, 2018

REGULAR MEETING

9:01 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 - Trisha Boss
County Executive Officer Executive Assistant - Jenn Duval

INVOCATION

Invocation was given by Chaplain Jeff Jones.

PLEDGE OF ALLEGIANCE

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

REGULAR CALENDAR

BOARD MATTERS

ELECTION OF 2017 CHAIRMAN AND VICE-CHAIRMAN

By motion made, seconded (Morgan/Rickert), and unanimously carried, the Board of Supervisors elected Supervisor Baugh to the position of 2018 Chairman.

By motion made, seconded (Baugh/Rickert), and unanimously carried, the Board of Supervisors elected Supervisor Moty to the position of 2018 Vice-Chairman.

9:04 a.m.: The Board of Supervisors recessed.

9:05 a.m.: The Board of Supervisors reconvened.

PRESENTATIONS

2017 EMPLOYEE OF THE YEAR

SHASTA COUNTY SHERIFF DEPUTY KODY BODNER **RESOLUTION 2018-001**

BOARD OF SUPERVISORS REGULAR MEETING - January 23, 2018
At the recommendation of the Employee Recognition Committee and by motion made, seconded (Kehoe/Moty), and unanimously carried, the Board of Supervisors adopted Resolution 2018-001, which recognizes Shasta County Sheriff's Office, Deputy Kody Bodner, as Shasta County's Employee of the Year for 2017.

(See Resolution Book No. 60)

PUBLIC COMMENT PERIOD - OPEN TIME

Nick Gardner spoke regarding storm drains.

CONSENT CALENDAR

By motion made, seconded (Kehoe/Morgan), 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 Certification Statement for the State Department of Education which appoints and reappoints members to the Shasta County Local Child Care Planning Council for the period January 1, 2018 through December 31, 2018. (Administrative Office)

Approved and authorized the Chairman to sign a retroactive amendment, effective January 1, 2018, to the conflict indigent defense services agreement with Aaron Williams to recognize new corporation status, retaining the term January 1, 2018 through December 31, 2022. (Administrative Office)

Received information regarding the Final Review of the Assessor-Recorder's Social Security Redaction/Truncation Program. (Auditor-Controller)

Approved and authorized the Chairman or his/her designee to sign the County Claims list when Board of Supervisors meetings are canceled during the year 2018. (Clerk of the Board)

Approved the minutes of the meeting held on December 12, 2017 as submitted. (Clerk of the Board)

Took the following actions: appoint Supervisor Les Baugh as the Member and Supervisor Mary Rickert as the Alternate to the Golden State Finance Authority (GSFA) Board of Directors for 2018; and approved and authorized the Chairman to sign the designation form for the GSFA. (Clerk of the Board)

Appointed Supervisor Morgan as a County Representative to the Planning and Service Area (PSA) 2 Area Agency on Aging-Executive Board. (Clerk of the Board)

Approved and authorized the Chairman to sign a renewal agreement with Lilliput Children's Services in an amount not to exceed \$63,000 per fiscal year to provide resource family retention, training and recruitment events and conferences for the period date of signing through June 30, 2018, with two automatic one-year renewals. (Health and Human Services Agency-Children's Services)

Appointed Toni Donovan and Kristen Lyons (general members) to the Public Health Advisory Board to terms to expire March 31, 2019. (Health and Human Services Agency-Public Health)

Adopted Resolution 2018-002 which: repeals Resolution No. 2017-044; and appoints the following individuals to the Juvenile Justice Coordinating Council in accordance with Welfare & Institutions Code Section 749.22 (new or revised members are italicized): Tracie Neal, Chief Probation Officer; Tom Bosenko, Shasta County Sheriff's Office; Stephanie Bridgett, Shasta County District Attorney's Office; *Margaret Huscher, Shasta County Public Defender's Office;* *Steve Morgan, Shasta County Board of Supervisors;* *Vacant, Shasta County Superior Court;* *Judy Flores, Shasta County Office of Education;* Steve MacFarland, Shasta County Juvenile Justice Commission; *Roger Moore, Redding Police Department;* Rocky Harpham, Anderson Police Department; Donnell Ewert, Shasta County Social Services; Dianna Wagner, Shasta County Mental Health; Linda Ram, Child Abuse Prevention Coordinating Council; Susan Wilson, Youth Violence Prevention Council; Tom Wright, Wright Education, Inc. (Probation)
(See Resolution Book No. 60)

Took the following actions: awarded the purchase of two pickup trucks to Downtown Ford Sales of Sacramento, California for a total price of \$73,602.76 (including tax and delivery) under the California Multiple Award Schedules (CMAS) State Contract # 1-16-23-20A; and approved and authorized the purchase of the pickup trucks under the CMAS state contract. (Public Works)

Approved a budget amendment increasing appropriations and revenue by \$4,944 in the Beagle Street Permanent Road Division Administration budget for operations. (Public Works)

Approved a budget amendment increasing appropriations and revenue by \$7,930 in the Oak Tree Lane Permanent Road Division Administration budget for operations. (Public Works)

Approved and authorized the Auditor-Controller to pay a retroactive step increase to a Resource Management employee due to the evaluation being completed more than six months after the due date. (Resource Management)

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 Shasta Regional Transportation Agency (SRTA) meeting.

Supervisor Kehoe recently attended a Mental Health, Alcohol, and Drug Advisory Board meeting.

Supervisor Moty recently attended SRTA, Sacramento River Forum, County Medical Services Program Governing Board, and California State Association of Counties (CSAC) meetings.

Supervisor Rickert recently attended SRTA and Sustainable Forest Action Coalition meetings.

Supervisors reported on issues of countywide interest.

SCHEDULED HEARINGS

HEALTH AND HUMAN SERVICES

WHOLE PERSON CARE (WPC) GRANT PILOT PROGRAM

AGREEMENTS: HILL COUNTRY COMMUNITY CLINIC AND SHASTA COMMUNITY HEALTH CENTER

BOARD OF SUPERVISORS REGULAR MEETING - January 23, 2018

In response to questions by Supervisor Kehoe, Health and Human Services Agency Adult Services Branch Director Dean True reported individuals that make “numerous visits” is defined by two emergency visits within the last two months, and stated a goal and local benefit is to relieve emergency rooms by enrolling Medi-Cal beneficiaries with “numerous visits” in the Whole Person Care Program.

In response to questions by Supervisor Rickert, Mr. True advised savings are difficult to measure in Shasta County compared to other counties with public hospitals and that currently the WPC Program focuses on improving quality of life, housing, and regular physical health care.

Hill Country Clinic Executive Director Lynn Dorroh reported on the WPC Program and requested recommendations for people to assist with those enrolled in the program.

At the recommendation of Health and Human Services Agency Adult Services Branch Director Dean True by motion made, seconded (Kehoe/Rickert), and unanimously carried, the Board of Supervisors took the following actions regarding the Whole Person Care (WPC) Grant Pilot Program for the period January 1, 2017 through December 31, 2020: approved and authorized the Chairman to sign retroactive agreements for intensive medical case management teams with: Hill Country Community Clinic in an amount not to exceed \$2,405,950; and Shasta Community Health Center in an amount not to exceed \$2,372,349. (Health and Human Services Agency – Adult Services)

CLOSED SESSION ANNOUNCEMENT

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

Conferred with legal counsel to discuss one case of anticipated litigation, pursuant to Government Code section 54956.9, subdivision (d), paragraph (2) [significant exposure] (December 14, 2017 Letter from Legal Services Northern California.)

Conferred with legal counsel to discuss one case of anticipated litigation pursuant to Government Code section 54956.9, subdivision (d), paragraph (4) [initiation of litigation].

Conferred with legal counsel to discuss existing litigation entitled Jesus Calvillo v. County of Shasta, pursuant to Government Code section 54956.9, subdivision (d), paragraph (1).

10:05 a.m.: The Board of Supervisors recessed to Closed Session.

11:16 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 E. Cruse, Jr. present.

REPORT OF CLOSED SESSION ACTIONS

County Counsel Rubin E. Cruse, Jr. reported that the Board of Supervisors met in Closed Session to discuss anticipated litigation and existing litigation; reportable action was taken:

In the matter of Jesus Calvillo v. County of Shasta, et al., a case involving alleged deprivation of civil rights, the Board of Supervisors, by a 5-0 vote, gave approval to legal counsel to defend the action and to assign the defense of the case to Gary Brickwood.

BOARD OF SUPERVISORS REGULAR MEETING - January 23, 2018

There was no other reportable action.

11:18 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - General Government-3.

SUBJECT:

Revenue Grant Agreement with State of California for Help America Vote Act Polling Place Accessibility Training Program

DEPARTMENT: County Clerk/Registrar of Voters

Supervisory District No. : All

DEPARTMENT CONTACT: Jamie Hannigan, Assistant County Clerk/Registrar of Voters, 530-225-5730

STAFF REPORT APPROVED BY: Jamie Hannigan, Assistant County Clerk/Registrar of Voters

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Adopt a resolution which: (1) Accepts a state of California grant for the Help America Vote Act of 2002 (HAVA) Polling Place Accessibility Training Program in an amount not to exceed \$20,000 to provide polling place accessibility activities for the period December 1, 2017 through June 30, 2019; and (2) authorizes the County Executive Officer to sign the grant agreement, amendments to the agreement in an amount not to exceed \$20,000, including retroactive, the Contractor's Certification Clauses (CCC 04/2017) form, and any documents required by the state and/or federal government to comply with the grant agreement requirements, so long as they otherwise comply with Administrative Policy 6-101, *Shasta County Contracts Manual*.

SUMMARY

Shasta County has been awarded \$20,000 in HAVA grant funds from the California Secretary of State for activities related to the improvement of the administration of elections related to polling place accessibility.

DISCUSSION

Section 261 of HAVA provides that funds be made available to states to facilitate making polling places accessible to individuals with disabilities. This grant is a pass through of federal funds to the County through the California Secretary of State.

Grant funds will be used for activities associated with making polling places in Shasta County accessible to individuals with disabilities and enhance their access and participation in elections. Grant funds could provide for staff training, the purchase of

tools to perform required disability access surveys of polling places, the acquisition of the necessary mitigation equipment, and the acquisition and deployment of a remote accessible vote by mail system.

ALTERNATIVES

The alternative to adopting this resolution and authorizing the execution of the agreement would be to direct the Department not to accept the grant funding. This is not recommended as the funding helps to increase polling place accessibility for individuals with disabilities.

OTHER AGENCY INVOLVEMENT

County Counsel has approved the agreement as to form. Risk Management has reviewed the agreement. The County Administrative Office has reviewed the recommendation.

FINANCING

The grant agreement is federal HAVA funds distributed on a reimbursement basis by the California Secretary of State's office. The revenue and associated appropriations were included in the Department's 2017-18 Fiscal Year Adopted Budget. There is no additional General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
2018 HAVA Agreement	1/11/2018	2018 HAVA Agreement
2018 HAVA Resolution	1/17/2018	2018 HAVA Resolution

STATE OF CALIFORNIA
STANDARD AGREEMENT

STD 213 (Rev 06/03)

AGREEMENT NUMBER
17G26152

REGISTRATION NUMBER

1. This Agreement is entered into between the State Agency and the Contractor named below:

STATE AGENCY'S NAME
Secretary of StateCONTRACTOR'S NAME
Shasta County

2. The term of this Agreement is: December 1, 2017 or upon approval by Dept. of General Services, if required, whichever is later
- through**
- June 30, 2019



3. The maximum amount of this Agreement is:
- \$20,000.00**
-
- Twenty thousand dollars and zero cents**

4. The parties agree to comply with the terms and conditions of the following exhibits which are by this reference made a part of the Agreement.

Exhibit A – Scope of Work	4 pages
Exhibit A-1 – Polling Place Accessibility Surveyor Training Schedule	1 page
Exhibit B – Budget Detail and Payment Provisions	3 pages
Exhibit C* – General Terms and Conditions	GTC-04/2017
Check mark one item below as Exhibit D:	
<input checked="" type="checkbox"/> Exhibit - D Special Terms and Conditions (Attached hereto as part of this agreement)	3 pages
<input type="checkbox"/> Exhibit - D* Special Terms and Conditions	
Exhibit E – Additional Provisions	2 pages
Exhibit F – County Resolution	1 Page(s)
Exhibit G – Contractor HAVA Activity Report	1 page

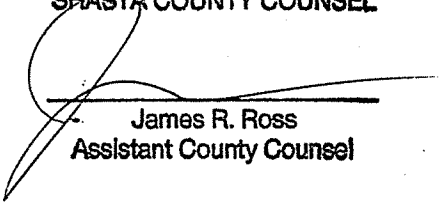
Items shown with an Asterisk (*), are hereby incorporated by reference and made part of this agreement as if attached hereto.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto.

CONTRACTOR		California Department of General Services Use Only
CONTRACTOR'S NAME (if other than an individual, state whether a corporation. Shasta County		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Lawrence G. Lees, County Executive Officer		
ADDRESS P.O. Box 990880 Redding, CA 96099-0880		
STATE OF CALIFORNIA		
AGENCY NAME Secretary of State		
BY (Authorized Signature) 	DATE SIGNED (Do not type)	
PRINTED NAME AND TITLE OF PERSON SIGNING Shannon Kauffman, Business Operations Manager		
ADDRESS 1500 11th Street, Sacramento, CA 95814		

☒ Exempt per: GC 14616

APPROVED AS TO FORM
SHASTA COUNTY COUNSEL



James R. Ross
Assistant County Counsel

RISK MANAGEMENT APPROVAL

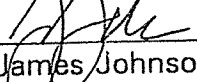
BY: 
James Johnson
Risk Management Analyst

EXHIBIT A
(Standard Agreement)

SCOPE OF WORK

A. NAME OF PROGRAM

This program shall be known as "HAVA Polling Place Accessibility Training Program."

B. PURPOSE OF AGREEMENT

The purpose of this Agreement is to provide the County of **Shasta** ("County") with federal reimbursement funds ("HAVA funds"), CFDA Number 90.401, administered by the U. S. Elections Administration Commission (EAC) to comply with the requirements of HAVA Section 251(b)(2)(A) for the "improvement of the administration of elections", subject to the provisions of this Agreement and all requirements of state and federal law, regulations and procedures. The provisions of this Agreement are to be interpreted to further this purpose

1. The program representatives during the term of Agreement will be:

For County: Cathy Darling-Allen (530) 225-5166

For State: Kathy Chaney (916) 695-1657

C. USES OF FUNDS

1. General Uses

Provided that the County has at least one County employee or agent attend one of the regional training sessions sponsored by the Secretary of State as noted in Exhibit A-1, any funds received pursuant to this program shall be used by County only for one or more of the following purposes, except as otherwise provided below:

- 1) Reimbursement for travel expenses incurred after December 1, 2017, for staff to attend one of the Secretary of State trainings.
- 2) Reimbursement for staff salaries and benefits incurred after December 1, 2017, for accessibility surveys of polling places or for training staff to survey polling places.
- 3) Reimbursement for other expenses as provided below incurred after December 1, 2017, to make polling places, including the path of travel, entrances, exits, and voting areas of each polling facility, accessible to individuals with the full range of disabilities that enhance access and participation of individuals with the full range of disabilities in elections for Federal and State office, and to provide the same opportunity for access and participation (including privacy and independence) to individuals with the full range of disabilities as for other voters. For these purposes, items included on the following lists are presumed to be reimbursable, provided that their intended use is consistent with the General Uses set forth above. The county may perform activities identified as approved for reimbursement, or may contract for the performance of the activities. The Secretary of State shall be the sole determiner of whether an expenditure is consistent with the General Uses as set forth above. The Secretary of State will reimburse for the following items or activities, including taxes on purchased goods:
- 4) Reimbursement for costs associated with the acquisition or deployment of remote accessible vote by mail system, which allows a voter with a disability to receive a blank ballot to mark electronically, print, and then cast by returning the printed ballot to the elections office.
- 5) Reimbursement for funds expended after December 1, 2017, assessment supplies or equipment and supplies as needed, including any of the items listed below:

**EXHIBIT A
(Standard Agreement)**

a. Assessing Accessibility

- 1) Tools to measure slope;
- 2) Tools to measure width, turning area, etc;
- 3) Calculators;
- 4) Survey kits;
- 5) Clipboards;
- 6) Tape measures;
- 7) Polling Place Inspectors/Surveyors;
- 8) Cameras;
- 9) Door pressure gauges;
- 10) Tablets used for conducting surveys¹.

b. Equipment and Activities to Improve Physical Accessibility

- 1) New accessible voting booths;
- 2) Retrofitting voting booths;
- 3) Tools or equipment to modify voting booths;
- 4) Retrofitting polling places for public buildings only, which must be a regularly used polling place;
- 5) Adapter "kits" or other materials to make a voting station accessible;
- 6) Signage (parking, directional, entrance, etc.);
- 7) Accessible tables;
- 8) Chairs (for seated voting);
- 9) Supports for accessibility signage;
- 10) Devices/Systems to alert poll workers that a voter is at the curb, door, or otherwise needs assistance;
- 11) Doorstops;
- 12) Lighting;
- 13) Low-vision pens;
- 14) Magnifying devices;
- 15) Mats or other materials to make the path of travel accessible;
- 16) Pen grips;
- 17) Temporary ramps (if wheel guides are not included, wheel guides may be purchased separately);
- 18) Temporary handrails;
- 19) Permanent handrails;
- 20) Threshold covers or mats;
- 21) Traffic cones or other materials to make parking temporarily accessible for voting;
- 22) Wedges;
- 23) Equipment for CD/DVD duplication;
- 24) Accessibility web site development costs;
- 25) Improving accessibility of web site.

c. Training Materials and Programs

- 1) Development, production, translation, and transcription into Braille of manuals, programs, posters, brochures, and other printed materials for training of poll workers or polling place inspectors;
- 2) Development, production, translation of video/DVD training materials;

¹ If the county proposes to use funds for this purpose, pre-approval by the Secretary of State is required. Further, county must adhere to requirements set forth in Exhibit E.

EXHIBIT A
(Standard Agreement)

- 3) Equipment necessary to use videos/DVDs in training of poll workers or polling place inspectors;
- 4) Stipends to compensate a trainer to train county poll worker trainers on issues specific to accessibility;
- 5) Poll worker training that is specific to accessibility and in addition to pre-existing training, or a modification/improvement of pre-existing training;
- 6) Disability or accessibility experts to make presentations at poll worker trainings.

d. Educational and Informational Materials

- 1) Development, production, translation, and transcription into Braille or into audio or CD/DVD format, of printed materials to educate or inform voters concerning polling place and voting accessibility;
- 2) Public advertising of information on accessibility of polling places and voting;
- 3) Mailers to disseminate information on services for persons with disabilities;
- 4) Translation of existing materials related to accessibility into required languages;
- 5) Reformatting and re-printing materials into "large-type";
- 6) Readability analysis to simplify informational or instructional materials;
- 7) Development of accessibility materials for county web site, or construction of a county web site for the purpose of providing information to the public on accessibility, if one does not already exist or making a current site accessible.

Items Presumed to not be reimbursable:

The following is a partial list of items presumed to not be reimbursable and not inclusive of all items that are not reimbursable. The list is provided only for the purpose of providing guidance. The Secretary of State shall be the sole determiner of whether or not an expenditure is reimbursable.

- 1) Administrative costs;
- 2) Batteries;
- 3) Blackberries/Smartphones (hand held computers);
- 4) Braille business cards;
- 5) Cable TV;
- 6) Cassette players;
- 7) Cassette tapes (except those used for voter education);
- 8) Catering;
- 9) Computers;
- 10) Other office equipment, including but not limited to fax machines and copiers, unless prior approval has been obtained from the granting agency;
- 11) Office supplies, including but not limited to paper, pens and post-it notes;
- 12) Concrete paving for parking lots and spaces;
- 13) Concrete ramps;
- 14) DREs /other voting equipment (can be purchased with other HAVA funds);
- 15) Emergency exit signs;
- 16) Facility rental;
- 17) Permanent modifications or improvements to private or non-governmental structures, including, but not limited to private residences and places of worship;
- 18) Food;
- 19) Gas (except travel reimbursements²);

² Travel reimbursements for: election officials performing accessibility assessments; consultants advising election officials on accessibility issues, poll worker training, or voter education; or trainers conducting poll worker training, voter education, or outreach activities.

EXHIBIT A
(Standard Agreement)

- 20) Gift bags, pins, buttons, shirts or other promotional items for poll workers, voters or County staff;
- 21) Invitations;
- 22) Laptops;
- 23) Tablet computers unless prior approval as a survey tool has been obtained from the granting agency;
- 23) Light bulbs;
- 24) Modifications to mobile voter education vehicle, unless that vehicle is used as a polling place;
- 25) Parking fees (except travel reimbursements for purposes listed in footnote 2)
- 26) Parking lot improvements;
- 27) Photographers;
- 28) Scanners;
- 29) Staff salaries of County employees not conducting one of the activities allowable;
- 30) Trailers;
- 31) Transportation to polling site;
- 32) Vehicles – purchase, rental, or operating expenses (except rental vehicles used for purposes listed in footnote 2)

If you have any questions about this polling place accessibility training grant, please feel free to contact Kathy Chaney at (916) 695-1657 or kchaney@sos.ca.gov.

Exhibit A-1**Polling Place Accessibility Surveyor Training Schedule****Southern Area Training**

Hosted by: Los Angeles County

Location: Election Operations Center, 12680 Corral Pl., Santa Fe Springs, CA 90670

Dates	Times	Class	
		Standard	Intermediate
January 23, 2018	9:00 am - 4:00 pm		
January 24, 2018	8:00 am - 12:00 pm		
January 24, 2018	1:00 pm - 5:00 pm		
January 25, 2018	8:00 am - 12:00 pm		
January 25, 2018	1:00 pm - 5:00 pm		
February 6, 2018	9:00 am - 4:00 pm		
February 7, 2018	8:00 am - 12:00 pm		

Northern Area Training

Hosted by: Secretary of State - First Floor Multipurpose Room

Location: Secretary of State, 1500 11th Street, Sacramento, CA 95814

Dates	Times	Class	
		Standard	Intermediate
January 10, 2018	9:00 am - 4:00 pm		
January 11, 2018	8:00 am - 12:00 pm		
January 17, 2018	9:00 am - 4:00 pm		
January 18, 2018	8:00 am - 12:00 pm		
January 31, 2018	9:00 am - 4:00 pm		
February 1, 2018	8:00 am - 12:00 pm		

If you have any questions about the training program or contract, please feel free to contact Kathryn (KC) Chaney at (916) 695-1657 or kchaney@sos.ca.gov.

EXHIBIT B
(Standard Agreement)

BUDGET DETAIL AND PAYMENT PROVISIONS

1. Invoicing and Payment

- A. For services satisfactorily rendered, and upon receipt and approval of the invoices submitted with supporting documentation, the State agrees to compensate the Contractor for actual expenditures incurred in accordance with the rates specified herein, which is attached hereto and made a part of this Agreement.
- B. Invoices shall include the Agreement Number and shall be submitted in triplicate not more frequently than monthly in arrears to:

Office of Secretary of State
Attention: Accounts Payable
P.O. Box 944260
Sacramento, CA 94244-2600

2. Budget Contingency Clause

- A. It is mutually agreed that if the Budget Act, or a HAVA Spending Plan or Spending Plan amendment, of the current year and/or subsequent years covered under this Agreement does not appropriate sufficient funds for the program, this Agreement shall be of no further force and effect. In this event, the State shall have no liability to pay any funds whatsoever to Contractor or to furnish any other considerations under this Agreement and Contractor shall not be obligated to perform any provisions of this Agreement.
- B. If funding for any fiscal year is reduced or deleted by the Budget Act, or by a HAVA Spending Plan or Spending Plan amendment, for purposes of this program, the State shall have the option to either cancel the Agreement with no liability occurring to the State, or offer an agreement amendment to Contractor to reflect the reduced amount.

3. Federal Funds

- A. It is mutually understood between the parties that this contract may have been written for the mutual benefit of both parties before ascertaining the availability of congressional appropriation of funds, to avoid program and fiscal delays that would occur if the contract were executed after that determination was made.
- B. This contract is valid and enforceable only if the United State Government for the fiscal years 2017/18 and 2018/19 for the purpose of this program makes sufficient funds available to the state. In addition, this contract is subject to any additional restrictions, limitations, or conditions enacted by the Congress or to any statute enacted by the Congress that may affect the provisions, terms, or funding of this contract in any manner.
- C. The parties mutually agree that if the Congress does not appropriate sufficient funds for the program, this contract shall be amended to reflect any reduction in funds.
- D. The department has the option to **invalidate** the contract under the 30-day cancellation clause or to amend the contract to reflect any reduction in funds.

**EXHIBIT B
(Standard Agreement)**

4. Prompt Payment Clause

Payment will be made in accordance with, and within the time specified in Government Code Chapter 4.5, commencing with Section 927.

5. Maximum Amount of HAVA Funds to be Provided to County Under this Program

County shall not receive, pursuant to Agreement, more than **\$20,000.00**.

6. Failure to Properly Claim Maximum Amount of HAVA Funds

Notwithstanding any provision of Agreement, County shall be entitled to receive only those amounts for fully supported and appropriate claims which are properly submitted, pursuant to the provisions of Agreement and all applicable state and federal laws, regulations, and procedures.

7. Basis of Claims

Subject to the provisions related to the applicability of OMB Circular A-87, all claims for HAVA funds under this program must be based on invoices submitted by County. All invoices or agreements that are the subject of any claims must relate directly to expenditures authorized pursuant to Paragraph C ('Uses of Funds') of Exhibit A 'Scope of Work'.

8. Processing of Claims

The Secretary of State shall establish the criteria and processes for submitting claims under this program. Such criteria shall include requirements that all claims:

- (1) Contain a face sheet that summarizes each expenditure made by the categories set forth in Paragraph C of Exhibit A 'Scope of Work';
- (2) Include the total amount of the claim;
- (3) Include the agreement number on the face sheet;
- (4) Identify whether additional claims are expected to be submitted;
- (5) Include the hourly charge of any contractor for which a claim is made for their time;
- (6) Include the hourly wage or monthly salary of any employee for which a claim is made for their salaries;
- (7) Include signed Contractor HAVA Activity Reports, please see sample which is Exhibit G, for each employee and contractor's employee for whom reimbursement for time is being claimed. (Vendors who receive payment from HAVA funds are required to submit timesheets for any work paid for as time and materials); and
- (8) Include a copy of the contract with the contractor if the contractor's invoice does not describe the activities undertaken in such a manner that the State can determine whether the activities comply with the provisions of this Agreement.

EXHIBIT B
(Standard Agreement)

9. Application of OMB Circular A-87

OMB Circular A-87 ("Cost Principles for State, Local and Indian Tribal Governments"), incorporated herein by reference, to the extent applicable, shall govern with respect to all aspects of this program. The provisions of OMB Circular A-87 may be found at <http://www.whitehouse.gov/omb/circulars>.

10. Deadline for Processing Claims

The Secretary of State shall advise the County of the status of the claim processing within 30 (thirty) days of receipt of the claim.

11. Payments of Claims

Payments made by the State with respect to any claim shall be sent directly by the State Controller's office to the County.

12. Deadline for Submitting Claims

The deadline for submitting any claim under this program is 60 days after the expiration date of this agreement August 29, 2019.

13. Multiple Claims

County can submit multiple claims for HAVA funds authorized above, within the aggregate limit established for County.

14. Documentation to be Submitted

Each claim shall include a cover page that identifies the activity or service in Exhibit A and the dollar amount associated with each activity or service for which funds are being sought. Each claim shall also include originals or true copies of all invoices, agreements, or other documentation that support the claim, including all documentation required by OMB Circular A-87. The provisions of OMB Circular A-87 may be found at <http://www.whitehouse.gov/omb/circulars>.

15. Order of Processing

Claims shall be processed by the Secretary of State in order of receipt.

16. Work Outside of The Scope of Work

Contractors are not permitted to perform work, or be paid for work, outside the documented scope of work. Changes to the scope of work must be approved before work is undertaken, and payment is made for any activities outside of the scope of work

EXHIBIT C
(Standard Agreement)

GENERAL TERMS AND CONDITIONS

PLEASE NOTE: This page will not be included with the final agreement. The General Terms and Conditions will be included in the agreement by reference to Internet site:

<http://www.dgs.ca.gov/ols/Resources/StandardContractLanguage.aspx>

GTC 04/2017

EXHIBIT C

GENERAL TERMS AND CONDITIONS

1. APPROVAL: This Agreement is of no force or effect until signed by both parties and approved by the Department of General Services, if required. Contractor may not commence performance until such approval has been obtained.
2. AMENDMENT: No amendment or variation of the terms of this Agreement shall be valid unless made in writing, signed by the parties and approved as required. No oral understanding or Agreement not incorporated in the Agreement is binding on any of the parties.
3. ASSIGNMENT: This Agreement is not assignable by the Contractor, either in whole or in part, without the consent of the State in the form of a formal written amendment.
4. AUDIT: Contractor agrees that the awarding department, the Department of General Services, the Bureau of State Audits, or their designated representative shall have the right to review and to copy any records and supporting documentation pertaining to the performance of this Agreement. Contractor agrees to maintain such records for possible audit for a minimum of three (3) years after final payment, unless a longer period of records retention is stipulated. Contractor agrees to allow the auditor(s) access to such records during normal business hours and to allow interviews of any employees who might reasonably have information related to such records. Further, Contractor agrees to include a similar right of the State to audit records and interview staff in any subcontract related to performance of this Agreement. (Gov. Code §8546.7, Pub. Contract Code §10115 et seq., CCR Title 2, Section 1896).
5. INDEMNIFICATION: Contractor agrees to indemnify, defend and save harmless the State, its officers, agents and employees from any and all claims and losses accruing or resulting to any and all contractors, subcontractors, suppliers, laborers, and any other person, firm or corporation furnishing or supplying work services, materials, or supplies in connection with the performance of this Agreement, and from any and all claims and losses accruing or resulting to any person, firm or corporation who may be injured or damaged by Contractor in the performance of this Agreement.
6. DISPUTES: Contractor shall continue with the responsibilities under this Agreement during any dispute.
7. TERMINATION FOR CAUSE: The State may terminate this Agreement and be relieved of any payments should the Contractor fail to perform the requirements of this Agreement at the time and in the manner herein provided. In the event of such termination the State may proceed with the work in any manner deemed proper by the State. All costs to the State shall be deducted from any sum due the Contractor under this Agreement and the balance, if any, shall be paid to the Contractor upon demand.

8. INDEPENDENT CONTRACTOR: Contractor, and the agents and employees of Contractor, in the performance of this Agreement, shall act in an independent capacity and not as officers or employees or agents of the State.

9. RECYCLING CERTIFICATION: The Contractor shall certify in writing under penalty of perjury, the minimum, if not exact, percentage of post consumer material as defined in the Public Contract Code Section 12200, in products, materials, goods, or supplies offered or sold to the State regardless of whether the product meets the requirements of Public Contract Code Section 12209. With respect to printer or duplication cartridges that comply with the requirements of Section 12156(e), the certification required by this subdivision shall specify that the cartridges so comply (Pub. Contract Code §12205).

10. NON-DISCRIMINATION CLAUSE: During the performance of this Agreement, Contractor and its subcontractors shall not deny the contract's benefits to any person on the basis of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status, nor shall they discriminate unlawfully against any employee or applicant for employment because of race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, gender, gender identity, gender expression, age, sexual orientation, or military and veteran status. Contractor shall insure that the evaluation and treatment of employees and applicants for employment are free of such discrimination. Contractor and subcontractors shall comply with the provisions of the Fair Employment and Housing Act (Gov. Code §12900 et seq.), the regulations promulgated thereunder (Cal. Code Regs., tit. 2, §11000 et seq.), the provisions of Article 9.5, Chapter 1, Part 1, Division 3, Title 2 of the Government Code (Gov. Code §§11135-11139.5), and the regulations or standards adopted by the awarding state agency to implement such article. Contractor shall permit access by representatives of the Department of Fair Employment and Housing and the awarding state agency upon reasonable notice at any time during the normal business hours, but in no case less than 24 hours' notice, to such of its books, records, accounts, and all other sources of information and its facilities as said Department or Agency shall require to ascertain compliance with this clause. Contractor and its subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. (See Cal. Code Regs., tit. 2, §11105.)

Contractor shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the Agreement.

11. CERTIFICATION CLAUSES: The CONTRACTOR CERTIFICATION CLAUSES contained in the document CCC 04/2017 are hereby incorporated by reference and made a part of this Agreement by this reference as if attached hereto.

12. TIMELINESS: Time is of the essence in this Agreement.

13. COMPENSATION: The consideration to be paid Contractor, as provided herein, shall be in compensation for all of Contractor's expenses incurred in the performance hereof, including travel, per diem, and taxes, unless otherwise expressly so provided.

14. GOVERNING LAW: This contract is governed by and shall be interpreted in accordance with the laws of the State of California.

15. ANTITRUST CLAIMS: The Contractor by signing this agreement hereby certifies that if these services or goods are obtained by means of a competitive bid, the Contractor shall comply with the requirements of the Government Codes Sections set out below.

a. The Government Code Chapter on Antitrust claims contains the following definitions:

1) "Public purchase" means a purchase by means of competitive bids of goods, services, or materials by the State or any of its political subdivisions or public agencies on whose behalf the Attorney General may bring an action pursuant to subdivision (c) of Section 16750 of the Business and Professions Code.

2) "Public purchasing body" means the State or the subdivision or agency making a public purchase. Government Code Section 4550.

b. In submitting a bid to a public purchasing body, the bidder offers and agrees that if the bid is accepted, it will assign to the purchasing body all rights, title, and interest in and to all causes of action it may have under Section 4 of the Clayton Act (15 U.S.C. Sec. 15) or under the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), arising from purchases of goods, materials, or services by the bidder for sale to the purchasing body pursuant to the bid. Such assignment shall be made and become effective at the time the purchasing body tenders final payment to the bidder. Government Code Section 4552.

c. If an awarding body or public purchasing body receives, either through judgment or settlement, a monetary recovery for a cause of action assigned under this chapter, the assignor shall be entitled to receive reimbursement for actual legal costs incurred and may, upon demand, recover from the public body any portion of the recovery, including treble damages, attributable to overcharges that were paid by the assignor but were not paid by the public body as part of the bid price, less the expenses incurred in obtaining that portion of the recovery. Government Code Section 4553.

d. Upon demand in writing by the assignor, the assignee shall, within one year from such demand, reassign the cause of action assigned under this part if the assignor has been or may have been injured by the violation of law for which the cause of action arose and (a) the assignee has not been injured thereby, or (b) the assignee declines to file a court action for the cause of action. See Government Code Section 4554.

16. CHILD SUPPORT COMPLIANCE ACT: For any Agreement in excess of \$100,000, the contractor acknowledges in accordance with Public Contract Code 7110, that:

a. The contractor recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support

enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Chapter 8 (commencing with section 5200) of Part 5 of Division 9 of the Family Code; and

b. The contractor, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.

17. UNENFORCEABLE PROVISION: In the event that any provision of this Agreement is unenforceable or held to be unenforceable, then the parties agree that all other provisions of this Agreement have force and effect and shall not be affected thereby.

18. PRIORITY HIRING CONSIDERATIONS: If this Contract includes services in excess of \$200,000, the Contractor shall give priority consideration in filling vacancies in positions funded by the Contract to qualified recipients of aid under Welfare and Institutions Code Section 11200 in accordance with Pub. Contract Code §10353.

19. SMALL BUSINESS PARTICIPATION AND DVBE PARTICIPATION REPORTING REQUIREMENTS:

a. If for this Contract Contractor made a commitment to achieve small business participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) report to the awarding department the actual percentage of small business participation that was achieved. (Govt. Code § 14841.)

b. If for this Contract Contractor made a commitment to achieve disabled veteran business enterprise (DVBE) participation, then Contractor must within 60 days of receiving final payment under this Contract (or within such other time period as may be specified elsewhere in this Contract) certify in a report to the awarding department: (1) the total amount the prime Contractor received under the Contract; (2) the name and address of the DVBE(s) that participated in the performance of the Contract; (3) the amount each DVBE received from the prime Contractor; (4) that all payments under the Contract have been made to the DVBE; and (5) the actual percentage of DVBE participation that was achieved. A person or entity that knowingly provides false information shall be subject to a civil penalty for each violation. (Mil. & Vets. Code § 999.5(d); Govt. Code § 14841.)

20. LOSS LEADER:

If this contract involves the furnishing of equipment, materials, or supplies then the following statement is incorporated: It is unlawful for any person engaged in business within this state to sell or use any article or product as a "loss leader" as defined in Section 17030 of the Business and Professions Code. (PCC 10344(e).)

EXHIBIT D
(Standard Agreement)

SPECIAL TERMS AND CONDITIONS

A. AUDITING

1. Receipt of HAVA funds by a county indicates agreement to establish a dedicated HAVA account for these funds. Therefore, any payment received by County pursuant to this program shall be deposited in a separate, segregated account and any payment made by County related to this program shall be paid from that account whether or not the County has paid the vendors for services rendered before submitting invoices to the State.
2. Any recipient of federal funds to meet the Help America Vote Act requirements agrees to be audited pursuant to federal and state law. Accordingly, all documents and electronic files must be produced upon request by the auditors. CFDA Number for this contract is 90.401. The audit may include a review of all books, papers, accounts, documents, or other records of County as they relate to any HAVA funds. County shall also provide access to all employees having knowledge of the HAVA funds program to assist the auditor. County shall provide a copy of any document, paper, or electronic record requested by the auditor;
3. OMB Circular A-133 ("Audits of States, Local Governments, and Non-Profit Organizations"), and OMB Circular A-87, incorporated herein by reference, shall govern with respect to all aspects of this program. The provisions of these circulars may be found at <http://www.whitehouse.gov/omb/circulars>;
4. County shall maintain records in a manner that:
 - a. Accurately reflects fiscal transactions with necessary controls and safeguards;
 - b. Provides complete audit trails, based whenever possible on original documents (purchase orders, receipts, progress payments, invoices, timesheets, cancelled warrants, warrant numbers, etc.);
 - c. Provides accounting data so the costs can readily be determined throughout Agreement period.
5. Records shall be maintained for three years after expiration of Agreement and for at least one year following any audit or final disposition of any disputed audit finding;
6. If the final disposition of any disputed audit finding is determined to be a disallowed cost that the Secretary of State has paid the County, the County shall return to the Secretary of State an amount equal to the disallowance.
7. County shall permit periodic site visits by the Secretary of State or the Secretary of State's designee or designees to determine if any HAVA funds are being used or have been used in compliance with Agreement and all applicable laws;
8. Upon request, county shall report to the Secretary of State at least once every 90 (ninety) days until all funds received have been expended, on the status of HAVA funds received, in a manner determined by the Secretary of State.

EXHIBIT D
(Standard Agreement)**B. GENERAL PROVISIONS**

1. The program is conditioned on State receiving reimbursement from the federal government pursuant to HAVA, for federal fiscal year 2017 and 2018.
2. HAVA funds can only be used for the purposes for which the HAVA funds are made;
3. No portion of any HAVA funds shall be used for partisan political purposes. All contractors providing services are required to sign an agreement, please see Exhibit E Item 1, to abide by the Secretary of States' policy to refrain from engaging in political activities that call into question the impartiality of the Secretary of State's Office. County is to submit agreement signed by each employee of contractor's firm who worked for County pursuant to this Agreement with the County's first invoice.
4. The provisions of the federal *Hatch Act* shall apply to employees working for state and local entities receiving HAVA funds. The *Hatch Act* may be reviewed at http://www.osc.gov/documents/hatchact/ha_sta.pdf;
5. Any interest earned by County on money received pursuant to this Agreement must be reported in writing to the Secretary of State within 30 days of expiration of this Agreement. All interest must be used by the County for the purposes of implementing activities allowable under this Agreement;
6. Failure by any eligible County to execute a contract within 90 days of the date on which this contract is made available shall constitute an express desire to forego its use of the County's proportionate share of these funds, which may result in reallocation of that County's proportionate share of funds to other counties for the purposes provided under this contract.
7. Funds not claimed by County within 90 days of the end date of this contract, or any funds claimed by a county that are not approved for county use by the Secretary of State within 180 days of the end date of this contract, shall be reallocated to the Counties based on need and may only be used to meet Section 251 of HAVA;
8. If funding for any fiscal year is reduced or deleted by the Budget Act for purposes of this program, the State shall have the option to either cancel Agreement with no liability occurring to the State, or offer an Agreement amendment to County to reflect any reduced amount;
9. Agreement is subject to any restrictions, limitations or conditions enacted or promulgated by the United States Government, or any agency thereof, that may affect the provisions, terms or funding of Agreement in any manner;
10. Pursuant to federal policy, Agreement may be terminated by the State with 30-day written notice to County;
11. County warrants by execution of Agreement, that no person or selling agency has been employed or retained to solicit or secure this contract upon agreement or understanding for a commission, percentage, brokerage, or contingent fee, excepting bona fide employees or bona fide established commercial or selling agencies maintained by County for the purpose of securing business. For breach or violation of this warranty, the State shall, in addition to other remedies provided by law, have the right to annul this contract without liability, paying only for the value of the work actually performed, or otherwise recover the full amount of such commission, percentage, brokerage, or contingent fee;

EXHIBIT D
(Standard Agreement)

12. Nothing contained in Agreement or otherwise, shall create any contractual relation between the State and any subcontractor or vendor, and no subcontractor shall relieve County of its responsibilities and obligations hereunder. County agrees to be as fully responsible to State for the acts and omissions of its subcontractors and of persons either directly or indirectly employed by any of them as it is for the acts and omissions of persons directly employed by County. County's obligation to pay its subcontractors is an independent obligation from the State's obligation to make payments to County. As a result, State shall have no obligation to pay or to enforce the payment of any moneys to any subcontractor or vendor of County;
13. Pursuant to federal law, by signing this agreement or execution of this purchase order the Contractor certifies under the penalty of perjury that the contracting entity is not excluded or ineligible from federal assistance programs and thereby is not on the federal government's list of suspended or debarred entities.

Pursuant to federal law, as a component of the procurement process, the Contractor must review the federal government's list of debarred and suspended vendors and ensure no contract award is provided to a vendor on this list. This list may be viewed at www.epls.gov

14. Upon request, county agrees to provide the Secretary of State with a summary report on its activities under this agreement following each election for which funds are expended that includes: the method used to determine the need for funding an eligible activity, including the reliance on an advisory committee or advisory groups, surveys or any other methodology used to assess the need for the eligible activity; the activity performed and funded; the amount of funding expended; the category or categories of need being met; and any performance metric or assessment of the quality of the activity, including unsolicited public comment, advisory committee or advisory group comment, public comment solicited through surveys and on-site assessments conducted by the County, its agents or others.

EXHIBIT E
(Standard Agreement)

ADDITIONAL PROVISIONS

1. Secretary of State Policy Regarding Political Activity in the Workplace

SECRETARY OF STATE POLICY REGARDING POLITICAL ACTIVITY IN THE WORKPLACE

The Secretary of State is the state's chief elections officer. It is, therefore, imperative that staff in the Secretary of State's Office, and those who contract with the Secretary of State's Office, refrain from engaging in any political activity that might call into question the office's impartiality with respect to handling election issues. Accordingly, the policy of the Secretary of State's Office with respect to political activity in the workplace, a copy of which will be given to every employee in the Secretary of State's office and incorporated as an attachment to contracts with the Secretary of State's Office, is as follows:

1. No employee of or contractor with the Secretary of State's Office shall engage in political campaign-related activities on state-compensated or federal-compensated time, except as required by official duties, such as answering inquiries from the public. In those cases where the contractor with the Secretary of State's Office is a county, the term "contractor" shall apply only to county elections office employees, county employees redirected to work temporarily for the county elections office, or any person, firm, company or business that provides reimbursable election-related services to a county elections office in furtherance of a contract. This prohibition shall not apply while an employee is on approved vacation or approved annual leave. This prohibition shall not apply to activities engaged in during the personal time of an employee.
2. No employee of or contractor with the Secretary of State's Office shall use any state property in connection with political campaign activities. It is strictly prohibited to schedule political campaign-related meetings or to conduct political campaign-related meetings in state office space, even if after normal working hours.
3. No employee of or contractor with the Secretary of State's Office shall use his or her official status with the Secretary of State's Office to influence political campaign-related activities or to confer support for or indicate opposition to a candidate or measure at any level of government.
4. No employee of or contractor with the Secretary of State's Office may be involved with political campaign-related telephone calls, letters, meetings or other political campaign-related activities on state-compensated or federal-compensated time. Requests by employees to switch to alternative work schedules, such as 4-10-40 or 9-8-80 work weeks, or to take vacation in order to accommodate political campaign-related activities or to attend political campaign functions, will be judged in the same manner and on the same basis as any other requests of this nature (i.e., existing needs of the office and discretion of the division chiefs).
5. The receipt or delivery of political campaign contributions or photocopies thereof on state property is strictly prohibited, as is the use of office time or state resources (e.g., intra-office mail or fax machines) to solicit or transmit political campaign contributions.
6. No employee of or contractor with the Secretary of State's Office may authorize any person to use his or her affiliation with the Secretary of State's Office in an attempt to suggest that the employee's or contractor's support or opposition to a nomination or an election for office or a ballot measure is of an "official," as distinguished from private, character.
7. No employee of or contractor with the Secretary of State's Office may display political campaign-related buttons, posters, or similar materials in areas visible to individuals who are in public areas of the Secretary of State's Office; nor may an employee of or contractor with the Secretary of State's Office display political campaign-related posters or other materials on windows facing out of the state office building.

EXHIBIT E
(Standard Agreement)

8. No employee of or contractor with the Secretary of State's Office may use official authority or influence for the purpose of interfering with or attempting to affect the results of an election or a nomination for any public office.
 9. No employee of or contractor with the Secretary of State's Office may directly or indirectly coerce or solicit contributions from subordinates in support of or in opposition to an election or nomination for office or a ballot measure.
 10. An employee who is paid either partially or fully with federal funds, including the Help America Vote Act of 2002 (HAVA), is subject to the provisions of the federal Hatch Act, and is, therefore, prohibited from being a candidate for public office in a partisan election, as defined in the federal Hatch Act. However, any employee who is to be paid either partially or fully with funds pursuant to HAVA, shall first be consulted about the proposed funding and be informed about the prohibitions of the federal Hatch Act. The employee, whenever possible, shall be given the opportunity to engage in employment that does not involve HAVA funding.
 11. Provisions limiting participation in political campaign-related activities as provided for in this policy statement shall be included in every contract with the Secretary of State's Office.
2. Tablet Criteria
1. The software and device must be capable of accurately recording all data necessary to assess polling place accessibility (i.e., all portions of the statewide guidelines and checklist used for surveying for polling place accessibility).
 2. The software and device must be capable of transferring all data collected during polling place surveys to a medium where results can be aggregated for purposes of comparing potential polling places, and for purposes of analyzing data at the site level and countywide.
 3. The devices used for housing software to capture data must be used only for the purposes of assessing polling place accessibility with exclusive use safeguarded by appropriate inventory policies and controls.
 4. Polling place specific (site-level) survey results and aggregate survey results must be publicly available upon request.
 5. A report on the program must be produced prior to reimbursement approval that provides certain information, including:
 1. A description of the program.
 2. Cost of the program, including staff training costs and any costs for data storage (e.g., EMS modification)
 3. Amount of vendor support needed for the program's launch and the amount of ongoing support, if any
 4. Increased productivity of the program, if any, measured by staff time, ease of data recall and analysis, and other relevant factors
 5. Amount of additional ongoing support, if any, necessary to sustain the program (e.g., software licensing costs; upgrade costs; continued vendor support; device maintenance, etc.)

If you have questions concerning these restrictions, please refer them to the Secretary of State Office contact person listed on the contract in Exhibit A.

RESOLUTION NO. 2018-

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
ACCEPTING THE CALIFORNIA SECRETARY OF STATE GRANT AWARD KNOWN
AS
THE HELP AMERICA VOTE ACT POLLING PLACE ACCESSIBILITY TRAINING
PROGRAM,
UNDER SECTION 261 OF THE HELP AMERICA VOTE ACT OF 2002, TO ASSIST IN
THE FACILITATION OF ACCESSIBLE POLLING PLACES IN SHASTA COUNTY
AND AUTHORIZING THE COUNTY EXECUTIVE OFFICER TO EXECUTE THE
GRANT AWARD AGREEMENT IN THE AMOUNT OF \$20,000**

WHEREAS, the United States Congress has appropriated funding for the Help America Vote Act of 2002 (HAVA); and

WHEREAS, the California Secretary of State has been awarded grant funds from the United States Election Assistance Commission under Section 303(a) of HAVA; and

WHEREAS, the California Secretary of State is willing to provide Shasta County with \$20,000 in funding for activities related to polling place accessibility per HAVA Section 261.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Shasta approves State of California Agreement No. 17G26152 providing HAVA funds for activities related to polling place accessibility per HAVA Section 261 in the amount of \$20,000 for the period December 1, 2017 through June 30, 2019 and authorizes the County Executive Officer to sign the agreement, amendments to the agreement, including retroactive, the Contractor's Certification Clauses (CCC 04/2017) form, and any other documents required by the state and/or federal government to comply with the grant agreement requirements, so long as they otherwise comply with Administrative Policy 6-101, *Shasta County Contracts Manual*.

DULY PASSED AND ADOPTED this 23rd day of January 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Exhibit G

Shasta County
17G26152
Page 1 of 1

SECRETARY OF STATE

STATE OF CALIFORNIA - SECRETARY OF STATE

CONTRACTOR HAVA ACTIVITY REPORT

NAME		COMPANY NAME		Month/Year		HAVA Coordinator's Approval																															
Contract Number:		Location (Sector/SF/LUSD)																																			
		HAVA ACTIVITY HOURS																								PROGRAM TIME REPORTING											
		31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	DELIVERABLE NAME (Taken from proposal and contract)	ORG	HOURS
1																																			0.0		
2																																			0.0		
3																																			0.0		
4																																			0.0		
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24																																			0.0		
																																	MONTHLY TOTAL		0.0		
SIGNATURE OF CONTRACTOR																																					
DATE																																					

CCC 04/2017

CERTIFICATION

I, the official named below, CERTIFY UNDER PENALTY OF PERJURY that I am duly authorized to legally bind the prospective Contractor to the clause(s) listed below. This certification is made under the laws of the State of California.

<i>Contractor/Bidder Firm Name (Printed)</i>		<i>Federal ID Number</i>
County of Shasta		94-6000535
<i>By (Authorized Signature)</i>		
<i>Printed Name and Title of Person Signing</i>		
Lawrence G. Lees, County Executive Officer		
<i>Date Executed</i>	<i>Executed in the County of</i>	
	Shasta	

CONTRACTOR CERTIFICATION CLAUSES

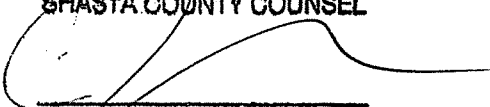
1. STATEMENT OF COMPLIANCE: Contractor has, unless exempted, complied with the nondiscrimination program requirements. (Gov. Code §12990 (a-f) and CCR, Title 2, Section 11102) (Not applicable to public entities.)

2. DRUG-FREE WORKPLACE REQUIREMENTS: Contractor will comply with the requirements of the Drug-Free Workplace Act of 1990 and will provide a drug-free workplace by taking the following actions:

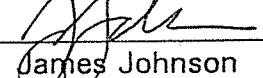
- a. Publish a statement notifying employees that unlawful manufacture, distribution, dispensation, possession or use of a controlled substance is prohibited and specifying actions to be taken against employees for violations.
- b. Establish a Drug-Free Awareness Program to inform employees about:
 - 1) the dangers of drug abuse in the workplace;
 - 2) the person's or organization's policy of maintaining a drug-free workplace;
 - 3) any available counseling, rehabilitation and employee assistance programs; and,
 - 4) penalties that may be imposed upon employees for drug abuse violations.
- c. Every employee who works on the proposed Agreement will:
 - 1) receive a copy of the company's drug-free workplace policy statement; and,
 - 2) agree to abide by the terms of the company's statement as a condition of employment on the Agreement.

Failure to comply with these requirements may result in suspension of payments under the Agreement or termination of the Agreement or both and Contractor may be ineligible for award of any future State agreements if the department determines that any of the following has occurred: the Contractor has made false certification, or violated the

APPROVED AS TO FORM
SHASTA COUNTY COUNSEL


James F. Ross
Assistant County Counsel

RISK MANAGEMENT APPROVAL

BY: 
James Johnson
Risk Management Analyst

certification by failing to carry out the requirements as noted above. (Gov. Code §8350 et seq.)

3. NATIONAL LABOR RELATIONS BOARD CERTIFICATION: Contractor certifies that no more than one (1) final unappealable finding of contempt of court by a Federal court has been issued against Contractor within the immediately preceding two-year period because of Contractor's failure to comply with an order of a Federal court, which orders Contractor to comply with an order of the National Labor Relations Board. (Pub. Contract Code §10296) (Not applicable to public entities.)

4. CONTRACTS FOR LEGAL SERVICES \$50,000 OR MORE- PRO BONO REQUIREMENT: Contractor hereby certifies that Contractor will comply with the requirements of Section 6072 of the Business and Professions Code, effective January 1, 2003.

Contractor agrees to make a good faith effort to provide a minimum number of hours of pro bono legal services during each year of the contract equal to the lessor of 30 multiplied by the number of full time attorneys in the firm's offices in the State, with the number of hours prorated on an actual day basis for any contract period of less than a full year or 10% of its contract with the State.

Failure to make a good faith effort may be cause for non-renewal of a state contract for legal services, and may be taken into account when determining the award of future contracts with the State for legal services.

5. EXPATRIATE CORPORATIONS: Contractor hereby declares that it is not an expatriate corporation or subsidiary of an expatriate corporation within the meaning of Public Contract Code Section 10286 and 10286.1, and is eligible to contract with the State of California.

6. SWEATFREE CODE OF CONDUCT:

a. All Contractors contracting for the procurement or laundering of apparel, garments or corresponding accessories, or the procurement of equipment, materials, or supplies, other than procurement related to a public works contract, declare under penalty of perjury that no apparel, garments or corresponding accessories, equipment, materials, or supplies furnished to the state pursuant to the contract have been laundered or produced in whole or in part by sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor, or with the benefit of sweatshop labor, forced labor, convict labor, indentured labor under penal sanction, abusive forms of child labor or exploitation of children in sweatshop labor. The contractor further declares under penalty of perjury that they adhere to the Sweatfree Code of Conduct as set forth on the California Department of Industrial Relations website located at www.dir.ca.gov, and Public Contract Code Section 6108.

b. The contractor agrees to cooperate fully in providing reasonable access to the contractor's records, documents, agents or employees, or premises if reasonably required by authorized officials of the contracting agency, the Department of Industrial Relations,

or the Department of Justice to determine the contractor's compliance with the requirements under paragraph (a).

7. DOMESTIC PARTNERS: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.3.

8. GENDER IDENTITY: For contracts of \$100,000 or more, Contractor certifies that Contractor is in compliance with Public Contract Code section 10295.35.

DOING BUSINESS WITH THE STATE OF CALIFORNIA

The following laws apply to persons or entities doing business with the State of California.

1. CONFLICT OF INTEREST: Contractor needs to be aware of the following provisions regarding current or former state employees. If Contractor has any questions on the status of any person rendering services or involved with the Agreement, the awarding agency must be contacted immediately for clarification.

Current State Employees (Pub. Contract Code §10410):

1). No officer or employee shall engage in any employment, activity or enterprise from which the officer or employee receives compensation or has a financial interest and which is sponsored or funded by any state agency, unless the employment, activity or enterprise is required as a condition of regular state employment.

2). No officer or employee shall contract on his or her own behalf as an independent contractor with any state agency to provide goods or services.

Former State Employees (Pub. Contract Code §10411):

1). For the two-year period from the date he or she left state employment, no former state officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements or any part of the decision-making process relevant to the contract while employed in any capacity by any state agency.

2). For the twelve-month period from the date he or she left state employment, no former state officer or employee may enter into a contract with any state agency if he or she was employed by that state agency in a policy-making position in the same general subject area as the proposed contract within the 12-month period prior to his or her leaving state service.

If Contractor violates any provisions of above paragraphs, such action by Contractor shall render this Agreement void. (Pub. Contract Code §10420)

Members of boards and commissions are exempt from this section if they do not receive payment other than payment of each meeting of the board or commission, payment for preparatory time and payment for per diem. (Pub. Contract Code §10430 (e))

2. LABOR CODE/WORKERS' COMPENSATION: Contractor needs to be aware of the provisions which require every employer to be insured against liability for Worker's Compensation or to undertake self-insurance in accordance with the provisions, and Contractor affirms to comply with such provisions before commencing the performance of the work of this Agreement. (Labor Code Section 3700)

3. AMERICANS WITH DISABILITIES ACT: Contractor assures the State that it complies with the Americans with Disabilities Act (ADA) of 1990, which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA. (42 U.S.C. 12101 et seq.)

4. CONTRACTOR NAME CHANGE: An amendment is required to change the Contractor's name as listed on this Agreement. Upon receipt of legal documentation of the name change the State will process the amendment. Payment of invoices presented with a new name cannot be paid prior to approval of said amendment.

5. CORPORATE QUALIFICATIONS TO DO BUSINESS IN CALIFORNIA:

a. When agreements are to be performed in the state by corporations, the contracting agencies will be verifying that the contractor is currently qualified to do business in California in order to ensure that all obligations due to the state are fulfilled.

b. "Doing business" is defined in R&TC Section 23101 as actively engaging in any transaction for the purpose of financial or pecuniary gain or profit. Although there are some statutory exceptions to taxation, rarely will a corporate contractor performing within the state not be subject to the franchise tax.

c. Both domestic and foreign corporations (those incorporated outside of California) must be in good standing in order to be qualified to do business in California. Agencies will determine whether a corporation is in good standing by calling the Office of the Secretary of State.

6. RESOLUTION: A county, city, district, or other local public body must provide the State with a copy of a resolution, order, motion, or ordinance of the local governing body which by law has authority to enter into an agreement, authorizing execution of the agreement.

7. AIR OR WATER POLLUTION VIOLATION: Under the State laws, the Contractor shall not be: (1) in violation of any order or resolution not subject to review promulgated by the State Air Resources Board or an air pollution control district; (2) subject to cease and desist order not subject to review issued pursuant to Section 13301 of the Water Code for violation of waste discharge requirements or discharge prohibitions; or (3) finally determined to be in violation of provisions of federal law relating to air or water pollution.

8. PAYEE DATA RECORD FORM STD. 204: This form must be completed by all contractors that are not another state agency or other governmental entity.

RESOLUTION NO. 2018-

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
ACCEPTING THE CALIFORNIA SECRETARY OF STATE GRANT AWARD KNOWN
AS
THE HELP AMERICA VOTE ACT POLLING PLACE ACCESSIBILITY TRAINING
PROGRAM,
UNDER SECTION 261 OF THE HELP AMERICA VOTE ACT OF 2002, TO ASSIST IN
THE FACILITATION OF ACCESSIBLE POLLING PLACES IN SHASTA COUNTY
AND AUTHORIZING THE COUNTY EXECUTIVE OFFICER TO EXECUTE THE
GRANT AWARD AGREEMENT IN THE AMOUNT OF \$20,000**

WHEREAS, the United States Congress has appropriated funding for the Help America Vote Act of 2002 (HAVA); and

WHEREAS, the California Secretary of State has been awarded grant funds from the United States Election Assistance Commission under Section 303(a) of HAVA; and

WHEREAS, the California Secretary of State is willing to provide Shasta County with \$20,000 in funding for activities related to polling place accessibility per HAVA Section 261.

NOW THEREFORE BE IT RESOLVED, that the Board of Supervisors of the County of Shasta approves State of California Agreement No. 17G26152 providing HAVA funds for activities related to polling place accessibility per HAVA Section 261 in the amount of \$20,000 for the period December 1, 2017 through June 30, 2019 and authorizes the County Executive Officer to sign the agreement, amendments to the agreement in an amount not to exceed \$20,000, including retroactive, the Contractor's Certification Clauses (CCC 04/2017) form, and any other documents required by the state and/or federal government to comply with the grant agreement requirements, so long as they otherwise comply with Administrative Policy 6-101, *Shasta County Contracts Manual*.

DULY PASSED AND ADOPTED this 23rd day of January 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors

County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - General Government-4.

SUBJECT:

Establishment of Shasta County Administrative Policy No. 8-520, Shasta County Background Investigation Policy Under Internal Revenue Service Publication 1075; and amendments to Shasta County Personnel Rules Chapter 6, Recruitments and Appointments

DEPARTMENT: Support Services-Personnel

Supervisory District No. : All

DEPARTMENT CONTACT: Angela Davis, Director of Support Services, 530-225-5515

STAFF REPORT APPROVED BY: Angela Davis, Director of Support Services

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Take the following actions effective January 23, 2018: (1) Adopt a resolution establishing Shasta County Administrative Policy No. 8-520, *Shasta County Background Investigation Policy Under Internal Revenue Service Publication 1075*; and (2) adopt a resolution which amends Chapter 6, *Recruitments and Appointments*, of the Shasta County Personnel Rules, to implement Assembly Bill 1008, a new law relating to obtaining criminal history information on employment applicants.

SUMMARY

N/A

DISCUSSION

Pursuant to Internal Revenue Service (IRS) Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies* (Publication 1075), and State policies implementing Publication 1075, County employees, volunteers, agents, contractors, and subcontractors with access to Federal Tax Information (FTI) must undergo a background investigation prior to being permitted to access FTI. This background investigation must include a criminal conviction history screening and citizenship/residency validation, as well as a reinvestigation at least every ten years.

The recommended Administrative Policy conforms to the background investigation minimum requirements outlined in the Publication 1075. The majority of the proposed amendments to Chapter 6 of the Personnel Rules are directly tied to the implementation of Publication 1075 and Assembly Bill 1008. In addition there were clerical and other minor changes to remove references pertaining to the Interagency Merit System due to the County now adhering to the Federal Merit Principles.

ALTERNATIVES

The Board may choose to not take action in whole or in part of the recommendations. This is not recommended as it would

result in noncompliance with the IRS Publication 1075 and Assembly Bill 1008.

OTHER AGENCY INVOLVEMENT

The County Administrative Office and County Counsel have reviewed and concur with the recommendations. The unions have been notified of these recommendations.

FINANCING

Any financial impacts associated with this recommendation will be budgeted by the impacted departments in their respective budgets. There is no additional General Fund impact with the approval of this recommendation.

- cc: Larry Lees, County Executive Officer
- Department Heads
- Ayla Tucker, Administrative Analyst I
- Shelley Forbes, Assistant Director of Support Services
- Kari Hallstrom, Personnel Analyst II
- Melissa Merritt, Agency Staff Services Analyst II-Conf

ATTACHMENTS:

Description	Upload Date	Description
Policy Resolution	1/11/2018	Policy Resolution
Administrative Policy	1/11/2018	Administrative Policy
Resolution	1/12/2018	Resolution
Personnel Rules Chapter 6 Redlined	1/18/2018	Personnel Rules Chapter 6 Redlined
Personnel Rules Chapter 6 Final	1/18/2018	Personnel Rules Chapter 6 Final

POLICY RESOLUTION NO.

**A POLICY RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SHASTA ESTABLISHING ADMINISTRATIVE POLICY 8-520,
SHASTA COUNTY BACKGROUND INVESTIGATION POLICY UNDER
INTERNAL REVENUE SERVICE PUBLICATION 1075**

WHEREAS, periodically the Board of Supervisors of the County of Shasta, upon recommendation of staff, establishes the policies and provisions of the Shasta County Administrative Policy Manual to update its provisions, ensure compliance with state and federal laws, and conform its provisions to actual County practice; and

WHEREAS, the Department of Support Services - Personnel has recommended establishment of a policy governing background investigations for employees who have access to Federal Tax Information as directed by Internal Revenue Service Publication 1075, *Tax information Security Guidelines for Federal, State and Local Agencies*.

NOW, THEREFORE, BE IT RESOLVED the Board of Supervisors of the County of Shasta hereby establishes Administrative Policy 8-520, *Shasta County Background Investigation Policy Under Internal Revenue Service Publication 1075*, attached and incorporated herein.

DULY PASSED AND ADOPTED this 23rd day of January, 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

COUNTY OF SHASTA		Number
ADMINISTRATIVE MANUAL		8-520
SECTION:	Miscellaneous	Shasta County Background Investigation Policy Under Internal Revenue Service Publication 1075
INITIAL ISSUE DATE:	January 23, 2018	
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POLICY

In accordance with Internal Revenue Service (IRS) Publication 1075, *Tax Information Security Guidelines for Federal, State and Local Agencies* (Publication 1075), and State policies implementing Publication 1075, County employees, volunteers, agents, contractors, and subcontractors having access to Federal Tax Information (FTI) must undergo a background investigation prior to being permitted access to FTI, which includes a criminal conviction history screening and citizenship/residency validation. Individuals with access to FTI must undergo reinvestigation at least every ten years.

APPLICABILITY

This policy is applicable to all current and prospective County employees, volunteers, agents, contractors, and subcontractors having access to FTI.

DEFINITIONS

TERM	DEFINITION
Federal Tax Information (FTI)	Includes tax returns or return information received directly from the IRS or obtained through an authorized secondary source, such as Social Security Administration, Federal Office of Child Support Enforcement, Bureau of the Fiscal Service, or Centers for Medicare and Medicaid Services, or another entity acting on behalf of the IRS pursuant to an Internal Revenue Code (IRC) 6103(p)(2)(B) Agreement.
Access to FTI	Includes individuals who require access to FTI to perform their official duties and as authorized under the IRC. Pursuant to need-to-know restrictions, an individual who has the authority to access FTI information should not access such information unless it is necessary to perform their official duties and for the purposes listed in IRC 6103.
Unauthorized Access	Unauthorized access occurs when an entity or individual knowingly or due to gross negligence receives or has access to FTI without authority, as defined in IRC 6103.
Direct Access	FTI includes return or return information received directly from the IRS or obtained through an authorized secondary source, such as Social Security Administration (SSA), Federal Office of Child Support Enforcement (OCSE), Bureau of the Fiscal Service (BFS), Centers for Medicare and Medicaid Services (CMS), or another entity acting on behalf of the IRS pursuant to an IRC 6103(p)(2)(B) Agreement.

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TERM	DEFINITION
Criminal Conviction History Screening	Includes a review of Federal Bureau of Investigation (FBI) fingerprint results through the state identification bureau (California Department of Justice [DOJ]) to identify suitability for employment, and a check of local law enforcement agencies where the subject has lived, worked and/or attended school within the last five (5) years prior to the investigation.
Citizenship/Residency Validation	Validation of an individual's eligibility to legally work in the United States using the USCIS Form I-9 and USCIS E-Verify System. This requirement applies to employment candidates only.
Custodian of Records	Individual designated by an agency as responsible for the hiring decisions, for the security, storage, dissemination, and destruction of the criminal records furnished to the agency, and who serves as the primary contact for DOJ for any related issues.
Reinvestigation	Includes a redetermination of the criminal conviction history screening, based on new information obtained since the last screening, including local law enforcement information if the employee has lived, worked, or attended school in another state/county. At a minimum, reinvestigations will occur within 10 years from the date of the previous investigation. Subsequent arrest notifications shall be requested as required under Government Code section 1044(d).
Criminal History Information	Information obtained through the screening process, excluding criminal history prohibited for consideration by state and federal statutes, rules, and regulations (e.g. conviction judicially dismissed).
E-Verify	A USCIS internet-based system that compares information from Employment Eligibility Verification (Form I-9) to government records to confirm an individual is authorized to work in the US.
Internal Revenue Service Office of Safeguards	Monitors safeguard measures utilized by agencies receiving FTL.
Department of Justice	Process fingerprint and applicant data information requests and transmit information to the requesting agency.

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GUIDELINES

The County shall identify each position that provides individuals with access to FTI, including employee, volunteer, agent, contractor, and subcontractor positions. Identified individuals must undergo and pass a background investigation prior to being permitted access to FTI and are subject to reinvestigation thereafter.

The minimum requirements of the background investigation include:

- Review of FBI fingerprint results that includes criminal history in all 50 states (FD-258 Applicant Fingerprint Card).
- Check of local law enforcement agencies where the subject of the background investigation has lived, worked, and/or attended school within the last five (5) years, and if applicable, a check of the appropriate agency for any identified arrests.
- Reinvestigate each individual with access to FTI within 10 years from the date of the previous background investigation.

Validation of citizenship/residency for employment candidates shall include the following:

- Validate citizenship/residency to confirm the subject's eligibility to legally work in the United States.
- Utilization of Form I-9 and supporting documents. Within three days of completion Form I-9, verify employment status through the E-Verify system.
- Ongoing monitoring for expired employment eligibility, if applicable.

Criminal history screening for employment purposes, including reinvestigation screening, will be conducted in accordance with Federal EEOC Enforcement Guidance, California Department of Fair Employment and Housing (DFEH) rules and regulations and applicable California Labor Code provisions.

Fingerprint and criminal conviction history screening must be reflected on each position duty statement and job posting/announcement for each position with access to FTI.

Individuals who do not successfully pass the background investigation shall not be permitted to hold a position with access to FTI.

All offers of employment and work assignments are conditional pending successful completion of the policy requirements.

Contractors and subcontractors with access to FTI are subject to this policy and are fully responsible for ensuring all IRS Publication 1075 requirements are met prior to permitting individuals access to FTI.

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CRITERIA FOR WITHDRAWAL OF EMPLOYMENT OFFER

Disqualification Criteria

The felony and misdemeanor crimes listed below are offenses that may render any individual's background unsuitable for employment in positions that involve access to FTI and do not attempt to specify every unacceptable criminal conviction or questionable background.

- Fraud: welfare, insurance, financial, theft, or bribery
- Physical: assault, sexual, murder, homicide, manslaughter, kidnapping, false imprisonment, or domestic violence
- Misuse of data
- Inappropriate access to data
- Drug and/or alcohol
- Stalking
- Theft/Burglary
- Evasion of law enforcement
- Crimes of moral turpitude

Criminal background investigation results will be considered utilizing an individual assessment with any basis for denial being job-related and consistent with business necessity. Individuals subject to criminal conviction screening will have the opportunity to provide additional information within a specified timeframe in the event the background investigation results in an unfavorable outcome or requires clarification. Final decisions resulting in a denial will be provided in a written statement of the reason for denial.

RESPONSIBLE DEPARTMENTS

Support Services – Personnel

REFERENCES

BOS Policy Resolution No. 2018-XXX—1/23/2018

RESOLUTION NO.

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA AMENDING THE
SHASTA COUNTY PERSONNEL RULES, CHAPTER 6, RECRUITMENTS AND
APPOINTMENTS**

WHEREAS, periodically the Shasta County Board of Supervisors, upon the recommendation of staff, amends the provisions of the Personnel Rules, to update various provisions to ensure compliance with Shasta County Code, state and federal laws, to conform to actual county practice, or to address new business needs; and

WHEREAS, County staff recommends amendments to the Shasta County Personnel Rules Chapter 6, *Recruitments and Appointments*.

THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Shasta amends the Shasta County Personnel Rules, Chapter 6, *Recruitments and Appointments*, as attached hereto.

BE IT FURTHER RESOLVED that all other Sections of the Shasta County Personnel Rules are to remain unchanged.

DULY PASSED AND ADOPTED this 23rd day of January, 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

CHAPTER 6. RECRUITMENTS AND APPOINTMENTS

SECTION 6.1. RECRUITMENT PROCEDURES. The following procedures based on the six federal merit system principles (see appendix) must be followed in the recruitment of classified employees for Shasta County. The only exceptions or modifications to these procedures are those ~~required of Merit System Services positions that are filled in accordance with State guidelines outlined in the Merit Service Manual or those~~ outlined in Policy Resolution 2010-02 (see appendix).

- A. The appointing authority begins recruitment by forwarding a Request to Fill Position Form or, if necessary, a REQUEST FOR CONTROLLED HIRING EXEMPTION/EXCEPTION Form, to Personnel. Personnel then determines, after consulting with the appointing authority, the type of recruitment to conduct. The three types of recruitment are: County Promotional - open only to regular Shasta County employees; Departmental Promotional - open only to regular employees within the department where the vacancy exists; and Open - which is a general recruitment open to anyone. Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification. Exceptions may apply with approval from the Director of Support Services, or his/her designee.
- B. If no eligible list exists, the job description for the position and any previous bulletin(s) will be reviewed with the appointing authority for accuracy and updated if appropriate. Personnel will update the job description under authority granted by the Board of Supervisors. However, if there are proposed changes to the title or pay of the classification, or significant proposed changes in duties, such proposals require approval of the Board of Supervisors prior to proceeding. After the job description and bulletin are approved by Personnel in consultation with the department, Personnel will decide which newspapers, job websites, professional journals or other job recruiting resources to utilize. Departments may only place additional ads after consulting with Personnel. Departments may only do large-scale mailings of the job bulletin after reviewing its content with Personnel. Personnel may initiate the process to create a new eligible list if the recruitment for the current eligible list commenced a year or more before the current request to fill. A new list may also be created for compelling reasons (based on agreement between the Department Head, or his/her designee, and the Director of Support Services, or his/her designee) if the list was created less than one (1) year before the current request to fill. Notices of recruitments are posted on bulletin boards in various county offices and sent to other local agencies and distributed consistent with equal employment opportunity laws. Notices are updated and distributed by Personnel. Current open recruitments shall also be announced on the Shasta County Website (www.co.shasta.ca.us).
- C. If an existing eligible list is less than one year old, the top ten (10) names shall be certified to the appointing authority. Additionally, where possible, employees on

recall lists will be referred first or in conjunction with the certified list. If the eligible list is older than one year or consists of five (5) or fewer viable names, the appointing authority, in consultation with Personnel, may either select someone from the existing list or reject the list and request the development of a new list. If the department provides valid justification for the rejection of one or more applicants from the certified list, causing five (5) or fewer viable names to remain for the department to consider, the appointing authority, in consultation with Personnel, may reject the list and request the development of a new eligible list. The eligible list must be abolished if it is older than two years. If a Departmental Promotional eligible list exists and a County Promotional or Open list is subsequently developed, the department must use the departmental list until it expires.

If a unique, special-duty assignment exists within a broadly defined classification, Personnel may approve a request from an appointing authority for a specialized recruitment even if a current (general) eligible list exists, or to develop a new eligible list specific to the special assignment from the existing eligible list.

- D. A filing period will be established by Personnel, during which time applications will be accepted. If a small number of applications are received during the recruiting period, the recruitment may be extended. Only County application forms received for current recruitments will be accepted. Applications must be received by Personnel no later than 5 p.m. Pacific Standard Time (PST) on the final filing date, unless otherwise specified on the job bulletin. Supplemental questions, typing certificates, or additional required information, must be submitted by 5 p.m. (PST) the work day following the on the final filing date, unless otherwise specified on the job bulletin. ~~Typing certificates are to be submitted either with the application, or if screened in, must be submitted by 5:00 p.m. the day prior to taking the written test. If no written test is scheduled, typing certificates must be submitted by 5:00 p.m. on the day prior to a scheduled interview.~~
- E. Department Heads are encouraged to promote employees from within their own departments, if those employees' qualifications meet the job specifications and if they successfully pass the appropriate written and/or oral examinations. Employees are encouraged to apply during Open or County Promotional Recruitments for classifications in the department where potential openings may occur because County Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification.
- F. All County employees shall be entitled to take such written and/or oral examinations as are scheduled to fill position vacancies in the various County departments, without loss of regular pay, subject to the determination of Personnel that those employees meet the requirements of the position as set forth in the class specifications.

SECTION 6.2. SCREENING OF APPLICATIONS. Applications shall be screened by Personnel and others designated by Personnel to minimum qualifications as outlined in the job specifications. If an excessive number of applications meets minimum qualifications, or if the opening is for a specialized assignment, additional work related criteria such as skills, experience, education, and training may be applied to limit the number of written and/or oral exams.

SECTION 6.3. WRITTEN AND ORAL EXAMINATIONS.

- A. Eligible lists shall be compiled by Personnel based on ratings earned by applicants during oral and/or written examinations. Personnel will determine the appropriate exam process for the recruitment. Personnel may require written exams in addition to oral exams (interviews) for individuals applying for certain positions.
1. The appointing authority may opt to allow applicants the ability to transfer passing written exam scores to a current recruitment. The appointing authority is responsible for determining any restrictions related to transferring passing written exam scores, such as length of time that has transpired since passing the written exam, and notifying Personnel of the determination.
- B. If ten (10) or fewer applicants are determined to be qualified as a result of the application screening process, all shall be referred to the appointing authority for interviews, thereby by passing the initial oral exam. When written and/or oral exams are scheduled, candidates will be notified by mail, email, or telephone of the date, time and place of the exam. Departments may, upon consultation with Personnel, make the initial contact with applicants via phone to set up a time for the oral exam. If initial contact is made via phone, a confirmation letter will be sent.
- C. Each oral exam panel member will be given an interview packet in order to review the materials before the interviews. An oral exam panel will ordinarily consist of three individuals selected by Personnel and the appointing authority for their knowledge and expertise regarding the position. When possible, candidates will be notified of the names of the panel members prior to being interviewed. If a candidate has a concern regarding a particular panel member, those concerns are to be made known to the Chairperson of the oral board. Additionally, a candidate may request Personnel to remove one panel member. Personnel will determine the appropriateness of the request.
- D. Candidates will be notified of ~~their exam score~~the results of their exam, typically within two weeks after following the exam. Upon request by t~~The candidate, will be informed only of the~~ composite exam scores s may be provided; the scores of the individual panel members or from individual categories will not be made available to the candidate. Specific written exam scores will not be provided to candidates

for Pass/Fail tests.

- E. The oral exam panel may fail a candidate as a result of the interview based upon objective criteria that indicate that the individual is not qualified for the position. For example, the interview may reveal that the individual lacks essential knowledge, job-specific skills, necessary communication skills, a basic understanding of the job functions, or other key qualifications typically required of the position. The board panel must document such information and review it with Personnel. This may be done on panel scoring sheets instead of separate documents. Each category must have a score, and the panel members must be able to support each score. If Personnel concurs that the individual lacks sufficient qualifications to be placed on the eligible list, the ~~hiring department must notify the~~ individual must be notified in writing that it was the consensus of the oral board panel that he/she did not present qualifications sufficient to be placed on the eligible list, ~~and specify the qualifications that were lacking. Personnel will consult with the contact from the hiring department about the content and structure of the letter.~~
- F. Veterans' Preference.
1. An applicant who has received a passing score on all components of an examination (up to and including oral examinations) and who is a veteran shall receive credit for an additional five points to be added to the final examination score.
 2. For the purposes of this section, a veteran has the same meaning as in Government Code § 18973, as now enacted and as may hereafter be amended. As currently written, Government Code § 18973 defines a "veteran" as any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940 to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.
 3. (a) An applicant who wishes to be considered for veterans' preference credit must submit a copy of his or her discharge document (DD-214 or equivalent) and information as to the type of discharge (honorable, dishonorable, etc.) with the application on or before the final filing date for the recruitment and-;

(b) Failure to submit the required credentials on or before the final filing date of the recruitment shall be deemed a waiver of the veterans' preference.

4. Veterans' preference shall apply only to examination scores used to create eligible lists from Open Recruitments and shall not affect recall lists, eligible lists created from County or Departmental Promotional Recruitments or by any other means, or any other employment decision. Should an applicant claiming a veterans' preference be hired to a regular County employment position, his or her veteran's preference shall not be applied to any subsequent County recruitment, reclassification, transfer or other employment decision during the time he or she remains employed in a regular County employment position.
5. Veterans' preference shall apply only to the examination scores for classified employment positions with Shasta County.

~~6. Veterans' preference shall not apply to Shasta County employment positions covered by the State Interagency Merit System, which are governed by the provisions of the Local Agency Personnel Standards (LAPS) as set forth in Title 2, California Code of Regulations, sections 17010, et seq.~~

SECTION 6.4. ELIGIBLE LISTS.

- A. An eligible list will be established upon the compilation of final exam scores. The top ten (10) candidates (or more if the candidates are tied with others) on the list shall be certified to the appointing authority for final consideration and interview(s) as approved vacancies occur. Should the list include eligible employees from the hiring department, Personnel will also certify the top five (5) regular full time or regular part-time if not already included in the top ten (10) candidates (or more if scores are tied). For each additional vacancy, the department will be provided one additional candidate (or more if scores are tied). The appointing authority should interview all of those certified eligible prior to making a hiring selection.
- B. Current Shasta County employees wishing to transfer from their current departments to different departments within the same classification shall be considered for such transfer by submitting an application to Personnel at any time. Assuming they are otherwise eligible, their names will be referred in addition to the top ten (10) names on an eligible list. The appointing authority may consider a transfer request by a county employee without first establishing an eligible list or using the existing eligible list. These principles also apply to employees wishing to demote into classifications in which they previously held permanent status.

- C. Before being provided names of additional candidates, the department must reasonably justify the rejection of the original candidates certified. Valid justifications for rejecting certified applicants may include, but are not limited to: the applicant did not return department's phone call after two efforts; phone disconnected, no forwarding number; scheduled interview but did not attend interview; failed a background investigation that was conducted in accordance with County procedures (i.e., something was revealed in the reference check or background investigation that caused grave concern to the Department Head regarding the applicant's work ethic, attention to duty, skills, cooperation with management or coworkers, poor performance evaluations, etc.); criminal conviction of a job related nature; or other similar substantial reasons. Personnel will determine if the justification is sufficient to bypass the applicant's name in future certifications of the eligible list.
- D. Employees on a recall list shall be certified in accordance with the County's layoff policy.

SECTION 6.5. CONTINUOUS RECRUITMENT.

- A. Notwithstanding the foregoing, the Director of Support Services, or his/her designee, may authorize an open, continuous recruitment for specific classifications when such classifications have a history of multiple recruitments occurring within a year's period or the positions frequently remain vacant or under filled.
- B. The process for continuous recruitments shall be as follows:
 - 1. An appointing authority may request a continuous recruitment, (reference Section 6.1), or the Director of Support Services, or his/her designee, may initiate such recruitment.
 - 2. The Director of Support Services, or his/her designee, will only authorize continuous recruitments if one of the criteria referenced in paragraph A is met.
 - 3. The position will be posted as open for continuous recruitment (reference Section 6.1.B).
 - 4. Applications will be screened on a monthly basis or more frequently as necessary (reference Section 6.2).
 - 5. Applicants who do not meet the established qualifications will be notified by mail or email.

6. Qualified applicants will be scheduled for the examination(s) typically used to establish eligible lists for the class (reference Section 6.3).
7. Applicants completing the examination process will be informed by mail or email that they passed or failed the examination(s) and, if passed, of their ranking on the eligible list (reference Section 6.3).
8. Rankings will be based on examination(s) scores and how these scores compare to others already ranked on an established list. When individuals are notified of their ranking on the list, they will also be informed that their ranking may change in the future as new names are added or deleted from the list.
9. Candidates on the list may not participate in future examinations for the same job classification within six months of their initial placement on the list unless the list is being abolished and replaced with a new one.
10. Candidates' names will be removed from the list after one year from the date of their last placement on the list.
11. The Director of Support Services, or his/her designee, may discontinue a continuous recruitment for a classification at any time.

SECTION 6.6. MULTIPLE EMPLOYMENT. No employee, whether full time, part-time, or extra help, shall hold more than one employment with the County without prior concurrence of the appointing authorities for whom the employee will work and the approval of the Director of Support Services, or his/her designee. This provision shall not apply to employees represented by the Deputy Sheriffs Association, who, if employed in a full-time position, shall not be permitted to work for compensation for the County in any capacity other than his/her regular position.

SECTION 6.7. REINSTATEMENT. Notwithstanding anything to the contrary in this Chapter and without complying with the foregoing requirements for appointment, an appointing authority may appoint to a vacant position a former employee who separated from the County's employment in good standing within three years of separation, if the employee held permanent status in the classification to which appointment is being made. Salary step placement upon reinstatement may be to the same salary step to which the former employee was assigned at the time of separation. Upon reinstatement, the employee's vacation accrual rate, and maximum vacation accumulation (per section 12.2), and seniority in the event of a layoff on reinstatement will be based on prior service excluding absences from County employment, and in all other respects, benefits and terms of employment will be as in the case of new employment.

SECTION 6.8. OFFERS OF EMPLOYMENT AND REFERENCE CHECKING.

A. Except as stated in Section 6.8.C.1 below, after extending a verbal or written

preliminary conditional offers of eCounty employment, the appointing authority shall conduct a background investigation (based on County policies regarding background investigations) on a prospective employee. The County must extend a conditional offer of employment prior to initiating a background investigation on the prospective employee unless a conviction history check for the job classification is required by a state, federal or local law, or the position is with a criminal justice agency within the District Attorney's Office, Sheriff's Office, or the Probation Department. Such a background investigation includes, but is not limited to, performing reference checks, obtaining the prospective employee's fingerprints for the purpose of conducting a criminal history check, and collecting other job related information. The appointing authority has the discretion to only conduct background investigations on certain applicants that the appointing authority has decided to move forward in the hiring process. A background investigation is not required of every applicant referred to the appointing authority, unless otherwise required by state, federal, or local law.

1. The appointing authority shall not consider, distribute or disseminate any of the following while conducting a conviction background check in connection with any application for employment:

- a. An arrest not followed by a conviction.
- b. Referral to or participation in a pretrial or post trial diversion program.
- c. Convictions that have been sealed, dismissed, expunged or statutorily eradicated pursuant to law.

2. If the appointing authority intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history, the appointing authority must make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position, including an assessment that considers all of the following:

- a. The nature and gravity of the offense or conduct.
- b. The time that has passed since the offense or conduct, as well as completion of a sentence.
- c. The nature of the job held or sought.

3. If the appointing authority makes a preliminary decision that the

applicant's conviction history disqualifies the applicant from employment, the applicant must be notified in writing of all of the following:

- a. Notice of the disqualifying conviction(s) that are the basis for the preliminary decision to rescind the job offer.
 - b. A copy of the conviction report, if any.
 - c. An explanation of the applicant's right to respond to the notice of the preliminary decision before the decision becomes final and the deadline by which to respond. The response may include submission of evidence challenging the accuracy of the conviction history report, evidence of rehabilitation or mitigating circumstances, or both.
4. The applicant must be provided at least five business days to respond to the notice before the appointing authority can make a final decision.
 - a. If the applicant notifies the County in writing that the applicant is disputing the accuracy of the conviction history report and taking steps to obtain supporting evidence, the applicant must be given an additional five business days to respond to the notice before the appointing authority can make a final decision.
5. Any information provided by the applicant must be considered prior to making a final decision regarding employment.
6. If a final decision is made to deny the application for employment due to the applicant's conviction history (solely or in part), the applicant must be informed in writing of all of the following:
 - a. The final denial or disqualification.
 - b. Information and any existing procedure the County has for ~~of~~ how the applicant may challenge the decision or request reconsideration.
 - c. The right to file a complaint with the California Department of Fair Employment and Housing (DFEH).
7. Certain positions are not subject to the procedures outlined in Sections 6.8.A.1 through 6.8.A.6 including:

- a. Positions with a criminal justice agency, such as the District Attorney's Office, Sheriff's Office, or Probation Department.
 - b. Positions for which the County is required by any local, state or federal law to conduct a conviction history background check for employment purposes or to restrict employment based on criminal history.
 - a-c. Positions which fall under the provisions of Section 6.8.A.7.a and 6.8.A.7.b remain subject to other state and federal laws concerning use of criminal information. Applicants for those positions must be provided a copy of the criminal history information and the opportunity to complete, or challenge the accuracy if, the criminal history information prior to revocation of a conditional offer, denying employment, or otherwise taking an adverse action.
- B. All pProspective employees shall sign an Authorization and Release of Information form or other releases authorizing the County to investigate and verify the information contained on their application. Failure to sign such release(s) shall disqualify the applicant. References shall be provided by the applicant. References shall be checked only after a written release has been provided to the County.
- C. Following completion of the background investigation, which includes fingerprinting for the purpose of conducting a criminal history check, the appointing authority may extend an offer of employment conditioned on the results of a medical examination.
 - 1. The appointing authority must first complete the background investigation and evaluate all non-medical information that it reasonably could have obtained prior to extending a job offer conditioned on the results of a medical examination. The collection of non-medical information after extending a job offer conditioned on the results of a medical examination is only allowed if the appointing authority can demonstrate that the information could not reasonably have been collected prior to the offer.
 - 2. It is the department's responsibility to verify that the applicant has passed the background investigation before extending an offer conditioned on the results of a medical examination. This may be done by contacting Personnel. (See also Chapter 30, Pre-employment Drug and Alcohol Testing Policy.)
- D. The appointing authority shall notify all applicants on the certified eligible list as to their selection or rejection for employment.

- E. Employees who have access to Federal Tax Information (FTI) are subject to a background investigation prior to access to FTI data and periodically thereafter, as required by Internal Revenue Service Publication 1075 and State Policy implementing Internal Revenue Service Publication 1075. See Administrative Policy 8-520 for the County's Background Investigation Policy under Internal Revenue Service Publication 1075.

SECTION 6.9. COLLATERAL ALLOCATION FOR THE TRAINING OF A NEW EMPLOYEE. The Director of Support Services, or his/her designee, may create a temporary collateral allocation to provide a time period for an employee leaving County service or who has accepted a position in another County department to train a new employee. The Department Head, or his/her designee, must make the request for a collateral allocation in writing. The Director of Support Services, or his/her designee, may grant a collateral allocation for up to four weeks for a non-management position, and up to eight weeks for a management position. The department must provide to Personnel the signed resignation or notice of retirement from the employee, or confirmation from the Department Head, or his/her designee, of the new hiring department, and provide written assurance that there is funding available for the additional expense.

SECTION 6.10. APPOINTMENTS TO CLASSIFIED SERVICE. All new and promotional appointments to a position in the classified service shall be made by the appropriate appointing authority. All appointing authorities shall appoint to positions in the classified service only from among those who are certified to them by Personnel as being eligible for the particular classification of employment, ~~provided, however, that any other employee of the Departments of Social Services or Child Support Services subject to the State Merit System, shall be subject also to standards imposed under that system.~~ Insofar as it conforms to other County regulations or policies, each Department Head, or his/her designee, shall be permitted to choose from the top ten (10) applicants in accordance with section 6.4.A.

SECTION 6.11. DEPARTMENT HEADS.

- A. The persons lawfully holding the positions listed in this section, and such other persons as maybe designated from time to time by state law, shall be regarded as Department Heads and shall be part of the executive management of Shasta County government. The manner of their appointment is set forth in the following subsections.
- B. The following department head is appointed by and serves at the pleasure of the Board of Supervisors and may be employed by contract: County Executive Officer.
- C. The following department head is appointed to a four-year term of office by the Board of Supervisors and may be removed for cause pursuant to Government Code section 27641: County Counsel.

- D. The following Department Head is appointed to a four-year term of office by the Board of Supervisors from a list of eligible candidates prepared by the Director of Agriculture, and may be removed for cause pursuant to Food and Agricultural Code sections 2181 et seq. and Business & Professions Code section 12214: Agricultural Commissioner/Sealer of Weights & Measures.
- E. The following Department Heads are appointed by the Board of Supervisors upon the recommendation of the County Executive Officer and serve at the pleasure of the Board of Supervisors:
1. Public Works Director
 2. Director of Resource Management
 3. Director of Child Support Services
 4. Public Defender
 5. Health and Human Services Agency Director*
 6. Chief Probation Officer

*The separate position of Director of Mental Health Services is applicable only when the HHSA Director does not possess the particular qualifications required by law for the office of Director of Mental Health Services and is not otherwise approved by the State Director of Mental Health. All other provisions and conditions for Department Heads would apply.

- F. The following Department Heads are appointed by the County Executive Officer and serve at his/her pleasure:
1. Director of Support Services
 2. Chief Information Officer
 3. Director of Housing and Community Action Programs
 - ~~4. Intermountain Fair Manager~~
 - ~~5.4.~~ Veterans Service Officer
- G. The following Department Heads are appointed by authorities other than the Board of Supervisors, as indicated, and serve at the pleasure of their appointing authorities:

Shasta County Personnel Rules (revised ~~1/2018~~1/2013)

1. Fire Warden (appointed by the California Department of Forestry - receives no county pay)
2. Farm Advisor (appointed by the University of California - receives no county pay)

H. The following Department Heads make up the elective service:

1. Assessor/Recorder
2. Auditor-Controller
3. County Clerk
4. District Attorney
5. Sheriff-Coroner
6. Treasurer-Tax Collector/Public Administrator

I. The Department Heads listed in subsections B through G shall be subject to termination upon 30 days prior written notice, except where another method of removal is required by contract, ordinance or state law. Upon such Department Heads giving notice of resignation, the County Executive Officer may, for good cause and upon a determination that the best interests of the County would be served, authorize a maximum of 30 days leave with pay pending the effective date of that resignation.

SECTION 6.12. MERIT PRINCIPLES APPLY. It is the policy of the Board that appointments to positions listed in section 6.11, will be made in accordance with the federal merit principles (see appendix) and that the services of Personnel will be utilized in recruiting and in determining the qualifications of candidates for these positions.

SECTION 6.13. USE OF FORMS. All appointments to positions in the classified and unclassified service shall be made in writing on forms using the methods prescribed by Personnel. A copy of the appointment signed by the appointing authority or his/her authorized designee shall be delivered to Personnel for approval before the proposed appointee begins work or the proposed promotion takes effect. The appointment must be processed by Personnel before payment can be made to the appointee by the County Auditor.

SECTION 6.14. APPOINTMENT OF RELATIVES

A. Appointing authorities are prohibited from appointing relatives to positions in

Shasta County Personnel Rules (revised-1/2018~~11/2013~~)

County service. An appointing authority shall insure that within his/her department, a supervisory person shall not have a relative under his/her supervision, regardless of the departmental budget unit to which the position occupied by such relative is allocated. Such supervision may be direct, i.e., immediate supervision, or indirect by any number of organizational levels within the department.

- B. For the purposes of this section, relative shall include brother, sister, child, parent, uncle, aunt, niece, nephew, spouse, Registered Domestic Partner, or spouses' or Registered Domestic Partners' brother, sister, parent, uncle, aunt, niece or nephew. Step-relatives of the same relationships are also included.

SECTION 6.15. INITIAL PROBATION. Upon initial appointment in classified service, all employees (except those otherwise specified in memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be dismissed without cause or right of appeal. While on initial probation, an employee may not promote to another classification (except in an unusual circumstance after approval by the Director of Support Services, or his/her designee).

SECTION 6.16. PROMOTIONAL PROBATION. Upon promotion to a classification in classified service with a higher salary schedule, an employee (except those otherwise restricted by specific memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be returned to his/her previous classification without cause or right of appeal, provided the employee had successfully attained permanent status in the previous class.

SECTION 6.17. PROBATION ON TRANSFER OR DEMOTION. For good cause shown, a Department Head, or his/her designee, may require a 12 month probationary period (full-time equivalent) as a condition of appointment in cases of lateral transfer or demotion, voluntary or otherwise, from another department. During such probationary period, the employee may be dismissed without cause or right of appeal. The employee has no right to return to his/her previous position.

SECTION 6.18. EXTENSION OF PROBATIONARY PERIOD. Any accumulated time absent during the probationary period for a period of more than five working days shall serve to extend the employee's probationary period for the total period of absence. Probation shall not be extended for any other reason.

SECTION 6.19. REJECTION FROM PROBATION. Rejection during a probation period is not a disciplinary action.

SECTION 6.20. LEAVE OF ABSENCE WHILE ON PROBATION. An employee in the initial probationary period may be granted a leave of absence without pay, but the period of leave shall not exceed four months unless otherwise required by law. An employee in any probationary status shall have his/her probationary period extended an amount of time equal to the period of leave.

SECTION 6.21. PROBATION ON RECLASSIFICATION. An appointing authority may require a probationary period of six months on reclassification when the incumbent employee has been performing the assigned duties for less than six months. Should a reclassified position be filled by recruitment, promotional probationary rules shall apply.

CHAPTER 6. RECRUITMENTS AND APPOINTMENTS

SECTION 6.1. RECRUITMENT PROCEDURES. The following procedures based on the six federal merit system principles (see appendix) must be followed in the recruitment of classified employees for Shasta County. The only exceptions or modifications to these procedures are those outlined in Policy Resolution 2010-02 (see appendix).

- A. The appointing authority begins recruitment by forwarding a Request to Fill Position Form or, if necessary, a REQUEST FOR CONTROLLED HIRING EXEMPTION/EXCEPTION Form, to Personnel. Personnel then determines, after consulting with the appointing authority, the type of recruitment to conduct. The three types of recruitment are: County Promotional - open only to regular Shasta County employees; Departmental Promotional - open only to regular employees within the department where the vacancy exists; and Open - which is a general recruitment open to anyone. Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification. Exceptions may apply with approval from the Director of Support Services, or his/her designee.
- B. If no eligible list exists, the job description for the position and any previous bulletin(s) will be reviewed with the appointing authority for accuracy and updated if appropriate. Personnel will update the job description under authority granted by the Board of Supervisors. However, if there are proposed changes to the title or pay of the classification, or significant proposed changes in duties, such proposals require approval of the Board of Supervisors prior to proceeding. After the job description and bulletin are approved by Personnel in consultation with the department, Personnel will decide which newspapers, job websites, professional journals or other job recruiting resources to utilize. Departments may only place additional ads after consulting with Personnel. Departments may only do large-scale mailings of the job bulletin after reviewing its content with Personnel. Personnel may initiate the process to create a new eligible list if the recruitment for the current eligible list commenced a year or more before the current request to fill. A new list may also be created for compelling reasons (based on agreement between the Department Head, or his/her designee, and the Director of Support Services, or his/her designee) if the list was created less than one (1) year before the current request to fill. Notices of recruitments are posted on bulletin boards in various county offices and sent to other local agencies and distributed consistent with equal employment opportunity laws. Notices are updated and distributed by Personnel. Current open recruitments shall also be announced on the Shasta County Website (www.co.shasta.ca.us).
- C. If an existing eligible list is less than one year old, the top ten (10) names shall be certified to the appointing authority. Additionally, where possible, employees on recall lists will be referred first or in conjunction with the certified list. If the eligible

list is older than one year or consists of five (5) or fewer viable names, the appointing authority, in consultation with Personnel, may either select someone from the existing list or reject the list and request the development of a new list. If the department provides valid justification for the rejection of one or more applicants from the certified list, causing five (5) or fewer viable names to remain for the department to consider, the appointing authority, in consultation with Personnel, may reject the list and request the development of a new eligible list. The eligible list must be abolished if it is older than two years. If a Departmental Promotional eligible list exists and a County Promotional or Open list is subsequently developed, the department must use the departmental list until it expires.

If a unique, special-duty assignment exists within a broadly defined classification, Personnel may approve a request from an appointing authority for a specialized recruitment even if a current (general) eligible list exists, or to develop a new eligible list specific to the special assignment from the existing eligible list.

- D. A filing period will be established by Personnel, during which time applications will be accepted. If a small number of applications are received during the recruiting period, the recruitment may be extended. Only County application forms received for current recruitments will be accepted. Applications must be received by Personnel no later than 5 p.m. Pacific Standard Time (PST) on the final filing date, unless otherwise specified on the job bulletin. Supplemental questions, typing certificates, or additional required information, must be submitted by 5 p.m. (PST) on the final filing date, unless otherwise specified on the job bulletin.
- E. Department Heads are encouraged to promote employees from within their own departments, if those employees' qualifications meet the job specifications and if they successfully pass the appropriate written and/or oral examinations. Employees are encouraged to apply during Open or County Promotional Recruitments for classifications in the department where potential openings may occur because County Promotional and Departmental Promotional recruitments will not normally be allowed if a current eligible list exists for the classification.
- F. All County employees shall be entitled to take such written and/or oral examinations as are scheduled to fill position vacancies in the various County departments, without loss of regular pay, subject to the determination of Personnel that those employees meet the requirements of the position as set forth in the class specifications.

SECTION 6.2. SCREENING OF APPLICATIONS. Applications shall be screened by Personnel and others designated by Personnel to minimum qualifications as outlined in the job specifications. If an excessive number of applications meets minimum qualifications, or if the opening is for a specialized assignment, additional work related criteria such as skills, experience, education, and training may

be applied to limit the number of written and/or oral exams.

SECTION 6.3. WRITTEN AND ORAL EXAMINATIONS.

- A. Eligible lists shall be compiled by Personnel based on ratings earned by applicants during oral and/or written examinations. Personnel will determine the appropriate exam process for the recruitment. Personnel may require written exams in addition to oral exams (interviews) for individuals applying for certain positions.
 - 1. The appointing authority may opt to allow applicants the ability to transfer passing written exam scores to a current recruitment. The appointing authority is responsible for determining any restrictions related to transferring passing written exam scores, such as length of time that has transpired since passing the written exam, and notifying Personnel of the determination.
- B. If ten (10) or fewer applicants are determined to be qualified as a result of the application screening process, all shall be referred to the appointing authority for interviews, thereby by passing the initial oral exam. When written and/or oral exams are scheduled, candidates will be notified by mail, email, or telephone of the date, time and place of the exam. Departments may, upon consultation with Personnel, make the initial contact with applicants via phone to set up a time for the oral exam. If initial contact is made via phone, a confirmation letter will be sent.
- C. Each oral exam panel member will be given an interview packet in order to review the materials before the interviews. An oral exam panel will ordinarily consist of three individuals selected by Personnel and the appointing authority for their knowledge and expertise regarding the position. When possible, candidates will be notified of the names of the panel members prior to being interviewed. If a candidate has a concern regarding a particular panel member, those concerns are to be made known to the Chairperson of the oral board. Additionally, a candidate may request Personnel to remove one panel member. Personnel will determine the appropriateness of the request.
- D. Candidates will be notified of the results of their exam, typically within two weeks following the exam. Upon request by the candidate, composite exam scores may be provided; the scores of the individual panel members or from individual categories will not be made available to the candidate. Specific written exam scores will not be provided to candidates for Pass/Fail tests.
- E. The oral exam panel may fail a candidate as a result of the interview based upon objective criteria that indicate that the individual is not qualified for the position. For example, the interview may reveal that the individual lacks essential knowledge, job-specific skills, necessary communication skills, a basic understanding of the

job functions, or other key qualifications typically required of the position. The board panel must document such information and review it with Personnel. This may be done on panel scoring sheets instead of separate documents. Each category must have a score, and the panel members must be able to support each score. If Personnel concurs that the individual lacks sufficient qualifications to be placed on the eligible list, the individual must be notified in writing that it was the consensus of the oral board panel that he/she did not present qualifications sufficient to be placed on the eligible list.

F. Veterans' Preference.

1. An applicant who has received a passing score on all components of an examination (up to and including oral examinations) and who is a veteran shall receive credit for an additional five points to be added to the final examination score.
2. For the purposes of this section, a veteran has the same meaning as in Government Code § 18973, as now enacted and as may hereafter be amended. As currently written, Government Code § 18973 defines a "veteran" as any person who has served full time for 30 days or more in the armed forces in time of war or in time of peace in a campaign or expedition for service in which a medal has been authorized by the government of the United States, or during the period September 16, 1940 to January 31, 1955, or who has served at least 181 consecutive days since January 31, 1955, and who has been discharged or released under conditions other than dishonorable, but does not include any person who served only in auxiliary or reserve components of the armed forces whose service therein did not exempt him or her from the operation of the Selective Training and Service Act of 1940.
3. (a) An applicant who wishes to be considered for veterans' preference credit must submit a copy of his or her discharge document (DD-214 or equivalent) and information as to the type of discharge (honorable, dishonorable, etc.) with the application on or before the final filing date for the recruitment and;

(b) Failure to submit the required credentials on or before the final filing date of the recruitment shall be deemed a waiver of the veterans' preference.
4. Veterans' preference shall apply only to examination scores used to create eligible lists from Open Recruitments and shall not affect recall lists, eligible lists created from County or Departmental Promotional Recruitments or by any other means, or any other employment decision.

Should an applicant claiming a veterans' preference be hired to a regular County employment position, his or her veteran's preference shall not be applied to any subsequent County recruitment, reclassification, transfer or other employment decision during the time he or she remains employed in a regular County employment position.

5. Veterans' preference shall apply only to the examination scores for classified employment positions with Shasta County.

SECTION 6.4. ELIGIBLE LISTS.

- A. An eligible list will be established upon the compilation of final exam scores. The top ten (10) candidates (or more if the candidates are tied with others) on the list shall be certified to the appointing authority for final consideration and interview(s) as approved vacancies occur. Should the list include eligible employees from the hiring department, Personnel will also certify the top five (5) regular full time or regular part-time if not already included in the top ten (10) candidates (or more if scores are tied). For each additional vacancy, the department will be provided one additional candidate (or more if scores are tied). The appointing authority should interview all of those certified eligible prior to making a hiring selection.
- B. Current Shasta County employees wishing to transfer from their current departments to different departments within the same classification shall be considered for such transfer by submitting an application to Personnel at any time. Assuming they are otherwise eligible, their names will be referred in addition to the top ten (10) names on an eligible list. The appointing authority may consider a transfer request by a county employee without first establishing an eligible list or using the existing eligible list. These principles also apply to employees wishing to demote into classifications in which they previously held permanent status.
- C. Before being provided names of additional candidates, the department must reasonably justify the rejection of the original candidates certified. Valid justifications for rejecting certified applicants may include, but are not limited to: the applicant did not return department's phone call after two efforts; phone disconnected, no forwarding number; scheduled interview but did not attend interview; failed a background investigation that was conducted in accordance with County procedures (i.e., something was revealed in the reference check or background investigation that caused grave concern to the Department Head regarding the applicant's work ethic, attention to duty, skills, cooperation with management or coworkers, poor performance evaluations, etc.); criminal conviction of a job related nature; or other similar substantial reasons. Personnel will determine if the justification is sufficient to bypass the applicant's name in future certifications of the eligible list.

- D. Employees on a recall list shall be certified in accordance with the County's layoff policy.

SECTION 6.5. CONTINUOUS RECRUITMENT.

- A. Notwithstanding the foregoing, the Director of Support Services, or his/her designee, may authorize an open, continuous recruitment for specific classifications when such classifications have a history of multiple recruitments occurring within a year's period or the positions frequently remain vacant or under filled.
- B. The process for continuous recruitments shall be as follows:
 - 1. An appointing authority may request a continuous recruitment, (reference Section 6.1), or the Director of Support Services, or his/her designee, may initiate such recruitment.
 - 2. The Director of Support Services, or his/her designee, will only authorize continuous recruitments if one of the criteria referenced in paragraph A is met.
 - 3. The position will be posted as open for continuous recruitment (reference Section 6.1.B).
 - 4. Applications will be screened on a monthly basis or more frequently as necessary (reference Section 6.2).
 - 5. Applicants who do not meet the established qualifications will be notified by mail or email.
 - 6. Qualified applicants will be scheduled for the examination(s) typically used to establish eligible lists for the class (reference Section 6.3).
 - 7. Applicants completing the examination process will be informed by mail or email that they passed or failed the examination(s) and, if passed, of their ranking on the eligible list (reference Section 6.3).
 - 8. Rankings will be based on examination(s) scores and how these scores compare to others already ranked on an established list. When individuals are notified of their ranking on the list, they will also be informed that their ranking may change in the future as new names are added or deleted from the list.
 - 9. Candidates on the list may not participate in future examinations for the

same job classification within six months of their initial placement on the list unless the list is being abolished and replaced with a new one.

10. Candidates' names will be removed from the list after one year from the date of their last placement on the list.

11. The Director of Support Services, or his/her designee, may discontinue a continuous recruitment for a classification at any time.

SECTION 6.6. MULTIPLE EMPLOYMENT. No employee, whether full time, part-time, or extra help, shall hold more than one employment with the County without prior concurrence of the appointing authorities for whom the employee will work and the approval of the Director of Support Services, or his/her designee. This provision shall not apply to employees represented by the Deputy Sheriffs Association, who, if employed in a full-time position, shall not be permitted to work for compensation for the County in any capacity other than his/her regular position.

SECTION 6.7. REINSTATEMENT. Notwithstanding anything to the contrary in this Chapter and without complying with the foregoing requirements for appointment, an appointing authority may appoint to a vacant position a former employee who separated from the County's employment in good standing within three years of separation, if the employee held permanent status in the classification to which appointment is being made. Salary step placement upon reinstatement may be to the same salary step to which the former employee was assigned at the time of separation. Upon reinstatement, the employee's vacation accrual rate, maximum vacation accumulation (per section 12.2), and seniority in the event of a layoff will be based on prior service excluding absences from County employment. In all other respects, benefits and terms of employment will be as in the case of new employment.

SECTION 6.8. OFFERS OF EMPLOYMENT AND REFERENCE CHECKING.

- A. Except as stated in Section 6.8.C.1 below, after extending a verbal or written preliminary conditional offer of County employment, the appointing authority shall conduct a background investigation (based on County policies regarding background investigations) on a prospective employee. The County must extend a conditional offer of employment prior to initiating a background investigation on the prospective employee unless a conviction history check for the job classification is required by a state, federal or local law, or the position is with a criminal justice agency within the District Attorney's Office, Sheriff's Office, or the Probation Department. Such a background investigation includes, but is not limited to, performing reference checks, obtaining the prospective employee's fingerprints for the purpose of conducting a criminal history check, and collecting other job related information. The appointing authority has the discretion to only conduct background investigations on certain applicants that the appointing authority has decided to move forward in the hiring process. A background investigation is not required of every applicant referred to the appointing authority, unless otherwise

required by state, federal, or local law.

1. The appointing authority shall not consider, distribute or disseminate any of the following while conducting a conviction background check in connection with any application for employment:
 - a. An arrest not followed by a conviction.
 - b. Referral to or participation in a pretrial or post trial diversion program.
 - c. Convictions that have been sealed, dismissed, expunged or statutorily eradicated pursuant to law.
2. If the appointing authority intends to deny an applicant a position of employment solely or in part because of the applicant's conviction history, the appointing authority must make an individualized assessment of whether the applicant's conviction history has a direct and adverse relationship with the specific duties of the job that justify denying the applicant the position, including an assessment that considers all of the following:
 - a. The nature and gravity of the offense or conduct.
 - b. The time that has passed since the offense or conduct, as well as completion of a sentence.
 - c. The nature of the job held or sought.
3. If the appointing authority makes a preliminary decision that the applicant's conviction history disqualifies the applicant from employment, the applicant must be notified in writing of all of the following:
 - a. Notice of the disqualifying conviction(s) that are the basis for the preliminary decision to rescind the job offer.
 - b. A copy of the conviction report, if any.
 - c. An explanation of the applicant's right to respond to the notice of the preliminary decision before the decision becomes final and the deadline by which to respond. The response may include submission of evidence challenging the accuracy of the conviction history report, evidence of rehabilitation or mitigating circumstances, or both.

4. The applicant must be provided at least five business days to respond to the notice before the appointing authority can make a final decision.
 - a. If the applicant notifies the County in writing that the applicant is disputing the accuracy of the conviction history report and taking steps to obtain supporting evidence, the applicant must be given an additional five business days to respond to the notice before the appointing authority can make a final decision.
5. Any information provided by the applicant must be considered prior to making a final decision regarding employment.
6. If a final decision is made to deny the application for employment due to the applicant's conviction history (solely or in part), the applicant must be informed in writing of all of the following:
 - a. The final denial or disqualification.
 - b. Information and any existing procedure the County has for how the applicant may challenge the decision or request reconsideration.
 - c. The right to file a complaint with the California Department of Fair Employment and Housing (DFEH).
7. Certain positions are not subject to the procedures outlined in Sections 6.8.A.1 through 6.8.A.6 including:
 - a. Positions with a criminal justice agency, such as the District Attorney's Office, Sheriff's Office, or Probation Department.
 - b. Positions for which the County is required by any local, state or federal law to conduct a conviction history background check for employment purposes or to restrict employment based on criminal history.
 - c. Positions which fall under the provisions of Section 6.8.A.7.a and 6.8.A.7.b remain subject to other state and federal laws concerning use of criminal information. Applicants for those positions must be provided a copy of the criminal history information and the opportunity to complete, or challenge the accuracy if, the criminal history information prior to revocation

of a conditional offer, denying employment, or otherwise taking an adverse action.

- B. All prospective employees shall sign an Authorization and Release of Information form or other releases authorizing the County to investigate and verify the information contained on their application. Failure to sign such release(s) shall disqualify the applicant. References shall be provided by the applicant. References shall be checked only after a written release has been provided to the County.
- C. Following completion of the background investigation, which includes fingerprinting for the purpose of conducting a criminal history check, the appointing authority may extend an offer of employment conditioned on the results of a medical examination.
 - 1. The appointing authority must first complete the background investigation and evaluate all non-medical information that it reasonably could have obtained prior to extending a job offer conditioned on the results of a medical examination. The collection of non-medical information after extending a job offer conditioned on the results of a medical examination is only allowed if the appointing authority can demonstrate that the information could not reasonably have been collected prior to the offer.
 - 2. It is the department's responsibility to verify that the applicant has passed the background investigation before extending an offer conditioned on the results of a medical examination. This may be done by contacting Personnel. (See also Chapter 30, Pre-employment Drug and Alcohol Testing Policy.)
- D. The appointing authority shall notify all applicants on the certified eligible list as to their selection or rejection for employment.
- E. Employees who have access to Federal Tax Information (FTI) are subject to a background investigation prior to access to FTI data and periodically thereafter, as required by Internal Revenue Service Publication 1075 and State Policy implementing Internal Revenue Service Publication 1075. See Administrative Policy 8-520 for the County's Background Investigation Policy under Internal Revenue Service Publication 1075.

SECTION 6.9. COLLATERAL ALLOCATION FOR THE TRAINING OF A NEW EMPLOYEE. The Director of Support Services, or his/her designee, may create a temporary collateral allocation to provide a time period for an employee leaving County service or who has accepted a position in another County department to train a new employee. The Department Head, or his/her designee, must make the request for a collateral allocation in writing. The Director of Support Services, or his/her designee, may grant a collateral allocation for up to four weeks for a non-management position, and up to eight weeks for a management position. The department must provide to

Personnel the signed resignation or notice of retirement from the employee, or confirmation from the Department Head, or his/her designee, of the new hiring department, and provide written assurance that there is funding available for the additional expense.

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SECTION 6.11. DEPARTMENT HEADS.

- A. The persons lawfully holding the positions listed in this section, and such other persons as maybe designated from time to time by state law, shall be regarded as Department Heads and shall be part of the executive management of Shasta County government. The manner of their appointment is set forth in the following subsections.
- B. The following department head is appointed by and serves at the pleasure of the Board of Supervisors and may be employed by contract: County Executive Officer.
- C. The following department head is appointed to a four-year term of office by the Board of Supervisors and may be removed for cause pursuant to Government Code section 27641: County Counsel.
- D. The following Department Head is appointed to a four-year term of office by the Board of Supervisors from a list of eligible candidates prepared by the Director of Agriculture, and may be removed for cause pursuant to Food and Agricultural Code sections 2181 et seq. and Business & Professions Code section 12214: Agricultural Commissioner/Sealer of Weights & Measures.
- E. The following Department Heads are appointed by the Board of Supervisors upon the recommendation of the County Executive Officer and serve at the pleasure of the Board of Supervisors:
 - 1. Public Works Director
 - 2. Director of Resource Management
 - 3. Director of Child Support Services
 - 4. Public Defender

5. Health and Human Services Agency Director*

6. Chief Probation Officer

*The separate position of Director of Mental Health Services is applicable only when the HHSA Director does not possess the particular qualifications required by law for the office of Director of Mental Health Services and is not otherwise approved by the State Director of Mental Health. All other provisions and conditions for Department Heads would apply.

F. The following Department Heads are appointed by the County Executive Officer and serve at his/her pleasure:

1. Director of Support Services
2. Chief Information Officer
3. Director of Housing and Community Action Programs
4. Veterans Service Officer

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1. Fire Warden (appointed by the California Department of Forestry - receives no county pay)
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6. Treasurer-Tax Collector/Public Administrator

- I. The Department Heads listed in subsections B through G shall be subject to termination upon 30 days prior written notice, except where another method of removal is required by contract, ordinance or state law. Upon such Department Heads giving notice of resignation, the County Executive Officer may, for good cause and upon a determination that the best interests of the County would be served, authorize a maximum of 30 days leave with pay pending the effective date of that resignation.

SECTION 6.12. MERIT PRINCIPLES APPLY. It is the policy of the Board that appointments to positions listed in section 6.11, will be made in accordance with the federal merit principles (see appendix) and that the services of Personnel will be utilized in recruiting and in determining the qualifications of candidates for these positions.

SECTION 6.13. USE OF FORMS. All appointments to positions in the classified and unclassified service shall be made in writing using the methods prescribed by Personnel. A copy of the appointment signed by the appointing authority or his/her authorized designee shall be delivered to Personnel for approval before the proposed appointee begins work or the proposed promotion takes effect. The appointment must be processed by Personnel before payment can be made to the appointee by the County Auditor.

SECTION 6.14. APPOINTMENT OF RELATIVES

- A. Appointing authorities are prohibited from appointing relatives to positions in County service. An appointing authority shall insure that within his/her department, a supervisory person shall not have a relative under his/her supervision, regardless of the departmental budget unit to which the position occupied by such relative is allocated. Such supervision may be direct, i.e., immediate supervision, or indirect by any number of organizational levels within the department.
- B. For the purposes of this section, relative shall include brother, sister, child, parent, uncle, aunt, niece, nephew, spouse, Registered Domestic Partner, or spouses' or Registered Domestic Partners' brother, sister, parent, uncle, aunt, niece or nephew. Step-relatives of the same relationships are also included.

SECTION 6.15. INITIAL PROBATION. Upon initial appointment in classified service, all employees (except those otherwise specified in memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be dismissed without cause or right of appeal. While on initial probation, an employee may not promote to another classification (except in an unusual circumstance after approval by the Director of Support Services, or his/her designee).

SECTION 6.16. PROMOTIONAL PROBATION. Upon promotion to a classification in classified

service with a higher salary schedule, an employee (except those otherwise restricted by specific memoranda of understanding) shall serve the equivalent of 12 months of full-time service as a probationary period, during which time the employee may be returned to his/her previous classification without cause or right of appeal, provided the employee had successfully attained permanent status in the previous class.

SECTION 6.17. PROBATION ON TRANSFER OR DEMOTION. For good cause shown, a Department Head, or his/her designee, may require a 12 month probationary period (full-time equivalent) as a condition of appointment in cases of lateral transfer or demotion, voluntary or otherwise, from another department. During such probationary period, the employee may be dismissed without cause or right of appeal. The employee has no right to return to his/her previous position.

SECTION 6.18. EXTENSION OF PROBATIONARY PERIOD. Any accumulated time absent during the probationary period for a period of more than five working days shall serve to extend the employee's probationary period for the total period of absence. Probation shall not be extended for any other reason.

SECTION 6.19. REJECTION FROM PROBATION. Rejection during a probation period is not a disciplinary action.

SECTION 6.20. LEAVE OF ABSENCE WHILE ON PROBATION. An employee in the initial probationary period may be granted a leave of absence without pay, but the period of leave shall not exceed four months unless otherwise required by law. An employee in any probationary status shall have his/her probationary period extended an amount of time equal to the period of leave.

SECTION 6.21. PROBATION ON RECLASSIFICATION. An appointing authority may require a probationary period of six months on reclassification when the incumbent employee has been performing the assigned duties for less than six months. Should a reclassified position be filled by recruitment, promotional probationary rules shall apply.

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Health and Human Services-5.

SUBJECT:

HHSA Salary Resolution to Add One Staff Services Analyst Position

DEPARTMENT: Health and Human Services Agency-Business and Support Services

Supervisory District No. : All

DEPARTMENT CONTACT: Tracy Tedder, Branch Director, HHSA Business & Support Services,
(530) 229-8425

STAFF REPORT APPROVED BY: Tracy Tedder, Branch Director, HHSA Business & Support Services

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Adopt a salary resolution, effective February 4, 2018, which amends Shasta County's Position Allocation List to add 1.0 Full-Time Equivalent Staff Services Analyst I/II position in the Social Services and Benefit Administration budget.

SUMMARY

Approval of this recommendation will provide the Health and Human Services Agency (HHSA) – Children's Services Branch with a position needed to assist with the project management and implementation of activities related to the Child Welfare Services - New System Project mandated by the California Department of Social Services on November 15, 2017.

DISCUSSION

On November 15, 2017, the California Department of Social Services released County Fiscal Letter No. 17/18-38, which provided allocation funding for the Child Welfare Services – New System Project (New System). During the next several years, the state of California, counties, and Shasta County will be implementing a new online system for documenting all child welfare activities. The New System is built to allow child welfare workers to better ensure safety, well-being, and permanency of children at risk of abuse, neglect, or exploitation. This will be replacing a 20-year old system currently in use with a new web-based agile system to enhance information security, child welfare productivity, and ease of use. The New System will include Child Welfare modules for Intake, Case Management, Court Processing, Eligibility, and Resource Family Approval functions. The deployment of each module of the New System will change current business processes and the day-to-day work of 178 staff in the Children's Services Branch and more than 25,000 users across the state.

To assist with implementation and adoption of the New System, counties were provided funding for activities, which included project management, change management, data conversion, training, help desk support, and IT support. An additional Staff Services Analyst is needed to assist with the project management and implementation activities of a technical nature. HHSA

received an allocation in Fiscal Year 2017-18 of \$250,000 to support these activities.

This is a new mandate, and a Staff Services Analyst will have the skills necessary to assist in the ongoing implementation, future maintenance, and support of staff in the New System. New requirement activities to be completed include the following: initiating, planning, executing, controlling, and closing the implementation of digital services modules; updating policies and procedures; documenting business processes and participating in the ongoing business processes for each digital service aspect; data conversion activities for implementation, incremental, and full load data conversion testing, and county staff participation in training to then train other county staff. After completion of the five-year implementation of the New System, this position will be responsible for ongoing training of new/existing staff in the New System, technical assistance, data cleanup, program evaluation, report running, and continual updates to the New System.

ALTERNATIVES

The Board could choose not to adopt the salary resolution, may request additional information, may recommend a different job classification for the duties, or may defer consideration to a future date.

OTHER AGENCY INVOLVEMENT

The Support Services Department – Personnel Unit created the Salary Resolution. The recommendation has been reviewed by the County Administrative Office.

FINANCING

The department’s FY 2017-18 Adopted Budget currently includes sufficient appropriation authority to accommodate the request. HHSA will monitor expenditures, and, if necessary, prepare a budget amendment as part of the FY 2017-18 Mid-year budget process. Although implementation is scheduled to take five years, the state has committed to funding this position on an ongoing basis, and so a sunset date for the new position is not requested. There is no additional General Fund impact from the recommended action.

ATTACHMENTS:

Description	Upload Date	Description
Salary Resolution	1/12/2018	Salary Resolution

SALARY RESOLUTION NO.**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
AMENDING THE SHASTA COUNTY POSITION ALLOCATION LIST**

BE IT RESOLVED by the Board of Supervisors of the County of Shasta that effective February 4, 2018, the following amendment is made to the Shasta County Position Allocation List for positions in County service:

SOCIAL SERVICES & BEN ADMIN – Cost Center 501

<u>Footnotes</u>	<u>Classification</u>	<u>No. of Positions</u>	<u>FTE</u>	<u>Schedule</u>	<u>Range</u>	<u>Approx. Monthly A Step</u>	<u>Equiv. Salary F Step</u>
<u>ADD</u>							
60	Staff Services Analyst I or	1	1.0	UPEC	425	3145	4015
60	Staff Services Analyst II			UPEC	455	3641	4648

DULY PASSED AND ADOPTED this 23rd day of January, 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Health and Human Services-6.

SUBJECT:

Second amendment to agreement with Northern Valley Catholic Social Services.

DEPARTMENT: Health and Human Services Agency-Children's Services

Supervisory District No. : All

DEPARTMENT CONTACT: Dianna L. Wagner, Branch Director, Children's Services (530) 225-5705

STAFF REPORT APPROVED BY: Dianna L. Wagner, Branch Director, Children's Services

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Approve and authorize the Chairman to sign a retroactive amendment, effective October 1, 2017, to the agreement with Northern Valley Catholic Social Service, Inc., to provide youth specialty mental health services, to increase the maximum compensation by \$799,598 for a new total in an amount not to exceed \$3,193,079 during the term of the agreement, and to extend the term from October 1, 2017 through June 30, 2018.

SUMMARY

The proposed second amendment will allow Northern Valley Catholic Social Service (NVCSS) to continue to provide youth specialty mental health services to Medi-Cal eligible clients and their family members and care providers through June 30, 2018.

DISCUSSION

As required by Code of Federal Regulations Title 42 and the California Department of Health Care Services (DHCS) this agreement with NVCSS is entered into as part of Shasta County's Mental Health Plan (MHP) requirements.

NVCSS has been providing medically necessary Early Periodic Screening, Diagnosis, and Treatment (EPSDT) youth specialty mental health services for several years to eligible Shasta County clients. Despite the delay in finalizing the terms of a renewal agreement with NVCSS to continue providing these services, we are required, pursuant to 42 Code of Federal Regulations § 438.206 and the MHP to maintain availability of services.

To ensure services continue to be provided a contract amendment of nine months is proposed so that the County may continue to provide services and meet our contractual obligations to the Department while continuing to negotiate and finalize a renewal agreement with NVCSS. HHSA is developing a new agreement with NVCSS to begin after the end of the fiscal year.

ALTERNATIVES

The Board could choose not to approve the amendment or to approve with modified terms or funding levels.

OTHER AGENCY INVOLVEMENT

County Counsel has approved the second amendment as to form. Risk Management reviewed the original agreement and there have been no changes to insurance or indemnification and no expansion of the scope of work. The recommendation has been reviewed by the County Administrative Office.

FINANCING

The HHSA Mental Health (BU 410) fiscal year 2017-18 Adopted Budget includes sufficient appropriation authority for the activities described in this agreement. Specialty Mental Health Medi-Cal services are funded through a combination of federal Medicaid funds (approx. 50%) with a County match which is largely met through a combination of 1991 and 2011 realignment revenue. There is no additional General Fund impact with the approval of this recommendation.

ATTACHMENTS:

Description	Upload Date	Description
Second Amendment NVCSS 1517	1/10/2018	Second Amendment NVCSS 1517

**SECOND AMENDMENT TO THE AGREEMENT BETWEEN
THE COUNTY OF SHASTA AND NORTHERN VALLEY CATHOLIC SOCIAL
SERVICE FOR
YOUTH MENTAL HEALTH SERVICES**

This Second Amendment is entered into between the County of Shasta ("County"), a political subdivision of the State of California, and Northern Valley Catholic Social Services, a California corporation, ("Contractor").

RECITALS

WHEREAS, County and Contractor have previously entered into an agreement on September 22, 2015, effective July 1, 2015, to provide for youth mental health services ("Agreement"); and

WHEREAS, County and Contractor have previously amended the original Agreement on June 27, 2017, effective July 1, 2017, to extend the term through September 30, 2017 and increase maximum compensate by \$255,000 for July 1, 2017 through September 30, 2017 and add subsection U of Section 1., Contractor Responsibilities; and

WHEREAS, County and Contractor desire to amend the Agreement to extend the term of the Agreement from October 1, 2017 through June 30, 2018; and

WHEREAS, County and Contractor desire to amend the Agreement to increase maximum compensation to Contractor in an amount not to exceed \$3,193,079; and

WHEREAS, County and Contractor desire to amend the Agreement to increase compensation rates as amended in Exhibit B, herein attached and incorporated as Exhibit B-1.

NOW, THEREFORE, the Agreement is amended as follows:

I Section 3., "COMPENSATION," of the Agreement is amended in its entirety to read as follows:

Section 3. COMPENSATION

A. County shall compensate Contractor for services rendered pursuant to this Agreement in accordance with the terms specified in **EXHIBIT B and EXHIBIT B-1, RATES**, attached and incorporated herein. The total compensation payable to Contractor under this Agreement shall not exceed a maximum amount of \$1,053,883 for County fiscal year 2015-2016, a maximum amount of \$1,084,598 for County fiscal year 2016-2017, and a maximum amount of \$1,054,598 for County fiscal year 2017-2018. Notwithstanding anything to the contrary in this Agreement, should Contractor not be paid in accordance with the terms of section 4 of this Agreement for services commenced on July 1, 2017, Contractor shall be

relieved of the duty to provide further services in accordance with the terms of this Agreement. In no event whatsoever shall the maximum compensation exceed \$3,193,079 during the term of the Agreement and any extensions. EXHIBIT B attached to the original agreement and the terms set forth shall remain in effect through the effective date of the first amendment.

B. Contractor's violation or breach of agreement terms may result in fiscal penalties, withholding of compensation, or termination of Agreement.

II Section 5. TERM OF AGREEMENT of the Agreement is amended as of the effective date of this Second Amendment in its entirety to read as follows:

Section 5. TERM OF AGREEMENT.

This Agreement shall commence July 1, 2015 and shall end June 30, 2018. Notwithstanding the foregoing, County shall not be obligated for payments hereunder for any future County fiscal year unless or until County's Board of Supervisors appropriates funds for this agreement in County's budget for that County fiscal year. In the event that funds are not appropriated for this agreement, then this agreement shall end as of June 30 of the last County fiscal year for which funds for this agreement were appropriated. For the purposes of this agreement, the County fiscal year commences on July 1 and ends on June 30 of the following year. County shall notify Contractor in writing of such non-appropriation at the earliest possible date.

III REAFFIRMATION

In all other respects, the Agreement, as amended, and any attachments, remains in full force and effect.

IV ENTIRE AGREEMENT

The Agreement, as amended, and any attachments, constitute the entire understanding between County and Contractor.

V EFFECTIVE DATE

Unless otherwise provided, this Second Amendment shall be deemed effective as of October 1, 2017.

Signature Page Follows

IN WITNESS WHEREOF, the Parties hereto have executed this Second Amendment to the Agreement. By their signatures below, each signatory represents that he/she has the authority to execute this Second Amendment and to bind the Party on whose behalf his/her execution is made.

COUNTY OF SHASTA

Date: _____

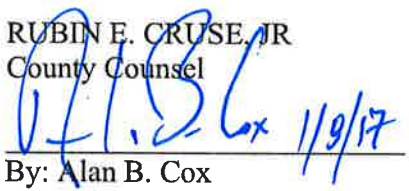
_____, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

Approved as to form:

RUBIN E. CRUSE, JR.
County Counsel


By: Alan B. Cox
Deputy County Counsel

CONTRACTOR

Date: 1/31/8



CATHLEEN WYATT,
Executive Director

Tax I.D.#: On File

EXHIBIT B-1

**EXHIBIT B-1
RATES
EFFECTIVE OCTOBER 1, 2017 THROUGH JUNE 30, 2018**

I. Mental Health Services

- A. Subject to the terms and conditions of this agreement, County shall pay Contractor at the following interim rates for pre-authorized services.

Service	Rate	
Mental Health Services	2.52	per minute
Rehabilitation	2.52	per minute
Case Management/Brokerage	1.75	per minute
Crisis Intervention	2.90	per minute

- B. All approved services adjudicated through the Short-Doyle/Medi-Cal Program of the State of California Department of Health Care Services shall be settled pursuant to Section 34 of this agreement, at actual costs or published costs, whichever is less, and shall not exceed the agreement maximum. A cost settlement will occur within 60 days of County's final submission of Cost Report with the State of California Department of Health Care Services.
- C. Should the Contractor create a federal or state audit exception, during the course of the provision of services under this agreement, due to an error or errors of omission or commission, Contractor shall be responsible for the audit exception.
- D. Contractor shall provide County with National Provider Identifiers ("NPI") numbers. Services provided without submission to County of NPI's by Contractor shall be the responsibility of Contractor and shall not be reimbursed by or compensated for by County.

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Health and Human Services-7.

SUBJECT:

Agreement with Lilliput Children's Services for family finding and post adoption services.

DEPARTMENT: Health and Human Services Agency-Children's Services

Supervisory District No. : All

DEPARTMENT CONTACT: Dianna L. Wagner, Branch Director, Children's Services, (530) 225-5705

STAFF REPORT APPROVED BY: Dianna L. Wagner, Branch Director, Children's Services

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Approve and authorize the Chairman to sign an agreement with Lilliput Children's Services in an amount not to exceed \$683,118 to provide foster youth family finding and post adoption support services for the period date of signing through December 31, 2019.

SUMMARY

The proposed agreement will allow Lilliput Children's Services to provide intensive family finding services for foster youth currently in group homes or at risk of group home placement as well as post adoption services and supports.

DISCUSSION

In 2017, California began implementation of the Continuum of Care Reform (CCR) to revamp the state's foster care rate-setting system to better support a continuum of programs, services, and placements with the goal of foster youth growing up in family settings.

At its core, CCR seeks to improve the quality of the foster care system by eliminating long-term group care utilization and increasing placements in family settings. Two fundamental principles underlying CCR are that: (1) children should not need to change placements to get the services, and supports they need, and (2) congregate care should only be used as a short-term intervention to resolve emotional, behavioral, and mental health issues that prevent foster youth from living safely in a family setting.

Approximately 91% of California youth living in congregate care settings today are age 12 or older, and 72% are age 15 or older. Of the Shasta County foster youth who reside in group homes, 35% of them have lived there for a year or more. Current monthly group home placement rates are up to \$10,810 per youth and are expected to increase to \$12,498.

As a sole source provider in Northern California, Lilliput Children's Services has provided intensive family finding services for children entering the foster care system in Sacramento County since 2009. In 2016 they completed a record-setting 760 adoptions for children in foster care, more than any other private adoption agency in California. Lilliput, pursuant to this agreement, will recruit, retain and support relative placements and move children from congregate care to family-based settings with caregivers who are committed to offering permanency to the foster youth.

Adoptive families often need support and services after adoption to help them deal with a wide range of issues. Lilliput will provide post adoption support services will be provided to families in Shasta County to include support groups, telephone support services, and referrals for therapy, respite, and education support. The agreement also authorizes the Health and Human Services Agency (HHS) Director, or any HHS Branch Director designated by the HHS Director, to approve, in writing and in advance, budget line item shifts provided that the line item shift does not exceed 10 percent of any Budget Category during the entire term of this agreement and provided further that the line item shift does not increase the maximum compensation.

ALTERNATIVES

The Board may choose not to approve the recommendation or to direct staff to make changes to the agreement terms.

OTHER AGENCY INVOLVEMENT

County Counsel has approved the agreement as to form. Risk Management approved the agreement. The recommendation has been reviewed by the County Administrative Office.

FINANCING

The department’s Fiscal Year 2017-18 Adopted Budget includes sufficient appropriation authority for the activities described in this agreement. These services are funded through the Child Welfare Services allocation (BU 501), which requires a County share of cost met largely through Realignment. There is no additional General Fund impact with approval of the recommendation.

ATTACHMENTS:

Description	Upload Date	Description
Agr Lilliput 1819	1/10/2018	Agr Lilliput 1819

**PERSONAL SERVICES AGREEMENT BETWEEN THE COUNTY OF SHASTA AND
LILLIPUT CHILDREN'S SERVICES**

This agreement is entered into between the County of Shasta, through its Health and Human Services Agency, a political subdivision of the State of California ("County") and Lilliput Children's Services ("Consultant") for the purpose of foster youth family finding and post adoption services (collectively, the "Parties" and individually a "Party").

Section 1. RESPONSIBILITIES OF CONSULTANT.

- A. Pursuant to the terms and conditions of this agreement, and adhering to the expectations of the Continuum of Care Reform, Consultant will recruit, retain and support relative placements and move children from congregate care to family-based settings with caregivers who are committed to offering permanency to the foster youth and establishing connections and relationships for youth. Consultant shall:
- (1) Conduct intensive family finding, engagement and navigation services for 20 County referred youth annually that are currently residing or at risk of residing in residential group care rate classification level 9-14 or Short Term Residential Therapeutic Program (STRTP).
 - (2) Participate in child and family multi-disciplinary team meetings and provide case coordination to assess current service provider supports and needs of youth entering residential care. Comply with multi-disciplinary team confidentiality requirements outlined in Welfare and Institutions Code 10850 and 18961.7.
 - (3) Review youth hard copy and electronic child welfare file at County site for each County referred youth to assess intensive family finding services needed and gather information on the youth history and background.
 - (4) Interview each County referred youth to assemble genogram and increase relationship building skills to identify connections.
 - (5) Identify, locate and engage for each County referred youth, family members in permanency planning.
 - (6) Conduct targeted caregiver recruitment in the community for County referred youth who do not have a viable family placement identified.
 - (7) Collaborate with County to identify potential placements for County referred youth to transition into family-based care.
 - (8) Facilitate Resource Family Approval (RFA) of identified placements outside Shasta County through Lilliput's RFA Foster Family Agency (FFA)

program. If identified placement is outside Consultants existing RFA service area partner with County to coordinate RFA.

- (9) Submit quarterly progress and activity reports to County by the 30th of January, April, July, and October for all intensive family finding activities for each youth referred to Consultant using the Family Finding Quarterly Report attached and incorporated herein as Attachment C by email to CSContracts@co.shasta.ca.us. Final report shall be submitted by January 30th, 2020.
- B. Pursuant to the terms and conditions of this agreement Consultant shall provide post adoption support services in Redding, California to adoptive families residing in Shasta County.
- (1) Provide adoptive families referral to therapeutic case management services including but not limited to addressing post adoption family and individual needs. Provide referrals for adoptive families to adoption competent mental health clinicians as appropriate to stabilize the child and family.
 - (2) Provide a parent liaison or social worker to offer information, referral and linkage to community resources, respite, coordinate social support activities, training, and events.
 - (3) Partner and conduct current adoption support group sessions in the community and provide psychoeducation via social worker to discuss and address adoptive parent's needs, special education for children and therapeutic education.
 - (4) Provide a telephone line that can be accessed by adoptive parents for support in times of need.
 - (5) Submit quarterly progress and activity reports to County by the 30th of January, April, July, and October for all adoption support using the Post Adoption Services Quarterly Report attached and incorporated herein as Attachment D by email to CSContracts@co.shasta.ca.us. Final report shall be submitted by January 30th, 2020.
- C. As required by Government Code section 7550, each document or report prepared by Consultant for or under the direction of County pursuant to this agreement shall contain the numbers and dollar amount of the agreement and all subcontracts under the agreement relating to the preparation of the document or written report. If multiple documents or written reports are the subject of the agreement or subcontracts, the disclosure section may also contain a statement indicating that the total agreement amount represents compensation for multiple documents or written reports. Consultant shall label the bottom of the last page of the document or report as follows: department name, agreement number, and dollar amount. If more than

one document or report is produced under this agreement, Consultant shall add: "This [document or report] is one of [number] produced under this agreement.

- D. Consultant shall promulgate and implement written procedures (Grievance Procedures) whereby recipients of services shall have the opportunity to express and have considered their views, grievances, and complaints regarding the delivery of services pursuant to this agreement. Consultant shall provide a copy of Consultant's Grievance Procedures to County for review and approval prior to providing services pursuant to this agreement. Consultant shall report all client grievances, and the nature thereof, in writing to the County's Health and Human Services Agency (HHSA), Children's Services Branch Director (Branch Director) within 10 business days of learning of the grievance. Upon resolution of a grievance or conclusion of the grievance process, Consultant shall, within 10 business days of the resolution or conclusion of the grievance process, report in writing to the Director how the grievance was resolved or concluded.
- E. Consultant shall ensure and provide written verification thereof to County, that all staff and volunteers working or providing services under this agreement receive appropriate clearance following a federal and state criminal records check and a California Department of Motor Vehicles record check.

Section 2. RESPONSIBILITIES OF COUNTY.

- A. Pursuant to the terms and conditions of this agreement, County shall:
 - (1) Compensate Consultant as prescribed in sections 3 and 4 of this agreement;
 - (2) Refer foster youth for intensive family finding services as prescribed in section 1 (A);
 - (3) Provide non-exclusive office space for Consultant staff to review County referred youth hardcopy and electronic child welfare files in order to assist with intensive family finding activities as prescribed in section 1 (A); and
 - (4) Monitor the compliance, performance and outcomes of Consultant.

Section 3. COMPENSATION.

- A. In accordance with the Family Finding Budget, herein attached and incorporated as Attachment A and the Post Adoption Budget, herein attached and incorporated as Attachment B, as prescribed in section 4, County shall pay to Consultant a maximum of \$683,118 for all reasonable and necessary costs in accordance with applicable Circulars of the Office of Management and Budget (OMB) of the Executive Office of the President of the United States, for satisfactorily providing services pursuant to this agreement. In no event shall the maximum amount payable under this agreement exceed \$683,118.

- B. In accordance with the Family Finding Budget, Attachment A reimbursement for travel expenses will be paid at the same rates and under the same conditions as provided to County employees. Consultant must submit scanned copies of original receipts to document each expense, or reimbursement will be denied. County will not reimburse Consultant for alcohol, in-room movies, laundry, sundry, or family expenses.
- C. Consultant's violation or breach of agreement terms may result in fiscal penalties, withholding of compensation, or termination of agreement.
- D. During the term of this agreement, the Health and Human Services Agency (HHS) Director, or any HHS Branch Director designated by the HHS Director, may approve, in writing and in advance, budget line item shifts provided that the line item shift does not exceed 10 percent of any Budget Category during the entire term of this agreement and provided further that the line item shift shall not increase the total compensation payable under this agreement.
- E. Prorated payment. If the term begins (or ends) on other than the first (or last) day of the calendar month, the payment for the partial month shall be prorated on a per diem basis based upon the number of days of access/services during the month.

Section 4. BILLING AND PAYMENT.

- A. Consultant shall submit to HHS Business and Support Services, Attn: Accounts Payable, P.O. Box 496005, Redding, CA 96049-6005, monthly by the 15th day of each month for services rendered in the preceding month, in accordance with the Budget, a billhead or invoice regularly used in the conduct of business of the Consultant for services rendered and costs incurred. County shall make payment within 30 days of receipt of Consultant's correct and approved statement or invoice.
- B. Compensation under this agreement shall be reduced by applicable Consultant revenues. The term "applicable consultant revenues" refers to those receipts or reductions in expenditures or costs which operate to offset or reduce expense or cost items that are allocable to Consultant's compensation under this agreement (such as but not limited to: purchase discounts, rebates or allowances, insurance refunds and adjustments or overpayment, or other erroneous charges). To the extent that applicable consultant revenues, accruing or received by Consultant relate to allowable costs, they shall be credited to County either as a reduction, or a cash refund, as appropriate.
- C. Should County, or the state or federal government, disallow any amount claimed by Consultant, Consultant shall reimburse County, or the state or federal government, as directed by County, or the state or federal government, for such disallowed cost.

Section 5. TERM OF AGREEMENT.

The initial term of this agreement shall begin the last date it has been signed by both Parties and end December 31, 2019. The term of this agreement shall be automatically renewed for one additional one-year term at the end of the initial term, under the same terms and conditions unless written notice of non-renewal is provided by either Party to the other Party at least 30 days prior to the expiration of the initial term or the then current term. Notwithstanding the foregoing, County shall not be obligated for payments hereunder for any future County fiscal year unless or until County's Board of Supervisors appropriates funds for this agreement in County's budget for that County fiscal year. In the event that funds are not appropriated for this agreement, then this agreement shall end as of June 30 of the last County fiscal year for which funds for this agreement were appropriated. For the purposes of this agreement, the County fiscal year commences on July 1 and ends on June 30 of the following year. County shall notify Consultant in writing of such non-appropriation at the earliest possible date.

Section 6. TERMINATION OF AGREEMENT.

- A. If Consultant materially fails to perform Consultant's responsibilities under this agreement to the satisfaction of County, or if Consultant fails to fulfill in a timely and professional manner Consultant's responsibilities under this agreement, or if Consultant violates any of the terms or provisions of this agreement, then County shall have the right to terminate this agreement for cause effective immediately upon the County giving written notice thereof to Consultant. If termination for cause is given by County to Consultant and it is later determined that Consultant was not in default or the default was excusable, then the notice of termination shall be deemed to have been given without cause pursuant to paragraph B of this section.
- B. County may terminate this agreement without cause on 30 days written notice to Consultant.
- C. County may terminate this agreement immediately upon oral notice should either Party be unable to comply with the obligations of this agreement due to any material cause which is beyond the reasonable control of said Party, including, but not limited to: fire, explosion, power outages, strikes or labor disputes, acts of God, civil disturbances, acts of civil or military authorities, acts of terrorism, fuel or energy shortages, acts and/or omissions by third party communications carriers, or any other cause beyond Party's control.
- D. County may terminate this agreement immediately upon oral notice should funding cease or be materially decreased during the term of this agreement.
- E. County's right to terminate this agreement may be exercised by County's HHSA Director or any HHSA Branch Director designated by the HHSA Director.
- F. Should this agreement be terminated, Consultant shall promptly provide to County any and all finished and unfinished reports, data, studies, photographs, charts, and other documents prepared by Consultant pursuant to this agreement.

- G. If this agreement is terminated, Consultant shall only be paid for services satisfactorily completed and provided prior to the effective date of termination.

Section 7. ENTIRE AGREEMENT; AMENDMENTS; HEADINGS; EXHIBITS/APPENDICES.

- A. This agreement supersedes all previous agreements relating to the subject of this agreement and constitutes the entire understanding of the Parties hereto. Consultant shall be entitled to no other benefits other than those specified herein. Consultant specifically acknowledges that in entering into and executing this agreement, Consultant relies solely upon the provisions contained in this agreement and no others.
- B. No changes, amendments, or alterations to this agreement shall be effective unless in writing and signed by both Parties. In addition to the provision in Section 3.D., minor amendments, including retroactive, that do not result in a substantial or functional change to the original intent of this agreement and do not cause an increase to the maximum amount payable under this agreement may be agreed to by amendment between Consultant and the County's HHSA Director or any HHSA Branch Director designated by the HHSA Director, provided that the amendment is in substantially the same format as the County's standard format amendment contained in the Shasta County Contracts Manual (Administrative Policy 6-101).
- C. The headings that appear in this agreement are for reference purposes only and shall not affect the meaning or construction of this agreement.
- D. If any ambiguity, inconsistency, or conflict exists or arises between the provisions of this agreement and the provisions of any of this agreement's exhibits or appendices, the provisions of this agreement shall govern.

Section 8. NONASSIGNMENT OF AGREEMENT; NON-WAIVER.

Inasmuch as this agreement is intended to secure the specialized services of Consultant, Consultant may not assign, transfer, delegate, or sublet any interest herein without the prior written consent of County. The waiver by County of any breach of any requirement of this agreement shall not be deemed to be a waiver of any other breach.

Section 9. EMPLOYMENT STATUS OF CONSULTANT.

- A. Consultant shall, during the entire term of this agreement, be construed to be an independent contractor, and nothing in this agreement is intended nor shall be construed to create an employer-employee relationship, a joint venture relationship, or to allow County to exercise discretion or control over the professional manner in which Consultant performs the work or services that are the subject matter of this agreement; provided, however, that the work or services to be provided by Consultant shall be provided in a manner consistent with the professional standards applicable to such work or services. The sole interest of County is to ensure that

the work or services shall be rendered and performed in a competent, efficient, and satisfactory manner. Consultant shall be fully responsible for payment of all taxes due to the State of California or the federal government that would be withheld from compensation if Consultant were a County employee. County shall not be liable for deductions for any amount for any purpose from Consultant's compensation. Consultant shall not be eligible for coverage under County's workers' compensation insurance plan nor shall Consultant be eligible for any other County benefit. Consultant must issue W-2 and 941 Forms for income and employment tax purposes, for all of Consultant's assigned personnel under the terms and conditions of this agreement.

Section 10. INDEMNIFICATION.

To the fullest extent permitted by law, Consultant shall indemnify and hold harmless County, its elected officials, officers, employees, agents, and volunteers against all claims, suits, actions, costs, expenses (including, but not limited to, reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments, or decrees arising from the work or the provision of services undertaken pursuant to this agreement by Consultant, or by any of Consultant's subcontractors, any person employed under Consultant, or under any subcontractor, or in any capacity, except when the injury or loss is caused by the sole negligence or intentional wrongdoing of County. Consultant shall also, at Consultant's own expense, defend the County, its elected officials, officers, employees, agents, and volunteers, against any claim, suit, action, or proceeding brought against County, its elected officials, officers, employees, agents, and volunteers, arising from the work or the provision of services undertaken pursuant to this agreement by Consultant, or any of Consultant's subcontractors, any person employed under Consultant, or under any Subcontractor, or in any capacity. Consultant shall also defend and indemnify County for any adverse determination made by the Internal Revenue Service or the State Franchise Tax Board and/or any other taxing or regulatory agency and shall defend, indemnify, and hold harmless County with respect to Consultant's "independent contractor" status that would establish a liability on County for failure to make social security deductions or contributions or income tax withholding payments, or any other legally mandated payment. The provisions of this paragraph are intended to be interpreted as broadly as permitted by applicable law. This provision shall survive the termination, expiration, or cancellation of this agreement.

Section 11. INSURANCE COVERAGE.

- A. Without limiting Consultant's duties of defense and indemnification, Consultant and any subcontractor shall obtain, from an insurance carrier authorized to transact business in the State of California, and maintain continuously during the term of this agreement Commercial General Liability Insurance, including coverage for owned and non-owned automobiles, and other coverage necessary to protect County and the public with limits of liability of not less than \$1 million per occurrence; such insurance shall be primary as to any other insurance maintained by County.

- B. Consultant and any subcontractor shall obtain and maintain continuously required Workers' Compensation and Employer's Liability Insurance to cover Consultant, subcontractor, Consultant's partner(s), subcontractor's partner(s), Consultant's employees, and subcontractor's(s') employees with an insurance carrier authorized to transact business in the State of California covering the full liability for compensation for injury to those employed by Consultant or subcontractor. Each such policy shall be endorsed to state that the Workers' Compensation carrier waives its right of subrogation against *County, its elected officials, officers, employees, agents, and volunteers* which might arise in connection with this agreement. Consultant hereby certifies that Consultant is aware of the provisions of section 3700 of the Labor Code, which requires every employer to insure against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code, and Consultant shall comply with such provisions before commencing the performance of the work or the provision of services pursuant to this agreement.
- C. Consultant shall obtain and maintain continuously a policy of Errors and Omissions coverage with limits of liability of not less than \$1 million per occurrence.
- D. Consultant shall require subcontractors to furnish satisfactory proof to County that liability and workers' compensation and other required types of insurance have been obtained and are maintained similar to that required of Consultant pursuant to this agreement.
- E. With regard to all insurance coverage required by this agreement:
- (1) Any deductible or self-insured retention exceeding \$25,000 for Consultant or subcontractor shall be disclosed to and be subject to approval by the County Risk Manager prior to the effective date of this agreement.
 - (2) If any insurance coverage required hereunder is provided on a "claims made" rather than "occurrence" form, Consultant or subcontractor shall maintain such insurance coverage with an effective date earlier or equal to the effective date of this agreement and continue coverage for a period of three years after the expiration of this agreement and any extensions thereof. In lieu of maintaining post-agreement expiration coverage as specified above, Consultant or subcontractor may satisfy this provision by purchasing tail coverage for the claims-made policy. Such tail coverage shall, at a minimum, provide the insurance coverage required hereunder for claims received and reported three years after the expiration date of this agreement.
 - (3) All insurance (except workers' compensation and professional liability) shall include an endorsement or an amendment to the policy of insurance which names *County, its elected officials, officers, employees, agents, and volunteers as additional insureds*. In the event that coverage is reduced or canceled, a notice of said reduction or cancellation shall be provided to County within 24 hours. Any available insurance proceeds in excess of the specified minimum limits and coverage pursuant to the terms of this

agreement shall be applicable to the Additional Insured. The additional insureds coverage shall be equal to Insurance Service Office endorsement CG 20 10 for on-going operations, and CG 20 37 for completed operations.

- (4) Each insurance policy (except for workers' compensation and professional liability policies), or an endorsement thereto, shall contain a "separation of insureds" clause which shall read:

"Separation of Insureds.

Except with respect to the Limits of Insurance, and any rights or duties specifically assigned in this Coverage Part to the first Named Insured, this insurance applies:

- a. As if each Named Insured were the only Named Insured; and
 - b. Separately to each suit insured against whom a claim is made or suit is brought."
- (5) Consultant shall provide County with an endorsement or amendment to Consultant's policy of insurance as evidence of insurance protection before the effective date of this agreement.
- (6) The insurance coverage required herein shall be in effect at all times during the term of this agreement. In the event any insurance coverage expires at any time during the term of this agreement, Consultant shall provide County, at least 20 days prior to said expiration date, a new endorsement or policy amendment evidencing insurance coverage as provided for herein for not less than the remainder of the term of this agreement or for a period of not less than one year. In the event Consultant fails to keep in effect at all times insurance coverage as herein provided and a renewal endorsement or policy amendment is not provided within 10 days of the expiration of the endorsement or policy amendment in effect at inception of this agreement, County may, in addition to any other remedies it may have, terminate this agreement upon the occurrence of such event.
- (7) If the endorsement or amendment does not reflect the limits of liability provided by the policy of insurance, Consultant shall provide County a certificate of insurance reflecting those limits.
- (8) Any of Consultant's Excess Insurance shall contain a provision that such coverage shall also apply on a primary and non-contributory basis for the benefit of County.

Section 12. NOTICE OF CLAIM; APPLICABLE LAW; VENUE.

- A. If any claim for damages is filed with Consultant or if any lawsuit is instituted concerning Consultant's performance under this agreement and that in any way,

directly or indirectly, contingently or otherwise, affects or might reasonably affect County, Consultant shall give prompt and timely notice thereof to County. Notice shall be prompt and timely if given within 30 days following the date of receipt of a claim or 10 days following the date of service of process of a lawsuit. This provision shall survive the termination, expiration, or cancellation of this agreement.

- B. Consultant recognizes the mandatory standards and policies relating to energy efficiency in the state energy conservation plan (Title 24 of the California Code of Regulations).
- C. Any dispute between the Parties, and the interpretation of this agreement, shall be governed by the laws of the State of California. Any litigation shall be venued in Shasta County.

Section 13. COMPLIANCE WITH LAWS; NON-DISCRIMINATION.

- A. Consultant shall observe and comply with all applicable present and future federal laws, state laws, local laws, codes, rules, regulations, and/or orders that relate to the work or services to be provided pursuant to this agreement.
- B. No funds or compensation received by Consultant under this agreement shall be used by Consultant for sectarian worship, instruction, or proselytization. No funds or compensation received by Consultant under this agreement shall be used to provide direct, immediate, or substantial support to any religious activity.
- C. Consultant shall comply with mandatory standards and policies as required by Executive Order 11246, entitled "Equal Employment Opportunity," as amended by Executive Order 11375, and as supplemented in Department of Labor regulations (41 C.F.R., Part 60).
- D. Consultant shall comply with section 306 of the Clean Air Act (42 U.S.C. §1857(h), section 508 of the Clean Water Act (33 U.S.C. §1368), Executive Order 11738, and the regulations of the Environmental Protection Agency (40 C.F.R., Part 15).
- E. In addition to any other provisions of this agreement, Consultant shall be solely responsible for any and all damages caused, and/or penalties levied, as the result of Consultant's noncompliance with the provisions of this section.

Section 14. ASSURANCE OF COMPLIANCE WITH COUNTY NONDISCRIMINATION IN STATE AND FEDERALLY ASSISTED PROGRAMS.

- A. Consultant hereby agrees to comply with Titles VI and VII of the federal Civil Rights Act of 1964, as amended; Section 504 of the federal Rehabilitation Act of 1973, as amended; the federal Age Discrimination Act of 1975, as amended; the federal Food Stamp Act of 1977 as amended, and in particular section 272.6 thereof; Title II of the federal Americans with Disabilities Act of 1990, as amended;

the Unruh Civil Rights Act, California Civil Code, section 51, as amended; California Government Code, sections 11135 - 11139.5, as amended; California Government Code, section 12940, as amended; Chapter 7, of Division 5, or Title 1 of the California Government Code, commencing with section 4450, as amended; Title 22, California Code of Regulations, sections 98000 – 98413; Title 24, California Code of Regulations, section 3105; the Dymally-Alatorre Bilingual Services Act (California Government Code, sections 7290 – 7299.8), as amended; section 1808 of the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, as amended; and all other applicable federal and state laws, as well as their implementing regulations (including title 45 of the Code of Federal Regulations (CFR) Parts 80, 84, and 91; 7 CFR, Part 15; and 28 CFR, Part 42), by ensuring that employment practices and the administration of public assistance and social services programs are nondiscriminatory, to the effect that no person shall, because of ethnic group identification, age, sex, color, disability, medical condition, national origin, race, ancestry, sexual orientation, marital status, religion, religious creed or political belief, be excluded from participation in or be denied the benefits of, or be otherwise subject to discrimination under, any program or activity receiving federal or state financial assistance; and hereby gives assurance to immediately take any measures necessary to effectuate this Assurance of Compliance.

- B. This Assurance of Compliance is given in consideration of and for the purpose of obtaining any and all federal and state assistance; and Consultant hereby gives assurance that administrative methods/procedures which have the effect of subjecting individuals to discrimination or defeating the objectives of Chapter 21-100 of the California Department of Social Services (CDSS) Manual of Policies and Procedures will be prohibited.
- C. By giving this Assurance of Compliance, Consultant agrees to compile data, maintain records, and submit reports as required, to permit effective enforcement of the aforementioned laws, rules, and regulations and permit authorized CDSS and/or federal government personnel, during normal working hours, to review such records, books, and accounts as needed to ascertain compliance. If there are any violations of this Assurance of Compliance, CDSS shall have the right to invoke fiscal sanctions or other legal remedies in accordance with California Welfare and Institutions Code section 10605, or California Government Code sections 11135 – 11139.5, as amended, or any other laws or regulations, or the issue may be referred to the appropriate federal agency for further compliance action and enforcement of this Assurance of Compliance.
- D. This Assurance of Compliance is binding on Consultant as long as Consultant is receiving federal or state funding pursuant to the agreement in which this Assurance of Compliance is included.

Section 15. ACCESS TO RECORDS; RECORDS RETENTION.

- A. County, federal, and state officials shall have access to any books, documents, papers, and records of Consultant that are directly pertinent to the subject matter of this agreement for the purpose of auditing or examining the activities of Consultant

or County. Except where longer retention is required by federal or state law, Consultant shall maintain all records for five years after County makes final payment hereunder. This provision shall survive the termination, expiration, or cancellation of this agreement.

- B. Consultant shall maintain appropriate records to insure a proper accounting of all funds and expenditures pertaining to the work performed or the services provided pursuant to this agreement. Consultant shall maintain records providing information that account for all funds and expenses related to the provision of services provided pursuant to this agreement. Access to these records shall be provided to County during working days, 8:00 a.m. to 5:00 p.m. and at other times upon reasonable notice by County, and upon request of state and federal agencies charged with the administration of programs related to the work or services to be provided pursuant to this agreement.
- C. Consultant agrees to accept responsibility for receiving, replying to, and/or complying with any audit exception by appropriate federal, state, or County audit directly related to the provisions of this agreement. Consultant agrees to repay County the full amount of payment received for duplicate billings, erroneous billings, audit exceptions, or false or deceptive claims. Consultant agrees that County may withhold any money due and recover through any appropriate method any money erroneously paid under this agreement if evidence exists of less than full compliance with this agreement including, but not limited to, exercising a right of set-off against any compensation payable to Consultant.

Section 16. COMPLIANCE WITH CHILD, FAMILY, AND SPOUSAL SUPPORT REPORTING OBLIGATIONS.

Consultant's failure to comply with state and federal child, family, and spousal support reporting requirements regarding Consultant's employees or failure to implement lawfully served wage and earnings assignment orders or notices of assignment relating to child, family, and spousal support obligations shall constitute a default under this agreement. Consultant's failure to cure such default within 90 days of notice by County shall be grounds for termination of this agreement.

Section 17. LICENSES AND PERMITS.

Consultant, and Consultant's officers, employees, and agents performing the work or services required by this agreement, shall possess and maintain all necessary licenses, permits, certificates, and credentials required by the laws of the United States, the State of California, the County of Shasta, and all other appropriate governmental agencies, including any certification and credentials required by County. Failure to maintain the licenses, permits, certificates, and credentials shall be deemed a breach of this agreement and constitutes grounds for the termination of this agreement by County.

Section 18. PERFORMANCE STANDARDS.

Consultant shall perform the work or services required by this agreement in accordance with the industry and/or professional standards applicable to Consultant's work or services.

Section 19. CONFLICTS OF INTEREST.

Consultant and Consultant's officers and employees shall not have a financial interest, or acquire any financial interest, direct or indirect, in any business, property, or source of income that could be financially affected by or otherwise conflict in any manner or degree with the performance of the work or services required under this agreement.

Section 20. NOTICES.

- A. Except as provided in section 6.C. and 6.D of this agreement (oral notice of termination), any notices required or permitted pursuant to the terms and provisions of this agreement shall be given to the appropriate Party at the address specified below or at such other address as the Party shall specify in writing. Such notice shall be deemed given: (1) upon personal delivery; or (2) if sent by first class mail, postage prepaid, two days after the date of mailing.

If to County: Branch Director
HHSA Children's Services
Attn: Contracts Unit
1313 Yuba Street
Redding, CA 96001
Phone: (530) 225-5757
Fax: (530) 225-5190

If to Consultant: Chief Executive Officer
Lilliput Children's Services
8391 Auburn Boulevard
Citrus Heights, CA 95610
Phone: (916) 923-5444
Fax: (916) 923-2365

- B. Any oral notice authorized by this agreement shall be given to the persons specified in Section 20.A. and shall be deemed to be effective immediately.
- C. Unless otherwise stated in this agreement, any written or oral notices on behalf of the County as provided for in this agreement may be executed and/or exercised by the County Executive Officer.

Section 21. AGREEMENT PREPARATION.

It is agreed and understood by the Parties that this agreement has been arrived at through negotiation and that neither Party is to be deemed the Party which created any uncertainty in this agreement within the meaning of section 1654 of the Civil Code.

Section 22. COMPLIANCE WITH POLITICAL REFORM ACT.

Consultant shall comply with the California Political Reform Act (Government Code, sections 81000, *et seq.*), with all regulations adopted by the Fair Political Practices Commission pursuant thereto, and with the County's Conflict of Interest Code, with regard to any obligation on the part of Consultant to disclose financial interests and to recuse from influencing any County decision which may affect Consultant's financial interests. If required by the County's Conflict of Interest Code, Consultant shall comply with the ethics training requirements of Government Code sections 53234, *et seq.*

Section 23. PROPERTY TAXES.

Consultant represents and warrants that Consultant, on the date of execution of this agreement, (1) has paid all property taxes for which Consultant is obligated to pay, or (2) is current in payments due under any approved property tax payment arrangement. Consultant shall make timely payment of all property taxes at all times during the term of this agreement.

Section 24. SEVERABILITY.

If any portion of this agreement or application thereof to any person or circumstance is declared invalid by a court of competent jurisdiction or if it is found in contravention of any federal or state statute or regulation or County ordinance, the remaining provisions of this agreement, or the application thereof, shall not be invalidated thereby and shall remain in full force and effect to the extent that the provisions of this agreement are severable.

Section 25. COUNTY'S RIGHT OF SETOFF.

To the fullest extent permitted by law, County shall have the right but not the obligation, to setoff, in whole or in part, against any compensation owed to Consultant or any of its subsidiaries under any contract with the County, any amount of any Federal or State audit liability owed by or claimed or asserted against the County or any amounts owed to County by Consultant or its subsidiaries.

Section 26. CONFIDENTIALITY.

During the term of this agreement, both Parties may have access to information that is confidential or proprietary in nature. Both Parties agree to preserve the confidentiality of and to not disclose any such information to any third party without the express written consent of the other Party or as required by law. This provision shall survive the termination, expiration, or cancellation of this agreement.

Section 27. CONFIDENTIALITY OF CLIENT INFORMATION.

All information and records obtained in the course of providing services under this agreement shall be confidential, and Consultant and all of Consultants employees, volunteers, agents, and officers shall comply with state and federal requirements regarding

confidentiality of patient information (including, but not limited to, sections 827, 5328, 10850, and 14100.2 of the California Welfare and Institutions Code; Division 19 of the California Department of Social Services Manual of Policies and Procedures; Health and Safety sections 11845.5 and 11812, 22 California Code of Regulations section 51009; California Civil Code section 56.10; the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and the regulations adopted pursuant thereto; Title 42, Code of Federal Regulations, Part 2; and Title 45, Code of Federal Regulations, section 205.50). All applicable regulations and statutes relating to patients' rights shall be adhered to. No list of services of persons receiving services under this Agreement shall be published, disclosed, or used for any other purpose except for the direct administration of the program or other uses authorized by law that are not in conflict with requirements of confidentiality. This provision shall survive the termination, expiration, or cancellation of this agreement.

Section 28. SCOPE AND OWNERSHIP OF WORK.

All research data, reports, and every other work product of any kind or character arising from or relating to this agreement shall become the property of the County and be delivered to the County upon completion of its authorized use pursuant to this agreement. County may use such work products for any purpose whatsoever. All works produced under this agreement shall be deemed works produced by a contractor for hire, and all copyright with respect thereto shall vest in the County without payment of royalty or any other additional compensation. Notwithstanding anything to the contrary contained in this agreement, Consultant shall retain all of Consultant's rights in Consultant's own proprietary information, including, without limitation, Consultant's methodologies and methods of analysis, ideas, concepts, expressions, know how, methods, techniques, skills, knowledge, and experience possessed by Consultant prior to, or acquired by Consultant during the performance of this agreement and Consultant shall not be restricted in any way with respect thereto.

Section 29. USE OF COUNTY PROPERTY.

Consultant shall not use County premises, property (including equipment, instruments, and supplies), or personnel for any purpose other than in the performance of Consultant's obligations under this agreement.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, County and Consultant have executed this agreement on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the Party on whose behalf his/her execution is made.

COUNTY OF SHASTA

Date: _____

_____, CHAIRMAN

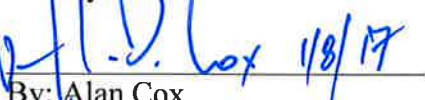
Board of Supervisors
County of Shasta
State of California

ATTEST:


LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

Approved as to form:
RUBIN E. CRUSE, JR
County Counsel

 1/8/17
By: Alan Cox
Deputy County Counsel

RISK MANAGEMENT APPROVAL

 01/05/18
By: James Johnson
Risk Management Analyst III

CONSULTANT

Date: 1/3/18

 for Karen Alvord
By: Karen Alvord
Chief Executive Officer

Tax I.D.#: On file

Lilliput Families Family Finding Step Down BUDGET

Shasta County Health & Human Services Agency
1810 Market Street
Redding, CA 96001

Lilliput Families
8391 Auburn Blvd.
Citrus Heights, CA 95610

Multi-Year Service Budgets

Budget Category	Budget Period Jan 2018 - June 2018		Budget Period July 2018 - June 2019		Budget Period July 2019 - Dec 2019		Total Budgeted Costs
Personnel/Position	# Weeks FTE		FTE		FTE		
Director	0.15	6,006	0.08	6,187	0.08	3,171	15,364
Supervisor	0.60	21,216	0.45	32,779	0.45	16,801	70,797
Administrative Asst.	0.50	8,840	0.50	18,210	0.50	9,334	36,385
Social Worker	2.00	54,080	2.00	111,405	2.00	57,096	222,585
Fringe Benefits	25%	22,536		42,145		21,600	86,281
Total Salary and Benefits		112,678		210,726		108,002	431,412
Operating Expenses							
Office Expenses/Supplies/Search		5,000		3,225		1,600	9,825
Equipment		7,500		0			7,500
Rents/Leases		6,000		12,000		6,000	24,000
Utilities/Communications		1,000		2,000		1,000	4,000
Travel		15,000		22,600		8,675	46,275
Software							0
Youth/Family Supports/Training		5,000		4,000		2,000	11,000
(OTHER - Please Specify)							0
Total Operating Expenses		39,500		43,825		19,275	102,600
Other Expenses							
Capital Assets							0
(OTHER - Please Specify)							0
Total Other Expenses		0		0		0	0
Total Expenses		152,178		254,551		127,277	534,012
Administrative Cost (Not to exceed 15%)	0.10	15,218		25,449		12,723	53,389
Totals		167,395		280,000		140,000	\$587,401

Lilliput Families Post Adoption Services BUDGET

Shasta County Health & Human Services Agency
1810 Market Street
Redding, CA 96001

Lilliput Families
8391 Auburn Blvd.
Citrus Heights, CA 95610

Multi-Year Service Budgets

Budget Category	Budget Period Jan 2018 - June 2018		Budget Period July 2018 - June 2019		Budget Period July 2019 - Dec 2019		Total Budgeted Costs
	# Weeks						
Personnel/Position	FTE		FTE		FTE		
Social Worker	0.20	6,864	0.20	14,140	0.20	7,247	28,251
Warm Line	0.20	4,160	0.20	8,570	0.20	4,393	17,123
Supervisor	0.13	4,420	0.05	3,642	0.05	1,867	9,929
Director	0.08	2,652					2,652
Fringe Benefits	25%	4,524		6,588		3,377	14,489
Total Salary and Benefits		22,620		32,939		16,883	72,443
Operating Expenses							
Office Exp/Supplies/Search		6,000		1,325		400	7,725
Equipment		2,500		0			2,500
Rents/Leases							0
Utilities/Communications		450		600		300	1,350
Travel		900		1,500		600	3,000
Software							0
Youth/Family Supports/Training							0
(OTHER - Please Specify)							0
Total Operating Expenses		9,850		3,425		1,300	14,575
Other Expenses							
Capital Assets							0
(OTHER - Please Specify)							0
Total Other Expenses		0		0		0	0
Total Expenses		32,470		36,364		18,183	87,018
Administrative Cost (Not to exceed 15%)	0.10	3,247		3,636		1,817	8,700
Totals		\$35,717		\$40,000		\$20,000	\$95,717



Family Finding Engagement & Lifelong Connection Services

Quarterly Report for: _____

Program Implementation/Start-Up			
<p>Family Finding Engagement and Lifelong Connections service contract between the County of Shasta and Lilliput Families began _____. The service focus is on building a network of committed adults for youth in foster care. The goals include actively identifying and engaging relatives, non-relatives, and other important people in a foster youth's life for potential placement, guardianship, adoption, and/or lifelong relationships.</p> <p><u>The initial period of the contract (1-90 days) the following objectives were met:</u></p> <p><u>Some areas that have presented challenges:</u></p> <p><u>Things going well:</u></p> <p><u>Family Finding & Engagement Services (FFE):</u></p> <p><u>The FF SW continues to work on family finding for all referrals:</u></p>			
Family Finding Referrals			
Period: _____			
	Number	Child(ren) Name	Date
Referrals Received			
Referrals Closed			
FFE Cases Currently Open			
*The current status of the referrals and most recent updates are attached to this report.			
<p><u>The following shall be reported to County at case closure:</u></p> <ul style="list-style-type: none"> • Outcome data such as: <ul style="list-style-type: none"> ○ # of relative/NREFM connections and potential caregivers for youth participants at case closure ○ # of identified and # of engaged relatives/NREFM ○ # of lifelong connections established for youth served ○ Case Closure Summary with a list of contacts made to identify family members and other important persons for each youth referred 			



Shasta County Post Adoption Services
Quarterly Report for: _____

PAS Referral Source	Number
New Referral Total	
Referral Sources :	
Child Welfare County Partners	
CDSS	
Other/Community Partner	
Self	

PAS Services Provided (Per Family)	Number
Monthly Support Groups	
Family Events/Activities/Trainings	
Family Consultation Services	
Information and Referrals (new referrals & family consultation families)	
Activity/Therapeutic Funding	
Respite Reimbursement	
Outreach:	
Newsletter Sent	
Collateral	

OBJECTIVES
Parent Support Group:
Professional/Parent Training:
Adoptive Competent Therapist/Resource Listing:
Community Advocacy and Outreach:



Shasta County Post Adoption Services
Quarterly Report for: _____

Program Evaluations:
Respite Reimbursement:
Information/Referral Services and Community/Home Visits: Family Consultation Services:
Therapeutic and Activity Funding:
Family Activity/Events:

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Health and Human Services-8.

SUBJECT:

First Amendment to the Agreement with Kaleidoscope Coffee

DEPARTMENT: Health and Human Services Agency-Regional Services

Supervisory District No. : All

DEPARTMENT CONTACT: Linda Hoag, Deputy Branch Director, HHSA Regional Services, (530) 245-7638

STAFF REPORT APPROVED BY: Melissa Janulewicz, HHSA Branch Director

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Approve and authorize the Chairman to sign an amendment to the agreement with Kaleidoscope Coffee Company, Inc., to increase compensation by \$150,000, for a new total not to exceed \$200,000 over the term of the agreement, to provide additional employment subsidy reimbursement, as the employer of record for additional eligible CalWORKs recipients, and extend the end date from March 31, 2018 to March 31, 2019.

SUMMARY

Approval of this amendment will provide approximately 16 Shasta County CalWORKs, Welfare-to-Work (WTW) participants the opportunity to gain current work experience, improve skills, and potentially secure on-going unsubsidized employment.

DISCUSSION

The Subsidized Employment Program (SE) provides Shasta County CalWORKs, Welfare-to-Work participants the potential to acquire work experience, improve job skills, and potentially secure on-going unsubsidized employment. These programs have operated in various forms in the United States for some 80 years.

As well as providing paid employment opportunities to WTW participants, the SE Program gives employers the opportunity to build their business and incorporate new employees at reduced costs by providing financial assistance through the initial training period required by new employers. Employers receive a wage subsidy of 100% of total wage costs, not to exceed \$15 per hour, per participant hired, over a period of six months. This subsidy is offered as incentive to employers to train and hire Shasta County WTW participants as unsubsidized employees once the reimbursement period ends. A participants' subsidy period may be extended for an additional six months (in three month increments) at a rate of 50% of wages, if the County determines that an extension will increase the likelihood of the participant obtaining unsubsidized employment with the participating employer or obtaining specific skills and experiences relevant for unsubsidized employment for a particular field.

Kaleidoscope Coffee is an active participant in Shasta County’s SE program, ShastaFACES2. In 2017 they hired 12 CalWORKs participants; seven participants remain employed with Kaleidoscope. In addition, two participants were hired permanently without the subsidy. Of the 12 participants that were hired by Kaleidoscope, three are no longer employed with the company. One participant was no longer able to perform the job duties and has been referred to our Family Stabilization Program. Another participant has been hired for unsubsidized employment through another Shasta County business and is earning more money. The third is no longer a resident of Shasta County.

Kaleidoscope offers various positions including food prep, barista, and sales and marketing. Each employee works 20 to 30 hours a week and receiving at least minimum wage. Kaleidoscope Coffee is very pleased with the quality of our participants and they have expressed interest in hiring two to four additional placements.

The average wage reimbursement for each participant placed at Kaleidoscope Coffee is \$1,400 per month. Kaleidoscope Coffee has the desire to have additional placements from the Shasta Faces Program, however additional funding is needed to give the additional CalWORKs participants the experience.

ALTERNATIVES

The Board could choose not to approve the recommendation which would result in the discontinuance of wage subsidies for all CalWORKs WTW participants employed by Kaleidoscope Coffee or approve less than the requested increase in compensation.

OTHER AGENCY INVOLVEMENT

County Counsel has approved the amendment as to form. Risk Management has approved the amendment. This recommendation has been reviewed by the County Administrative Office.

FINANCING

The SE total allocation provided to Shasta County for Fiscal Year (FY) 17/18 is \$931,298 which can be used for employer subsidies as well as programmatic administrative expenses. The funds associated with the recommendation have been included in the department’s FY 2017-18 Adopted Budget and will be included in the FY 2018-19 Requested Budget. There is no additional impact to the General Fund with approval of the recommendation.

ATTACHMENTS:

Description	Upload Date	Description
First Amendment	1/12/2018	First Amendment

**FIRST AMENDMENT TO THE AGREEMENT BETWEEN
THE COUNTY OF SHASTA AND
KALEIDOSCOPE COFFEE COMPANY, INC.**

This First Amendment is entered into between the County of Shasta ("County"), a political subdivision of the State of California, and Kaleidoscope Coffee Company, Inc., a California corporation, ("Contractor").

RECITALS

WHEREAS, County and Contractor have previously entered into an Agreement on April 1, 2017, for the purpose of providing employment subsidy reimbursement to Contractor, as employer of record, for the employment of eligible CalWORKs client(s), collectively termed ("Employees"); and

WHEREAS, County and Contractor desire to amend this Agreement to extend the term of the Agreement and increase the maximum about reimbursable under the Agreement;

NOW, THEREFORE, the Agreement is amended as follows:

- I. **Section 4. REIMBURSEMENT**, of the Agreement is amended as of the effective date of this Amendment, in its entirety to read as follows:
 - A. Contractor shall, during the term of this Agreement and after satisfactorily completing the responsibilities as prescribed in this Agreement and submitting all required documentation including the timely submission of a complete, correct, and approved invoice documenting the requested Reimbursement, be reimbursed:
 - (1) During the initial six-month employment period, up to 100 percent of the Employee(s) Wages up to a maximum of \$15 per hour per Employee provided to or on behalf of Employee(s) (the "Reimbursement"); and
 - (2) During any subsequent employment period as authorized by County pursuant to section 3.E., up to 50 percent of the Employee(s) Wages up to a maximum of \$15 per hour per Employee provided to or on behalf of Employee(s) (the "Reimbursement").
 - B. In no case whatsoever shall the maximum compensation amount reimbursed under this Agreement exceed \$200,000.
 - C. County is not liable for the payment of any taxes resulting from this Agreement however designated, levied, or imposed, unless County would otherwise be liable for the payment of such taxes in the course of its normal business operation.
- II. **Section 5. CLAIMS AND REIMBURSEMENT**, of the Agreement is amended as of the effective date of this Amendment, in its entirety to read as follows:
 - A. For each Employee working for Contractor under this Agreement, Contractor shall submit monthly by the 10th of each month, for the prior month's paid subsidized employment, a billhead or invoice regularly used in the conduct of business of the

Contractor along with a fully completed **"ShastaFACES2 Subsidized Employment Statement of Services", Attachment C or Attachment D** as appropriate.

- B. Contractor shall also submit with each billhead or invoice payroll records providing verification of employment hours and Wages. Payroll records shall include copies of Payroll Summaries including Date, Name, Hours, Net Amount, Taxes Withheld, Total Deductions, Total Pay, Employer Taxes, Total Cost, Check Number, and copies of Weekly Time Records for each employee working for Contractor under this Agreement.
- C. Contractor shall not be reimbursed for any amounts invoiced without payroll verification.
- D. Contractor shall invoice County no later than the 10th of the following month for Employee costs incurred in the previous month.
- E. County reserves the right to require Contractor to submit, subsequent to invoice submission, copies of any supporting or supplemental documentation related to any and all expenses identified on the invoice.
- F. County shall pay Contractor Reimbursement as stated in Section 4 within 30 days of receipt of a complete, correct, and approved invoice with any supporting records as provided for in this Agreement. Contractor shall submit a final statement or invoice for services rendered to the County for the period March 31, 2019, by April 10, 2019.
- G. County reserves the right to disallow any claim filed more than 10 days following the month Employee costs are incurred. County additionally reserves the right to disallow any claim filed for the month of March 2019 if such claim is not file on or before April 10, 2019.
- H. Should County, or the state or federal government, disallow any amount claimed by Contractor, Contractor shall reimburse County, or the state or federal government, as directed by County, or the state or federal government, for such disallowed costs.

III. Section 6. TERM OF AGREEMENT, of the Agreement is amended as of the effective date of this Amendment, in its entirety to read as follows:

The initial term of this Agreement shall commence as of the April 1, 2017 and shall end March 31, 2019. County shall not be obligated for payments hereunder for any future County fiscal year unless or until County's Board of Supervisors appropriates funds for this Agreement in County's budget for that County fiscal year. In the event that funds are not appropriated for this Agreement, then this Agreement shall end as of June 30, of the last County fiscal year for which funds for this Agreement were appropriated. For the

purposes of this Agreement, the County fiscal year commences on July 1 and ends on June 30 of the following fiscal year. County shall notify Contractor in writing of such non-appropriation at the earliest possible date.

IV. REAFFIRMATION

In all other respects, the Agreement, as amended, and any attachments, remains in full force and effect.

V. ENTIRE AGREEMENT

The Agreement, as amended, and any attachments, constitute the entire understanding between County and Contractor.

VI. EFFECTIVE DATE

Unless otherwise provided, this First Amendment shall be deemed effective as of the last date it is signed by all Parties.

[SIGNATURE PAGE FOLLOWS]

IN WITNESS WHEREOF, County and Contractor have executed this First Amendment on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this Agreement and to bind the Party on whose behalf his/her execution is made.

COUNTY OF SHASTA

Date: _____

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

Approved as to form:
RUBINE E. CRUSE, JR.
County Counsel

By: [Signature] 1/12/18
Alan B. Cox
Deputy County Counsel

RISK MANAGEMENT APPROVAL

By: [Signature] 01/12/18
James Johnson
Risk Management Analyst

CONTRACTOR

Date: 1/11/18

[Signature]
Dan Burton, President
Kaleidoscope Coffee Company, Inc.

Date: 1/11/18

[Signature]
Mimi Burton, Secretary/Treasurer
Kaleidoscope Coffee Company, Inc.

Tax I.D.#: _____ on file

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Law and Justice-9.

SUBJECT:

Salary Resolution and Budget Amendment

DEPARTMENT: District Attorney

Supervisory District No. : ALL

DEPARTMENT CONTACT: Stephanie Bridgett, District Attorney (530) 245-6310

STAFF REPORT APPROVED BY: Stephanie Bridgett, District Attorney

Vote Required?	General Fund Impact?
4/5 Vote	No Additional General Fund Impact

RECOMMENDATION

Take the following actions for the District Attorney's (DA) community prosecution program: (1) Adopt a salary resolution, effective February 4, 2018, which amends Shasta County's Position Allocation List for the DA to add 1.0 Full-Time Equivalent (FTE) Deputy District Attorney I/II/III and 1.0 FTE Legal Process Clerk I/II position in the DA budget; and (2) approve a budget amendment in the DA's budget to increase appropriations by \$56,250 and revenues by \$225,000 to support costs of the program.

SUMMARY

N/A

DISCUSSION

On October 3, 2017, the Board of Supervisors accepted a donation in the amount of \$225,000 from the Redding Rancheria to hire an additional prosecutor and support staff to assist in prosecuting quality-of-life crimes. The proposed salary resolution and budget amendment will allow the department to move forward with the recruitment process and initiate the program activities.

This generous donation from the Redding Rancheria will be utilized to fund a unit within the District Attorney's office which will be dedicated to the prosecution of quality-of-life type offenses. The unit will consist of one Deputy District Attorney and one clerical staff member and will utilize a community prosecution model.

ALTERNATIVES

The Board could elect not to adopt the salary resolution and/or not to approve the budget amendment, in which case, the program would not be initiated.

OTHER AGENCY INVOLVEMENT

The Support Services Department – Personnel Unit prepared the salary resolution. This recommendation has been reviewed by the County Administrative Office.

FINANCING

The proposed budget amendment increases Fiscal Year 2017-2018 Appropriations by \$56,250 and Revenues by \$225,000. The increase to revenue is derived from a donation from the Redding Rancheria for the purpose of funding a community prosecution program for one year. Because the entire amount will not be spent during this fiscal year, appropriations are only being amended by 25% of the amount of the donation. The unspent revenue will go into a fund balance account and will be appropriated during Fiscal Year 2018-2019.

ATTACHMENTS:

Description	Upload Date	Description
Salary Resolution	1/11/2018	Salary Resolution
Budget Amendment and Memo	12/13/2017	Budget Amendment and Memo

SALARY RESOLUTION NO.**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SHASTA
AMENDING THE SHASTA COUNTY POSITION ALLOCATION LIST**

BE IT RESOLVED that effective February 4, 2018, the following amendments are made to the Shasta County Position Allocation List for positions in County service:

DISTRICT ATTORNEY – Cost Center 227

<u>Footnotes</u>	<u>Classification Title</u>	<u>No. of Positions</u>	<u>FTE</u>	<u>Unique Position Number</u>	<u>Schedule</u>	<u>Range</u>	<u>Approx. Monthly A Step</u>	<u>Equiv. Salary F Step</u>
CLASSIFIED								
<u>ADD</u>								
	Deputy District Attorney I or				PROF	539	5540	7070
	Deputy District Attorney II or	1	1.0		PROF	555	5989	7645
	Deputy District Attorney III				PROF	589	7070	9024
	Legal Process Clerk I or				UPEC	361	2302	2938
	Legal Process Clerk II	1	1.0		UPEC	381	2538	3239

DULY PASSED AND ADOPTED this 23rd day of January 2018, by the Board of Supervisors of the County of Shasta by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy



MEMORANDUM

To: Brian Muir, Auditor Controller

From: Stephanie Bridgett, District Attorney

Date: December 12, 2017

Subject: District Attorney – Cost Center 22700 Budget Amendment

Please prepare a budget amendment as noted on the attached budget amendment worksheet subject to Board of Supervisor's approval on January 23, 2018. The budget amendment includes increases to appropriations for Cost Center 22700 in the amount of \$56,250 and an increase to revenue in the amount of \$225,000 for fiscal year 2017-2018.

The increase to revenue is derived from a donation from the Redding Rancheria for the purpose of funding a prosecutor and support staff for a community prosecution program for one year. Because the entire amount will not be spent during this fiscal year, appropriations are only being amended by 25% of the amount of the donation. The unspent revenue will go into a fund balance account and will be appropriated during fiscal year 2018-2019.

BOARD OF SUPERVISORS REGULAR MEETING - January 23, 2018

County of Shasta

Budget Amendment

DISTRICT ATTORNEY

DEPARTMENT NAME

APPROPRIATIONS FY 17-18
INCREASE <DECREASE>

ORG KEY	ACCOUNT	ACCOUNT DESCRIPTION	BUDGET READS	BUDGET SHOULD READ	AMOUNT OF TRANSFER (+/-)
22700	011000	REGULAR SALARIES	4,493,701	4,519,947	26,246
22700	017000	EXTRA HELP	50,000	51,000	1,000
22700	017502	OVERTIME PAY	10,000	10,500	500
22700	018100	EMPLOYER SHARE OASDI	288,116	290,239	2,123
22700	018201	EMPLOYER SHARE RETIREMENT	1,061,685	1,066,431	4,746
22700	018205	401A	2,507	2,762	255
22700	018300	EMPLOYER SHARE HEALTH INSUR	765,635	772,583	6,948
22700	018307	EMPLYR SHR OTHER POST EMP BEN	134,812	135,600	788
22700	018400	EMPLOYER SHR UNEMPLOYMENT INS	14,039	14,128	89
22700	018500	WORKERS COMP EXPOSURE	57,407	57,757	350
22700	018501	WORKERS COMP EXPERIENCE	150,078	151,394	1,316
22700	032500	COMMUNICATIONS EXPENSE	30,000	30,513	513
22700	032591	CHGS IT COMM	16,500	16,645	145
22700	032992	CHGS FAC MGMT HSHLD XP	60,000	60,770	770
22700	033102	INSUR XP LIABILITY EXPOSURE	16,598	16,699	101
22700	033103	INSUR XP MISCELLANEOUS	4,447	4,486	39
22700	033105	INSUR XP LIABILITY EXPERIENCE	169,210	170,694	1,484
22700	033592	CHGS IT MNT HARD/SOFTWARE	9,532	9,657	125
22700	033791	CHGS FAC MGMT MAINT STR	50,000	50,439	439
22700	034100	MEMBERSHIPS	20,000	20,175	175
22700	034500	OFFICE EXPENSE	56,000	56,491	491
22700	034527	OFFICE XP PRINTING	5,000	5,044	44
22700	034529	OFFICE XP PUBLICATIONS	20,000	20,176	176
22700	034590	CHGS OC PHOTOCOPY SVS	3,360	3,390	30
22700	034591	CHGS OC POSTAGE SVS	10,000	10,088	88
22700	034592	CHGS OC OTHER MAIL SVS	5,000	5,044	44
22700	034860	PROF BENEFITS ADMIN SVS	112,035	113,018	983
22700	034892	CHGS IT PROFESSIONAL SVS	202,000	205,574	3,574
22700	035100	RENTS & LEASES OF EQUIPMENT	13,500	13,619	119
22700	035500	MINOR EQUIPMENT	25,000	25,219	219
22700	035590	CHGS IT SOFTWARE EQP	12,500	12,875	375
22700	035591	CHGS IT HARDWARE EQP	60,000	61,026	1,026
22700	035900	TRANSPORTATION & TRAVEL	56,000	56,490	490
22700	036100	UTILITIES	50,000	50,439	439
TOTAL					56,250

REVENUE FY 17-18
INCREASE <DECREASE>

ORG KEY	ACCOUNT	ACCOUNT DESCRIPTION	BUDGET READS	BUDGET SHOULD READ	AMOUNT OF TRANSFER (+/-)
22700	792500	DONATIONS	0	225,000	225,000
TOTAL					225,000

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Law and Justice-10.

SUBJECT:

Agreement between the County of Shasta through its Sheriff's Office and Relias Learning LLC to provide online training for jail staff that will meet California Board of State and Community Corrections Standards and Training (STC) requirements. The initial term of this agreement is for 60 months with the option to renew each year after.

DEPARTMENT: Sheriff-Jail

Supervisory District No. : All

DEPARTMENT CONTACT: Lieutenant Dale Malar, 530-245-6120

STAFF REPORT APPROVED BY: Tom Bosenko, Sheriff-Coroner

Vote Required?	General Fund Impact?
Simple Majority Vote	No Additional General Fund Impact

RECOMMENDATION

Approve and authorize the Chairman to sign an evergreen agreement effective February 1, 2018, for no maximum compensation with Relias Learning, LLC in a minimum amount of \$10,118.25 annually (paid in advance semi-annually at half the total annual fee), with a one-time advance payment set-up fee of \$2,500 to provide a subscription service for online jail staff training that will meet state of California requirements.

SUMMARY

The Shasta County Sheriff Custody Division requires sworn and some unsworn staff to take Standards and Training for Corrections (STC) courses each year. Relias Learning LLC is a subscription based provider that offers online courses that are STC approved. This form of training will replace much of the scheduling and sending staff to courses that have often required travel and overtime. Due to staffing requirements of the jail, online content courses may still require some overtime commitment by staff.

DISCUSSION

The Shasta County Sheriff's Office Custody Division sends staff to STC approved courses each year. Each qualified employee is required to have 24 hours of STC approved training each year. Courses are usually assigned to full shifts of employees on the days they do not work, though some staff do attend training on their normally scheduled work day which necessitates staff backfill. The Shasta County Sheriff's Training Coordinator keeps record of the hours of STC courses completed by staff and reports that information to the Board of State Community corrections (BSCC).

In 2017, Shasta County Sheriff's Administration attended numerous presentations for Relias Learning LLC. They offer an online training platform, with a library of STC approved courses, that efficiently and effectively delivers, manages, and tracks regulatory compliance requirements to free up time for leaders to focus on driving performance and improving outcomes. Relias offers many courses including; Civil Liability and the Disciplinary Process in Corrections, Cultural Awareness in

Corrections, Managing Inmates with Mental Health Needs, Prison Rape Elimination Act (PREA), Professional Ethics in Corrections and many more. Relias will provide a roadmap for each jail staff member to fulfill their required STC training by the end of June. These courses will, whenever possible, be assigned to the employee to complete on their regular scheduled work days resulting in a reduction of overtime for training. This will also assist the Shasta County Sheriff's Office with scheduling issues related to sending staff to training outside of the jail facility.

Annually, the BSCC provides quarterly funding to the Shasta County Sheriff's Office for STC training based on a formula rate. The Sheriff's Office must have spent at least the amount of formula funding provided by BSCC for STC approved training or the next year allocation will be reduced. In 2016, the Shasta County Sheriff's Office received \$49,970 in BSCC STC formula funding. Should training costs be reduced through use of this online training, BSCC STC formula funding may also be reduced.

ALTERNATIVES

The Board of Supervisors may choose to request changes to the terms and conditions of the agreement, may choose to delay approval for the agreement until a later date, or may choose not to approve the agreement.

OTHER AGENCY INVOLVEMENT

The County Administrative Office has reviewed the recommendation. County Counsel has approved this agreement as to form. Risk Management and the Information Technology Department have reviewed and approved this agreement.

FINANCING

If approved, the Sheriff's Office will compensate Relias Learning LLC a minimum of \$10,118.25 per year, through semi-annual subscription payments, with an additional one-time \$2,500.00 set up fee to provide Shasta County with this subscription service for STC approved training for jail staff. The compensation may increase if the number of "Subscription Metrics" (i.e. the maximum number of users or staff subscribed, or services subscribed to) needs to increase and such increases will be based on Relias' then-current fees.

Sufficient appropriations for STC training in the FY 17/18 Sheriff's Office Jail budget exist to cover the initial set up fee and first semi-annual subscription fee. Future year amounts will be included in requested appropriations for each respective fiscal year budget. Potential reductions in training costs through use of this online training may also result in a reduction in BSCC STC funding in the current or in future fiscal years.

ATTACHMENTS:

Description	Upload Date	Description
Contract	1/11/2018	Contract



eLearning Services Proposal to Shasta County Sheriff's Office

Prepared by:

Thomas Ranaudo
Relias Learning LLC
111 Corning Road, Suite 250,
Cary, North Carolina 27518

Submitted:

12/12/2017



Ordering Document

Shasta County Sheriff's Office

300 Park Marina Circle
Redding, California 96001

The term of this agreement is: 60 Months

Method of Payment (Check One): ☐ ACH ☒ Check

Billing Frequency: Annually

The Subscription Start Date is: 2/1/2018

Name	Subscription Type	Subscription Metric	Subscription Quantity
24/7 Support	Service	Fixed	1
Community Corrections - Standard Package	Library	Per Employee	90

Annual Subscription Total

\$10,118.25

Service	Metric	Quantity	Price
Public Safety Site Setup - Standard	Flat Rate	1	\$2,500.00

Professional Services Total

\$2,500.00

Due Upon Receipt of Invoice for Service Period 2/1/2018 - 7/31/2018

\$7,559.13

(includes semi-annual Subscription Service Fee of \$5,059.13 and one-time Professional Services Fee of \$2,500.00)

**PRICING EXPIRES IF NOT EXECUTED BY
1/31/2018**

This Ordering Document, together with the Master Services Agreement and the Schedules linked below, form the entire Agreement between the parties.

Contract Document

Link to Contract Document

MSA

<https://www.relias.com/msa-2017>

MSA Schedule A

<https://www.relias.com/msa-2017-schedule-a>

Quote Number: **2017-115831**

RELIAS

CUSTOMER SIGNATURE PAGE

This Agreement (as hereinafter defined) is entered into between Relias Learning LLC ("Company") and the customer identified in the signature block below ("Customer"), effective as of February 1, 2018 ("Effective Date"). This Agreement establishes the general terms and conditions to which the parties have agreed in order to facilitate the provision of certain services as more fully described herein and in each Ordering Document.

By signing below, the Customer acknowledges that they have read and understood the Agreement and agree to be bound by all the terms and conditions contained therein.

Shasta County Sheriff's Office

Signature: See Final Signature Page

Print Name: _____

Job Title: _____

Date: _____

Address for Notices:

Relias Learning LLC

Signature: [Signature]

Print Name: Mark Belles

Job Title: CFO

Date: 12/29/17

Address for Notices:

Relias Learning LLC
111 Corning Road, Suite 250,
Cary, North Carolina 27518

Liaison Contact

Name: Carnie Volberg

Job Title: Administrative Secretary

Email: _____

Phone: 530-245-6174

Address: 300 Park Marina Cr
Redding CA 96001

Billing Contact

Name: _____

Job Title: Sheriff - Accounting

Email: _____

Phone: _____

Address: 300 Park Marina Cr
Redding CA 96001

APPROVED AS TO FORM
SHASTA COUNTY COUNSEL

[Signature] 1/8/18
Adam M. Freeman
Senior Deputy County Counsel

Quote Number: 2017-115831

MASTER SERVICES AGREEMENT

1. DEFINITIONS

- 1.1 Affiliate** means any company that (i) controls, (ii) is controlled by or (iii) is under common control with either Party or its parent corporation. A company shall be deemed to control a company if it has the power to direct or cause the direction of the management or policies of such company, whether through the ownership of voting securities, by contract, or otherwise.
- 1.2 Agreement or MSA** means this Master Services Agreement, Ordering Document(s), Schedules (attached hereto and/or detailed and linked within the Ordering Document(s)), and such other documents, attachments and exhibits that the parties' authorized representatives mutually agree to in writing.
- 1.3 Client** means the entity set forth on the Ordering Document(s) and receiving Subscription Services under the Agreement.
- 1.4 Client Data** means all required electronic data or information submitted by Client to Company for the provision of Subscription Services and/or Professional Services.
- 1.5 Company** means the entity set forth on the Ordering Document(s) and providing Subscription Services under the Agreement.
- 1.6 Content** means materials provided or posted by Company in connection with the Subscription Services, including but not limited to training courses, tests, assessments, surveys, text, images, graphics, audio and sound recordings, and videos and modifications, enhancements, or new versions thereof.
- 1.7 Effective Date** means the date defined within the Ordering Document(s), or if no such date is defined, the date of the final required signature.
- 1.8 Intellectual Property** means any and all intellectual property rights, recognized in any country or jurisdiction in the world, now or hereafter existing, and whether or not perfected, filed or recorded, including without limitation inventions, technology, patent rights (including patent applications and disclosures), copyrights, trade secrets, trademarks, service marks, trade dress, methodologies, procedures, processes, know-how, tools, utilities, techniques, various concepts, ideas, methods, models, templates, software, source code, algorithms, the generalized features of the structure, sequence and organization of software, User interfaces and screen designs, general purpose consulting and software tools, utilities and routines, logic, coherence and methods of operation of systems, training methodology and materials, which Company has created, acquired or otherwise has rights in, and may, in connection with the performance of Subscription Services or Professional Services hereunder, create, employ, provide, modify, acquire or otherwise obtain rights in.
- 1.9 Ordering Document** means the document(s), regardless of actual name, executed by the parties from time to time, which incorporates by reference the terms of this Agreement and describes order-specific information such as description of Subscription Services and/or Professional Services ordered, Subscription Metrics, fees, and other business terms. **Statement of Work (SOW)** shall be synonymous with Ordering Document.
- 1.10 Professional Services** means consulting, implementation, training, creation of custom content, or other professional services to be performed by the Company described in the attached Ordering Document or Schedule to this Agreement mutually agreed to by the parties in writing.
- 1.11 Schedule** means a product-specific set of terms and conditions that serves as an addendum to this Agreement and will either come attached hereto and/or be referenced within the Ordering Document(s) with a hyperlink provided.
- 1.12 Site** means the web interface at a URL designated by Company.
- 1.13 Subscription Metrics** means each of the per-unit metrics specified in the Ordering Documents to describe the scope of Client's right to use each of the Subscription Services, such as the maximum number of Users, restricted Users, Content type, and the like.
- 1.14 Subscription Services** means services described in the relevant schedule.
- 1.15 Subscription Start Date** means the date specified on the Ordering Document(s).
- 1.16 User(s)** means those persons who (a) have been authorized by Client to access and use the Subscription Services and Professional Services for data analytics, testing and skill assessments, and/or training and education purposes; (b) have complied with any registration requirements reasonably requested by Company, (c) have been issued a personal and unique User ID and Password; and (c) have acknowledged, where required, the terms and conditions applicable to the particular Subscription Services. Only current employees and independent contractors of Client are eligible to be Users.

2. USE RIGHTS

- 2.1 Grant of Use.** Subject to the terms of the Agreement, Company grants to Client the right to access and use the Subscription Services described in the Ordering Document(s), solely for its internal business purposes and solely in connection with the personal training, analysis, or assessment of its Users or business.
- 2.2 Authorized Users.** Client shall provide Company with the required demographic data for all Users in the specified electronic format provided by Company to complete the initial registration process. Client agrees not to activate and deactivate Users repeatedly as a method of keeping the number of Users within range of the Subscription Metrics stated in the Ordering Document(s).
- 2.3 Acceptable Use.** Client and all Users shall use the Subscription Services exclusively for authorized and legal purposes, consistent with all applicable laws and regulations. Client agrees and shall ensure that Users agree not to post or upload any content or data which (i) is libelous, defamatory, obscene, pornographic, abusive, harassing or threatening; (ii) contains computer viruses, worms, time bombs, trojan horses and other harmful or malicious code, files, scripts, agents or programs; (iii) violates the rights of others, such as data which infringes on any intellectual property rights or violates any right of privacy or publicity; or (iv) otherwise violates any applicable law. Client further agrees and shall ensure that Users agree not to interfere or disrupt networks connected to the Subscription Services, not to interfere with another entity's use of similar services and to comply with all regulations, policies and procedures of networks connected to the Subscription Services. Company may remove any violating content posted on the Subscription Services or transmitted through the Subscription Services without notice. Company may suspend or terminate any User's access to the Subscription Services in the event that Company reasonably determines that such User has violated the terms and conditions of this Agreement.
- 2.4 Restrictions.** Client shall not itself, or through any affiliate, employee, contractor, agent or other third party (i) sell, resell, distribute, host, lease, rent, license or sublicense, in whole or in part, the Subscription Services, the Site or access thereto; (ii) decipher, decompile, disassemble, reverse assemble, modify, translate, reverse engineer or otherwise attempt to derive source code, algorithms, tags, specifications, architecture, structure or other elements of the Subscription Services, in whole or in part; (iii) allow access to, provide, divulge or make available the Site or the Subscription Services to anyone other than an authorized User; (iv) create derivative works based upon the Subscription Services; or modify, adapt, translate or otherwise make any changes to the Subscription Services or any part thereof; (v) use the Subscription Services to provide processing services to third parties, or otherwise use the same on a 'service bureau' basis; (vi) disclose or publish, without Company's prior written consent, performance or capacity statistics or the results of any benchmark test performed on the Subscription Services; or (vii) remove from any Subscription Services or other materials owned by Company identification, patent, copyright, trademark or other notices. Proprietary notices, including without limitation patents, copyrights and trademarks notices, as well as disclaimer notices, must be reproduced on any such authorized copies.
- 2.5 Enforcement.** Client shall (i) ensure that all Users of Subscription Services comply with the terms and conditions of this Agreement, (ii) promptly notify Company of any actual or suspected violation thereof and (iii) cooperate with Company with respect to investigation and enforcement of the Agreement. Client shall be solely responsible

for all acts and omissions of its Users in connection with their access and use of the Subscription Services.

2.6 Environment. The Subscription Services will be hosted on a server that is maintained by Company or its designated third-party subcontractor. User access to the Subscription Services is provided through the Site. Client is solely responsible for obtaining and maintaining, at its own expense, all equipment needed to access the Site, including but not limited to Internet access and telecommunications network with adequate bandwidth.

2.7 Availability. Company shall use commercially reasonable efforts to make the Subscription Services available 24x7, except for scheduled downtime events where notice is provided to Client, emergency downtime events, or Internet service provider failures or delays. Company will use commercially reasonable efforts to perform scheduled downtime events outside of normal business hours. Client acknowledges that the Subscription Services may be subject to limitations, delays, and other problems inherent in the use of the Internet and electronic communications; Company is not responsible for any delays, delivery failures, or other damage resulting from such problems.

2.8 Content. Access to Content, if applicable, shall be provided by Company through the Subscription Services. Client is responsible for selecting which Content will be available to authorized Users. Company continuously reviews and updates Content based on an ongoing-needs analysis. Company reserves the right to add, revise, or withdraw from its Content any item or part of an item in its sole discretion.

2.9 Site Administrator. Client shall designate a primary contact who shall function as the liaison to Company and who shall be trained by Company so that the contact shall be able to train and support Users on the use of the Subscription Services (**Site Administrator**). The Site Administrator shall be the primary interface with Company on all issues related to the Subscription Services.

2.10 Passwords. Client is responsible for maintaining the confidentiality of all passwords and for ensuring that each password is used only by the authorized User. Client is entirely responsible for any and all activities that occur under its account. Client shall immediately notify Company of any unauthorized use or any other breach of security known to Client. Company shall have no liability for any loss or damage arising from Client's failure to comply with these requirements.

2.11 Client Data Responsibilities. Client shall be solely responsible for the accuracy, quality, integrity and legality of data uploaded in the Subscription Services by Client. Client shall own or shall obtain all proprietary rights necessary, including copyrights, patents, and trade secrets, in and to any content or data it provides, develops, or uploads for use in the Subscription Services. Client authorizes Company and the data center to serve as the host and repository for the data Client enters into the Subscription Services.

2.12 Changes. Company reserves the right to add and/or substitute functionally equivalent products in the event of product unavailability, end-of-life, or changes to software requirements. Company regularly updates the Subscription Services, meaning that such Subscription Services are continually evolving. Some of these changes will occur automatically, while others may require Client to schedule and implement the changes.

3. PROFESSIONAL SERVICES

3.1 Cooperation. Client shall provide Company with good-faith cooperation and access to such information, facilities, personnel and equipment as Company may reasonably require in order to provide the Professional Services. Client acknowledges that Company's performance is dependent upon the timely and effective completion of Client's responsibilities hereunder and Client's timely decisions and approvals in connection with the Professional Services. Company shall be entitled to rely on all such decisions and approvals.

4. FINANCIAL TERMS

4.1 Fees, Payment Terms, and Taxes. Fees and payment terms are specified in the applicable Ordering Document. All payments made hereunder shall be in US Dollars. Company may, after the first twelve (12) months of the initial term, and not more than once in a twelve (12) month period, modify the fees for Subscription Services upon sixty (60) days' written notice. Payment of all fees is due thirty (30) days after the invoice date. Interest accrues on past-due balances at 1% per month. Failure to make timely payments shall be a material breach of the Agreement and Company will be entitled (i) to suspend any or all Subscription Services or Professional Services hereunder upon thirty (30) days' written notice to Client and/or (ii) to modify the payment terms, and to request full payment before any additional performance is rendered by Company. Unless expressly provided otherwise, prices do not include taxes. Client agrees to pay any federal, state or local sales, use, personal property, excise taxes or other taxes arising out of this Agreement.

4.2 Subscription Metrics. Client understands and agrees that (i) all fees are based on the Subscription Metrics purchased and that (ii) unless expressly stated otherwise in the Ordering Document, the quantity(ies) of Subscription Metrics provided in the initial Ordering Document or most recent amendment, if applicable, represent minimum amounts that Client has committed to for the Subscription Service Term (as defined in Section 9.2). Additional Subscription Metrics must be purchased in the event actual use exceeds the licensed quantity, at Company's then-current fees. Additional Subscription Metrics, if any, are prorated for the remainder of the then-current Subscription Services Term. There shall be no fee adjustments or refunds for any decreases in usage during Subscription Services Term.

4.3 Professional Services. Additional Professional Services may be provided on a time and materials (T&M) basis at the Company T&M rates in effect at the time the Professional Services are performed or on a fixed fee basis, as indicated in an Ordering Document. On a T&M engagement, if an estimated total amount is stated in the Ordering Document, that amount is solely a good-faith estimate for Client's budgeting and Company's resource scheduling purposes and not a guarantee that the work will be completed for that amount. On a fixed fee engagement, Professional Services purchased must be used within, and prices quoted are valid for, the time period specified in the Ordering Document. Hours that are not used or have expired are non-refundable.

4.4 No Contingencies. Client agrees that its purchases hereunder are neither contingent on the delivery of any future functionality or features nor dependent on any oral or written comments made by Company regarding future functionality or features.

5. CONFIDENTIALITY

5.1 Confidential Information. Each party hereby agrees that it will not use or disclose any Confidential Information received from the other party other than as expressly permitted under the terms of this Agreement or as expressly authorized in writing by the other party. **Confidential Information** means any and all information disclosed by either party to the other which is marked "confidential" or "proprietary" or which should be reasonably understood by each party to be confidential or proprietary, including, but not limited to, the terms and conditions (but not the existence) of this Agreement, all trade secrets, Intellectual Property as well as results of testing and benchmarking of the Subscription Services. Each party will protect the other party's Confidential Information from unauthorized dissemination and use the same degree of care that each such party uses to protect its own confidential information, but in no event less than a reasonable amount of care. Company may use, for purposes outside of this Agreement, anonymous, de-identified data; however, Company agrees not to use or disclose this information to the extent prohibited by applicable law. Information shall not be considered Confidential Information to the extent, but only to the extent, that the receiving party can establish that such information (i) is or becomes generally known or available to the public through no fault of the receiving party; (ii) was lawfully in the receiving party's possession before receipt from the disclosing party without a duty of confidentiality; (iii) is lawfully obtained from a third-party who has the right to make such disclosure on a non-confidential basis; or (iv) has been independently developed by one party without reference to any Confidential Information of the other.

5.2 Compelled Disclosure. A party (**Disclosing Party**) may disclose Confidential Information of the other party if it is compelled by law to do so, provided the Disclosing Party gives the other party prior notice of such compelled disclosure (to the extent legally permitted) and reasonable assistance, at the other party's cost, if the other party wishes to contest the disclosure.

6. OWNERSHIP

6.1 All rights not expressly granted in this Agreement are reserved by Company and its licensors.

6.2 Subscription Services. Company and its licensors shall retain sole and exclusive ownership of, and all rights, title, and interest in, Subscription Services and the Site, including without limitation (a) Intellectual Property embodied or associated therein, and (b) all derivative works and copies thereof.

6.3 Professional Services. Company shall retain all rights, title and interest in and to any and all Intellectual Property used or in any manner employed by Company in the provision of Professional Services.

7. WARRANTIES, DISCLAIMERS, AND LIMITATION OF LIABILITY

7.1 General. Each party represents and warrants that it has the legal power and authority to enter into this Agreement.

7.2 Professional Services. Company warrants that the Professional Services will be performed in a workmanlike manner. As Client's exclusive remedy for any claim under this warranty, Client shall notify Company in writing of its claim within thirty (30) days of Company's completion of the applicable services and, provided that such claim is reasonably determined by Company to be Company's responsibility, Company shall re-perform the applicable service. Company's entire liability and Client's exclusive remedy for any breach of the warranty set forth in this section shall be the re-performance of the applicable service.

7.3 EXCEPT AS EXPRESSLY STATED IN THIS SECTION 7, ALL SUBSCRIPTION SERVICES AND PROFESSIONAL SERVICES ARE PROVIDED ON AN 'AS IS' AND 'AS AVAILABLE' BASIS. COMPANY, ITS LICENSORS, DATA CENTER AND SUPPLIERS EXPRESSLY DISCLAIM TO THE MAXIMUM EXTENT PERMITTED BY LAW, ALL WARRANTIES, EXPRESSED OR IMPLIED, ORAL OR WRITTEN, INCLUDING, WITHOUT LIMITATION, (i) ANY WARRANTY THAT ANY SOFTWARE, DATABASE, SUBSCRIPTION SERVICES, DELIVERABLES OR PROFESSIONAL SERVICES ARE ERROR- FREE, ACCURATE OR RELIABLE OR WILL OPERATE WITHOUT INTERRUPTION OR THAT ALL ERRORS WILL BE CORRECTED OR WILL COMPLY WITH ANY LAW, RULE OR REGULATION, (ii) ANY AND ALL IMPLIED WARRANTIES OF MERCHANTABILITY, FITNESS FOR A PARTICULAR PURPOSE, TITLE AND NON-INFRINGEMENT AND (iii) ANY AND ALL IMPLIED WARRANTIES ARISING FROM STATUTE, COURSE OF DEALING, COURSE OF PERFORMANCE OR USAGE OF TRADE. NO ADVICE, STATEMENT OR INFORMATION GIVEN BY COMPANY, ITS AFFILIATES, CONTRACTORS OR EMPLOYEES SHALL CREATE OR CHANGE ANY WARRANTY PROVIDED HEREIN. CLIENT EXPRESSLY ACKNOWLEDGES AND AGREES THAT THE SUBSCRIPTION SERVICES ARE NOT DESIGNED OR INTENDED TO MEET ALL OF ITS OR ITS USERS' TRAINING, , ANALYTICS, OR ASSESSMENT NEEDS OR REQUIREMENTS, INCLUDING THOSE REQUIRED UNDER APPLICABLE LAWS. CLIENT ASSUMES ALL RESPONSIBILITY FOR THE SELECTION OF THE SERVICES PROVIDED HEREUNDER TO ACHIEVE ITS INTENDED RESULTS.

CLIENT ASSUMES SOLE RESPONSIBILITY AND LIABILITY FOR ITS USERS' COMPLIANCE WITH THE TERMS AND CONDITIONS OF THIS AGREEMENT. CLIENT FURTHER ASSUMES SOLE RESPONSIBILITY AND LIABILITY FOR RESULTS OBTAINED FROM THE USE OF THE SUBSCRIPTION SERVICES, PROFESSIONAL SERVICES, AND FOR CONCLUSIONS DRAWN FROM SUCH USE. CLIENT ACKNOWLEDGES AND AGREES THAT THE SUBSCRIPTION SERVICES ARE NOT INTENDED TO PROVIDE MEDICAL ADVICE, OPINIONS, DIAGNOSIS, OR A SUGGESTED COURSE OF TREATMENT. CLIENT FURTHER AGREES THAT THE SOLE AND EXCLUSIVE RESPONSIBILITY FOR ANY MEDICAL DECISIONS OR ACTIONS WITH RESPECT TO A PATIENT'S MEDICAL CARE AND FOR DETERMINING THE ACCURACY, COMPLETENESS OR APPROPRIATENESS OF ANY DIAGNOSTIC, CLINICAL OR MEDICAL INFORMATION RESIDES SOLELY WITH THE HEALTHCARE PROVIDER. COMPANY SHALL HAVE NO LIABILITY FOR ANY CLAIMS, LOSSES OR DAMAGES ARISING OUT OF OR IN CONNECTION WITH CLIENT'S OR ANY OF USERS' USE OF THE SUBSCRIPTION SERVICES, PROFESSIONAL SERVICES, IN COMBINATION WITH ANY THIRD-PARTY PRODUCTS, SERVICES, SOFTWARE OR WEB SITES THAT ARE ACCESSED VIA LINKS FROM WITHIN THE SUBSCRIPTION SERVICES.

TO THE FULLEST EXTENT PERMITTED BY LAW, COMPANY'S TOTAL LIABILITY (INCLUDING ATTORNEYS' FEES AWARDED UNDER THIS AGREEMENT) TO CLIENT AND USERS FOR ANY CLAIM BY CLIENT OR ANY THIRD PARTIES UNDER THIS AGREEMENT, WILL BE LIMITED TO THE FEES PAID FOR SUCH ITEMS THAT ARE THE SUBJECT MATTER OF THE CLAIM FOR THE PRIOR TWELVE (12) MONTHS. IN NO EVENT WILL COMPANY, ITS LICENSORS AND SUPPLIERS BE LIABLE TO CLIENT OR USERS OR OTHER THIRD PARTIES FOR ANY INDIRECT, SPECIAL, INCIDENTAL, EXEMPLARY PUNITIVE, TREBLE OR CONSEQUENTIAL DAMAGES (INCLUDING, WITHOUT LIMITATION, LOSS OF BUSINESS, REVENUE, PROFITS, STAFF TIME, GOODWILL, USE, DATA, OR OTHER ECONOMIC ADVANTAGE), WHETHER BASED ON BREACH OF CONTRACT, BREACH OF WARRANTY, TORT (INCLUDING NEGLIGENCE), PRODUCT LIABILITY OR OTHERWISE, WHETHER OR NOT PREVIOUSLY ADVISED OF THE POSSIBILITY OF SUCH DAMAGES.

NO CLAIM ARISING OUT OF THE AGREEMENT, REGARDLESS OF FORM, MAY BE BROUGHT MORE THAN THE SHORTER OF ONE YEAR OR THE PERIOD ALLOWED BY LAW AFTER THE CAUSE OF ACTION HAS OCCURRED.

THIS SECTION 7 SHALL SURVIVE FAILURE OF ANY EXCLUSIVE REMEDY.

8. INDEMNIFICATION

8.1 Client Indemnification. Client shall indemnify and hold Company, its affiliates, suppliers, data center, employees and officers (**Company Indemnified Parties**) harmless from and against all liability, claims, damages, fines, losses, expenses (including reasonable attorney's fees and court costs, and the cost of enforcing this indemnity) suffered or incurred by Company or any Company Indemnified Party arising out of, or in connection with (a) any material breach by Client or any User of any of the terms of this Agreement; or (b) any use or reliance by Client or any User of any Subscription Services, including all third-party claims, causes of action, suits, and legal proceedings asserted against Company or a Company Indemnified Party arising out of, or relating to, the use of or reliance by Client or any User on any Subscription Services.

8.2 Company Indemnification. Company shall indemnify and hold harmless Client and its principals, officers, directors, agents, and employees (**Client Indemnified Parties**), and at Company's option, either defend Client Indemnified Parties or pay their attorney's fees and court costs, from any loss, cost, damage, or expense incurred by Client that is finally awarded by a court of law to any third party as a result of a claim alleging that the Subscription Services infringe or misappropriate a U.S. patent, U.S. copyright, U.S. trademark or U.S. trade secret of a third party, solely provided such alleged infringement or misappropriation does not arise from: (i) a modification of the Subscription Services as delivered to Client, (ii) the combination of the Subscription Services with any other process, hardware, software, data, or functionality, (iii) any Client-originating data or content communicated using such Subscription Services; or, (iv) any use of the Subscription Services by Client in a manner inconsistent with the documentation or instructions provided by Company or otherwise in breach of this Agreement.

8.3 Indemnification Procedure. The indemnifications made hereunder are solely provided upon the following conditions: (i) the indemnifying party controls any settlement or any suit or claim indemnified hereunder (ii) the indemnified party's prior written consent, which shall not be unreasonably withheld or delayed, is obtained prior to any settlement by the indemnifying party that affects the indemnified party's rights and obligations; (iii) the indemnifying party is promptly informed of any third-party claim indemnified hereunder; and, (iv) in the case of Client, Client ceases any alleged infringing activity upon actual or constructive notice of any claim or allegation of infringement.

9. TERM AND TERMINATION

9.1 Agreement Term. The term of this Agreement shall commence on the Effective Date and shall continue in full force and effect until the expiration or termination of all Ordering Documents and attachments, unless otherwise terminated earlier as provided hereunder.

9.2 Subscription Services Term. The initial term of Subscription Services commences on the Subscription Start Date specified in, and continues for the term set forth in, the Ordering Documents. Following the end of the initial term, Subscription Services shall automatically renew for the same length as the initial term unless either party

gives written notice at least sixty (60) days prior to the end of the initial term, or any renewal term, of its intention to terminate any of the Subscription Services. The pricing for the first twelve (12) months of any renewal term shall be provided by Company to Client in writing no less than sixty (60) days prior to the end of the initial term or any renewal term. The initial term and renewal term(s) are collectively referred to as the **Subscription Services Term**.

9.3 Termination. Either party may terminate the Agreement including all Ordering Documents executed thereunder immediately upon written notice (i) in the event that the other party commits a non-remediable material breach of the Agreement, or if the other party fails to cure any remediable material breach or provide a written plan of cure acceptable to the non-breaching party within thirty (30) days of being notified in writing of such breach; or (ii) in the event of institution of bankruptcy, receivership, insolvency, reorganization, or other similar proceedings by or against the other party under any section or chapter of the United States Bankruptcy Code, as amended, or under any similar laws or statutes of the United States or any state thereof, if such proceedings have not been dismissed or discharged within thirty (30) calendar days after they are instituted; or the insolvency or making of an assignment for the benefit of creditors or the admittance by either party of any involuntary debts as they mature or the institution of any reorganization arrangement or other readjustment of debt plan of either party not involving the United States Bankruptcy Code.

9.4 Partial Termination. Where a party has rights to terminate, the non-breaching party may at its discretion either terminate the entire Agreement or the applicable Ordering Documents. Ordering Documents that are not terminated shall continue in full force and effect under the terms of this Agreement.

9.5 Effect of Termination. Following termination of this Agreement (for whatever reason provided for under the Agreement), Client shall certify that Client has returned or destroyed all copies of the Subscription Services, Confidential Information and Intellectual Property of Company and all materials or documents relating to the Subscription Services in any format and residing on any media. Client acknowledges that its rights to use the same are relinquished. Company has no obligation to retain Client Data after three months following the expiration or termination of Subscription Services; however, Company shall provide Client Data to Client, upon reasonable request and during Company's normal business hours, for no additional fee during these three months, after which additional fees may be incurred.

Termination for any reason shall not excuse Client's obligation to pay in full any and all amounts due or that become due through such termination or that arise under Section 10.19, nor shall termination result in a refund of fees paid, except as expressly provided otherwise in this Agreement.

Upon termination for any reason of a Professional Services engagement, all work product, including all drafts and works in progress of deliverables shall be delivered to Client. Upon its receipt of a notice of termination, Company shall cease and shall cause any agent or subcontractor to cease all work under the applicable Ordering Documents and minimize any additional costs or reimbursable expenses unless otherwise directed in writing by Client. Except as may be expressly set forth in the applicable Ordering Documents, Client shall pay Company's fees for services performed to the date of termination on a T&M basis together with any expenses reasonably incurred in connection therewith.

10. GENERAL PROVISIONS

10.1 Suspension. Company will be entitled to suspend any or all Subscription Services and Professional Services (i) immediately in the event Client is in breach of Section 2.3, above, or (ii) upon thirty (30) days' written notice to Client in the event Client is otherwise in breach of this Agreement. Company may impose an additional charge to reinstate service following such suspension.

10.2 Force Majeure. Neither party shall incur any liability to the other party on account of any loss, claim, damage, or liability to the extent resulting from any delay or failure to perform any part of this Agreement (except for payment obligations) to the extent caused, by events, occurrences, or causes beyond the control and without any negligence on the part of the party seeking protection under this subsection. Such events may include, but are not limited to acts of God, strikes, lockouts, riots, acts of war, terrorism, earthquake, fire, or explosions. Dates by which performance obligations are scheduled to be met will be extended for a period of time equal to the time lost due to any delay so caused.

10.3 Subcontractors. Company may subcontract or delegate Subscription and/or Professional Services to any third party without Client's prior written consent, provided that Company shall remain responsible to Client for any services for which it subcontracts or delegates.

10.4 Assignment. Company may assign this Agreement and any or all of its rights and obligations herein without Client's approval. Client may not assign or transfer this Agreement without Company's prior written consent.

10.5 Non-solicitation. During the term of this Agreement and for a period of one (1) year following its termination, neither party will solicit for employment directly or through other parties, without the other party's written permission, any individual employed by the other party, provided however that the solicitation or hiring of individuals responding to general public marketing and recruiting advertisements and events shall not be a violation of this provision; only active, targeted solicitation is prohibited.

10.6 Compliance. Company reserves the right to utilize Client Data to verify compliance with the terms of this Agreement. Company may monitor the usage, performance and operation of the Subscription Services using electronic, remote and other means and without notice to Client.

10.7 Notices. Any notice required or permitted to be sent under this Agreement (except for invoices and notices related to payment of fees and price increases) shall be delivered by hand, by overnight courier, or by registered mail, return receipt requested, to the address of the parties first set forth in the Agreement Signature Page or to such other address of the parties designated in writing in accordance with this subsection.

10.8 Relationship. This Agreement is not intended to create a partnership, franchise, joint venture, agency, or a fiduciary or employment relationship. Neither party may bind the other party or act in a manner which expresses or implies a relationship other than that of independent contractor.

10.9 Invalidity. If any provision of this Agreement shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired.

10.10 No Waiver. No waiver or failure by either party to exercise any option, right or privilege under the terms of this Agreement on any occasion or occasions will be construed to be a waiver of the same on any other occasion or of any other option, right or privilege. Any waiver of the provisions of this Agreement or of a party's rights or remedies under this Agreement must be in writing to be effective. Failure, neglect, or delay by a party to enforce the provisions of the Agreement or its rights or remedies at any time, shall not be construed and shall not be deemed to be a waiver of such party's rights under the Agreement and shall not in any way affect the validity of the whole or any part of the Agreement or prejudice such party's right to take subsequent action.

10.11 Entire Agreement. This Agreement, including Ordering Documents and other attachments incorporated by reference, constitutes the parties' entire agreement relating to its subject matter. It cancels and supersedes all prior or contemporaneous oral or written communications, agreements, proposals, conditions, representations, warranties, or other communication between the parties relating to its subject matter as well as any prior contractual agreements between the parties. No modification to the Agreement will be binding unless in writing signed by an authorized representative of each party. All pre-printed or standard terms of any of Client's purchase order or other business processing document shall have no effect.

10.12 No Third-Party Beneficiaries. This Agreement is for the benefit of the parties and their successors and permitted assigns, and does not confer any rights or benefits on any third party.

10.13 Governing Law and Venue. The Agreement shall be governed by and construed in accordance with the laws of the State of Delaware, without giving effect to its principles of conflict of laws. Any dispute arising from or relating to the Agreement shall be litigated in the state or federal courts located in Wake County, North Carolina, to whose exclusive jurisdiction the parties hereby consent.

10.14 Headings and Drafting. The headings in the Agreement shall not be used to construe or interpret the Agreement. The Agreement shall not be construed in favor of

or against a party based on the author of the document.

10.15 Counterparts. The Agreement may be executed in one or more counterparts, each of which shall constitute an enforceable original of the Agreement, and the parties agree that facsimile, scanned copies of signatures, and electronic signatures shall be as effective and binding as original signatures.

10.16 Notice of U.S. Government Restricted Rights. If the Client hereunder is the U.S. Government, or if the Subscription Services are acquired hereunder on behalf of the U.S. Government with U.S. Government federal funding, notice is hereby given that the Subscription Services are commercial computer software and documentation developed exclusively at private expense and are furnished as follows: "U.S. GOVERNMENT RESTRICTED RIGHTS. Software delivered subject to the FAR 52.227-19. All use, duplication and disclosure of the Software by or on behalf of the U.S. Government shall be subject to this Agreement and the restrictions contained in subsection (c) of FAR 52.227-19, Commercial Computer Software - Restricted Rights (June 1987)."

10.17 OFAC Compliance. Client warrants that it is currently in compliance with, and shall at all times during the term of this Agreement remain in compliance with, and cause its Users to comply with, the regulations of the OFAC of the Department of the Treasury and any statute, executive order, or other governmental action relating thereto.

10.18 Conflict of Documents. If there is a conflict between the provisions of this MSA and any other documents concerning the Subscription Services performed under this MSA, the order of precedence for purposes of resolution shall be: (i) this MSA, (ii) any applicable Schedule identified in the Ordering Document(s), (iii) the Ordering Document(s), (iv) any other document executed by the parties.

10.19 Survival. The following provisions will survive any termination or expiration of the Agreement or Ordering Documents: Sections 4, 5, 6, 7, 8, 9, 10, and all corresponding Sections in the attached Schedule(s).

[END DOCUMENT]

Master Services Agreement

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RELIAS

SCHEDULE A - LEARNING

11. DEFINITIONS

- 1.1 Administrative Site** means the main Site that is designated for administrative functions related to a group of Sub-Portals in an Enterprise System. The Administrative Site will have administrative capabilities over every Sub-Portal in the Enterprise System, including the ability to run reports, assign Content, and designate other Administrators.
- 1.2 Client's Enterprise System** means a specific configuration of the Services that provides for an Administrative Site linked to additional Sub-Portals.
- 1.3 Client Organization** means an organization that has a corporate or contractual relationship with or is a member of Client. Client may specify Client Organizations that will receive Subscription Services through a Sub-Portal to this Agreement in an attached Exhibit. The addition of Sub-Portals shall require the execution of an amendment to this Agreement.
- 1.4 Documentation** means the LMS User instructions, release notes, and online help files in the form generally made available by Company to its Clients, as updated from time to time by Company.
- 1.5 LMS** means Company's proprietary learning management system and other software access provided in connection with Subscription Services, including the Documentation, modifications, enhancements and new versions thereof.
- 1.6 Site Administrator** means the Administrator in the Administrative Site. The level of access for the Site Administrator will be determined during implementation.
- 1.7 Subscription Services** means access to the LMS and Content through the Site for Client's internal training purposes.
- 1.8 Sub-Portals** means an individual Site that is included in an Enterprise System that has a direct relationship with other sub-portals and the Administrative Site.
- 1.9 Sub-Portal Administrator** means a User who has been authorized by Client or Client's Site Administrator to have access to all administrative functionality within the individual Sub-Portal.

2. CONFIDENTIALITY

- 2.1 No Protected Health Information.** Client will not provide Company with access to any Protected Health Information (as defined in 45 CFR § 160.103, **PHI**). Company reserves the right not to accept access to Client Data that contains PHI. Client represents and warrants that: (i) Client has the right and authority necessary to provide the Client Data to Company as provided hereunder, (ii) that Client will disclose to Company only such Client Data as Client is authorized to disclose to Company, and (iii) such disclosure will be provided at all times in compliance with all applicable law, including, to the extent applicable, with the Health Insurance Portability and Accountability Act of 1996, Public Law 104 191 and regulations promulgated thereunder by the U.S. Department of Health and Human Services, each as amended from time to time (**HIPAA**). The parties acknowledge that, under the terms of this Agreement, Company does not collect or possess Protected Health Information, as defined in 45 C.F.R. § 160.103, and that Company shall not be required to execute a Business Associate Agreement or similar agreement. Client warrants and represents that it shall not upload in any of the Subscription Services or otherwise provide Company or its suppliers access to any such Protected Health Information.

3. OWNERSHIP

- 3.1 Modified Content; Client Content.** Certain Users designated by Client may have authority to modify portions of the Content to meet certain of Client's needs or requirements (**Modified Content**) or to create unique content to meet certain of Client's needs or requirements (**Client Content**). In the case of Modified Content, Client shall own the specific modifications made by authorized Users (but not the underlying Content). In the case of Client Content, as between Company and Client, Client shall own the Client Content created or uploaded by authorized Users. Client shall be solely responsible for the accuracy, quality, integrity and legality of data, Client Data, Modified Content, and Client Content uploaded in the LMS by Client.
- 3.2 De-identified Data.** Client acknowledges and agrees that Company has the unrestricted right to use the Client's de-identified data for any purpose, in accordance with applicable law, including but not limited to quality assessment and improvements to the Subscription Services.

4. WARRANTIES, DISCLAIMERS AND LIMITATION OF LIABILITY

- 4.1 LMS Limited Warranty.** Company warrants that the LMS will operate in all material respects in conformity with the functional specifications described in the Documentation. If the LMS does not perform as warranted and there is a material failure of the LMS to conform to its functional specifications described in the Documentation that is reported by the Client to, and replicable by, Company (**Errors**), Company shall use commercially reasonable efforts to correct Errors. As Client's exclusive remedy for any claim under this warranty, Client shall promptly notify Company in writing of its claim. Provided that such claim is reasonably determined by Company to be Company's responsibility, Company shall, within thirty (30) days of its receipt of Client's written notice, (i) correct such Error; (ii) provide Client with a plan reasonably acceptable to Client for correcting the Error; or (iii) if neither (i) nor (ii) can be accomplished with reasonable commercial efforts from Company, then Company or Client may terminate the affected Subscription Services, and Client will be entitled to a refund of the pre-paid portion of the fees paid for the affected Subscription Services. The preceding warranty cure shall constitute Company's entire liability and Client's exclusive remedy for cure of the warranty set forth herein in this Section 4.1 of Schedule A. If Client elects not to terminate the Subscription Services, Client waives all rights for the applicable warranty cure set forth herein. Company is not responsible for any claimed breach of any warranty set forth in this section caused by: (i) modifications made to the LMS by anyone other than Company; (ii) Company's adherence to Client's specifications or instructions; (iii) Errors caused by or related to Internet connections; (iv) Client deviating from the LMS operating procedures described in the Documentation; (v) discrepancies that do not significantly impair or affect the operation of the Subscription Service; or (vi) any systems or programs not supplied by Company.

- 4.2 Links.** The Subscription Services may include links to third-party Internet sites or other resources provided by third parties. Because Company has no control over such sites and resources, Client acknowledges and agrees that Company is not responsible for the availability of such external sites or resources, and does not endorse and is not responsible or liable for any content, advertising, products or other materials on or available from such sites or resources. Client further acknowledges and agrees that Company shall not be responsible or liable, directly or indirectly, from any damage or loss caused or alleged to be caused by or in connection with use of or reliance on any such content, goods, or services available on or through any such third-party site or resource.

5. INDEMNIFICATION

- 5.1 Indemnification for Modified/Client Content.** Client shall indemnify and hold Company, its affiliates, suppliers, data center, employees and officers (**Company Indemnified Parties**) harmless from and against all liability, claims, damages, fines, losses, expenses (including reasonable attorney's fees and court costs, and the cost of enforcing this indemnity) suffered or incurred by Company or any Company Indemnified Party arising out of, or in connection with any use or reliance by Client or any User of any Content, Modified Content, or Client Content, including all third-party claims, causes of action, suits, and legal proceedings asserted against Company or a Company Indemnified Party arising out of, or relating to, the use of or reliance by Client or any User on any Content, Modified Content, or Client Content.

RELIAS

Contract Addendum #1

If any ambiguity or conflict exists or arises between the provisions of this addendum and the provisions of any of the other terms and conditions in this Agreement, the provisions of this addendum shall govern. The term "Company" in this addendum shall refer to Relias Learning LLC. The term "Client" shall refer to the County of Shasta.

1. The following strikethrough language is deleted from Section 4.1 of the Agreement:

“...All payments made hereunder shall be in US Dollars. ~~Company may, after the first twelve (12) months of the initial term, and not more than once in a twelve (12) month period, modify the fees for Subscription Services upon sixty (60) days’ written notice.~~ Payment of all fees is due thirty (30) days after the invoice date....”

2. Section 4.2 of the MSA is deleted in its entirety and replaced with the following language:

“4.2 Subscription Metrics. Client understands and agrees that (i) all fees are based on the Subscription Metrics purchased and that (ii) unless expressly stated otherwise in the Ordering Document, the quantity(ies) of Subscription Metrics provided in the initial Ordering Document or most recent amendment, if applicable, represent minimum amounts that Client has committed to for the Subscription Service Term (as defined in Section 9.2). Additional Subscription Metrics must be purchased in the event actual use exceeds the licensed quantity, at Company’s then-current fees. Additional Subscription Metrics, if any, are prorated for the remainder of the then-current Subscription Services Term. There shall be no fee adjustments or refunds for any decreases in usage during Subscription Services Term (subject to the below defined Public Funding Contingency). Company agrees to negotiate a reduction, up to a complete termination of the Agreement, in the current Subscription Metric if (x) there is a severe reduction in the amount of public funds available to Client, and (y) Client provides Company with thirty (30) days written notice and documentation of that reduction in a form deemed acceptable by Company (“Public Funding Contingency”). Any reductions or terminations exercised under this provision shall be effective on Client’s next annual billing cycle.”

3. The following language is added (underlined) to and deleted (strikethrough) from Section 9.2:

“...Following the end of the initial term, Subscription Services shall automatically terminate ~~renew for the same length as the initial term~~ unless Client ~~either party~~ gives written notice to Company at least sixty (60) days prior to the end of the initial term, or any renewal term, of its intention to renew ~~terminate~~ any of the Subscription Services...”

4. The enclosed “Corrections Essentials Product Library” and the “Advanced Leadership and Management for Public Safety” are hereby incorporated into the Agreement as Exhibit A as a list of current course offerings in the “Community Corrections – Standard Package” effective as of December 29, 2017. Client acknowledges that pursuant to Section 3.3 of the Agreement, Company reserves the right, at Company’s sole discretion and without notice to Client, add, revise, or withdraw from its Content any item or part of an item listed in Exhibit A.

IN WITNESS WHEREOF, County and Consultant have executed this agreement on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the Party on whose behalf his/her execution is made.

COUNTY OF SHASTA

Date: _____

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy

Approved as to form:
RUBIN E. CRUSE, JR
County Counsel

[Signature]

By: _____ Date 1/8/18
ADAM PRESSMAN
Deputy County Counsel

INFORMATION TECHNOLOGY

By: _____ Date 1-8-2018
TOM SCHREIBER
Chief Information Officer

RISK MANAGEMENT APPROVAL

By: _____ Date 01/08/18
JAMES JOHNSON
Risk Management Analyst II

RELIAS LEARNING LLC

By: _____ Date 12/21/17
Mark Belles
Tax I.D.#: 01-0730157

RELIAS



Corrections Essentials

Product Library

Relias Learning offers the largest library of online courses for professionals who work in adult corrections, community corrections, and juvenile services. Our courses are designed to engage learners through an interactive learning environment and written by corrections professionals with expertise in their course subject areas. Each course is self-paced and includes a final exam; certificates may be printed upon successful completion of the course.

Courses are available for staff within all disciplines and levels in the following subject areas:

- Safety and Security
- Offender Management
- Communication
- Medical and Mental Health
- Special Needs Offenders
- Juvenile Services
- Supervision, Management and Leadership

The Relias Learning libraries are designed to offer a robust online training resource that will blend effectively with an organization's live and classroom based training events for a comprehensive organizational training program. Course offerings include continuing education for licensed professional staff including nurses, psychologist, social workers, therapists and related clinical professionals; as well as training for support and administrative staff, Board of Directors and executive leaders. Specific national and state accreditations are listed at the end of the library document.

Basic Supervision Skills

- Basic Supervisory Skills
- Improving Employee Engagement in the Workplace
- Interviewing Techniques
- Sexual Harassment for Supervisors
- Sexual Harassment for Supervisors in California
- Team Building: Introduction
- The Transition to Supervisor

Basic Workforce Skills

- Anger Management
- Boundaries
- Conflict Management
- Customer Service
- Effective Communication
- Effective Workplace Writing
- Working in a Team

Working with Difficult People

Behavioral Health Paraprofessionals

- Behavioral Health Issues in Older Adults for Paraprofessionals
- Boundaries and Dual Relationships for Paraprofessionals
- Co-Occurring Disorders: An Overview for Paraprofessionals
- Crisis Management Basics
- Cultural Issues in Treatment for Paraprofessionals
- Dental and Oral Health
- Evidence-Based Practices in Supported Employment Part 1
- Evidence-Based Practices in Supported Employment Part 2
- Introduction to Bipolar and Depressive Disorders in Adults
- Introduction to Case Management Basics

Medication Administration for Unlicensed Paraprofessionals
Nutrition and Exercise for Clients in Behavioral Health
Overview of Psychiatric Medications for Paraprofessionals
Overview of Serious Mental Illness for Paraprofessionals
Overview of Substance Use Disorders: Part 1
Overview of Substance Use Disorders: Part 2
Overview of Supported Employment
Overview of Trauma Disorders in Adults for Paraprofessionals
Substance Use and the Family for Paraprofessionals
Suicide Screening for Direct Care
What Does Becoming Trauma-Informed Mean for Non-Clinical Staff

Compliance/OSHA

Drugs in the Workplace

Compliance/Safety

Advance Directives
Bullying On The Job
Corporate Compliance and Ethics
Corporate Compliance: The Basics
Cultural Diversity
Defensive Driving: The Basics
Ethical Decision Making: The Basics
First Aid Refresher
Got Bugs? Dealing with Infestation
HIPAA Do's and Don'ts: Electronic Communication and Social Media
HIPAA Overview
HIPAA Privacy
HIPAA Security
HIPAA: The Basics
HIV: Advanced
HIV: Basic
Identifying And Preventing Child Abuse And Neglect
Impaired Co-Workers: Identification and Management

Latex Allergy
Multi-drug Resistant Organisms (MDROs)
Oxygen Safety
Privacy and Confidentiality for Non-HIPAA Covered Entities
Quality Improvement: The Basics
Root Cause Analysis
Sexual Harassment for Employees
Workplace Harassment

Correctional Supervision, Management And Leadership

Caseload/Workload Issues
Conflict Management for Correctional Supervisors
Developing Collaborative and Effective Interpersonal Relationships
Developing Subordinates in Corrections
Effective Communication for Correctional Supervisors: How to Hear and be Heard
Evidence Collection, Control, and Storage 1.0
Foundational Skills: Motivating Others
Managing Organizational Change in Corrections
Managing Time, Energy, and Staff
Overview of Staff Misconduct in the Correctional Setting
Performance Goals and Standards for Correctional Supervisors: Managing Problems and Appraisals
Role of Supervisors in Helping Front Line Staff Implement EBPs
Senior Management Strategies Following Suicide in Corrections
Supervising a 21st Century Correctional Workforce
Team Building
The Transition to Correctional Supervisor

Corrections Healthcare

Confidentiality of Health Information in Correctional Facilities
Grief and Loss in the Corrections Setting
Intoxication and Withdrawal for Corrections Officers

Medication Administration in Corrections
Part 1

Medication Administration in Corrections
Part 2

Mental and Physical Health Issues for Older
Inmates

Nursing Health Assessment in Corrections

Overview of PTSD for Corrections Officers

Promoting Recovery for Adults with
Behavioral Health Needs under Criminal
Justice Supervision

Corrections Workforce Development

Cultural Awareness in Corrections

Discrimination and Sexual Harassment in
Correctional Facilities

Ethical Behavior in Corrections: Best
Practices

Professional Ethics in Corrections

Report Writing for Community Supervision
Officers

Report Writing in Corrections

Sexual Harassment in the Correctional
Setting

Employee Wellness

Employee Wellness - Alcohol Use: How
Much Is Too Much?

Employee Wellness - Dental and Oral Health

Employee Wellness - Diabetes Prevention

Employee Wellness - Emotional
Intelligence: Awareness

Employee Wellness - Emotional
Intelligence: Feeling & Thinking

Employee Wellness - Healthy Eating on a
Budget

Employee Wellness - Healthy Sleep

Employee Wellness - Heart Disease
Prevention

Employee Wellness - Importance of
Physical Fitness

Employee Wellness - Making the Most of
Your Memory

Employee Wellness - Safe Use of
Prescription Medications: Part 1

Employee Wellness - Safe Use of
Prescription Medications: Part 2

Employee Wellness - Side Effects of Care
Giving

Employee Wellness - Smoking Cessation:
Ready, Set, Quit!

Employee Wellness - Stress Management

Employee Wellness - Time Management

Employee Wellness - Weight Management

Employee Wellness - Work-Life Balance

Juvenile Services

Crisis Management and Positive Discipline
with Juvenile Offenders

Fundamentals of Safety and Security in
Juvenile Correctional Facilities

Identifying and Managing Suicidal Juvenile
Offenders

Identifying and Treating Juvenile Offenders
with Mental Disorders

PREA Compliance and Responsibilities -
Juvenile

Preventing Suicides in Juvenile Facilities

Role of the Behavioral Health Services
Providers in Juvenile Facilities

Roles of Youth Workers

Safety and Security in Juvenile Correctional
Facilities: Emergencies and Transportation

Strategies for Preventing Juvenile
Involvement in Gangs

Supervising Juveniles in Correctional
Facilities

Supervising Juveniles with Mental Disorders

Understanding Juvenile Offenders with
Mental Disorders

Medical and Dental

Abdominal Pathophysiology, Complications
and Interventions

Antibiotic Stewardship

Building Care Teams and Establishing
Checkpoints: Asthma and COPD

Building Care Teams and Establishing
Checkpoints: Depression/Anxiety

Building Care Teams and Establishing
Checkpoints: Diabetes

Building Care Teams and Establishing
Checkpoints: Hypertension, Congestive
Heart Failure, Coronary Artery Disease

Cardiovascular Pathophysiology, Complications, and Interventions

Care Coordination: Principles and Best Practices

Chest Pain Symptoms, Tests, and Treatments

Clinical Practice Guidelines for Prescribing Opioids

CMS Training - Coordination of Benefits

CMS Training - Medicaid and CHIP

CMS Training - Medicare for People with ESRD

CMS Training - Medicare Preventive Services

CMS Training - Medigap

CMS Training - Understanding Medicare

CMS Training- Medicare and Other Programs for People with Disabilities

CMS Training: DME Competitive Bidding Program

CMS Training: MACRA Quality Payment Program Overview

CMS Training: Medicare Amounts

CMS Training: Medicare Prescription Drug Coverage

CMS Training: Medicare Rights and Protections

Diabetes: Nutritional Management

History and Evolution of Pain Management and Opioid Use In America

Hypertension

Incorporating Alcohol Pharmacotherapies into Medical Practice

Infection Control for Dental Staff

Interviewing the Patient

Kratom: The Non-Opioid

Managing Medicaid Members with Chronic Behavioral and Physical Health Conditions

Managing Medicaid Members with Chronic Physical Conditions

Medicaid in the Quality Payment Program

Medical Emergencies Management and Risk Management: Medical Error Prevention for Dental Staff

Medicare Advantage and Other Medicare Plans Resource

Medicare and Medicaid Fraud and Abuse Prevention

Medicare Parts C and D: General Compliance Training

Medication-Assisted Treatment for Opioid Addiction

Nursing Care for Children with Intellectual and Developmental Disabilities

Nursing Pediatric Assessment

OSHA: Bloodborne Pathogens- Standard Annual Review for Dental Staff

OSHA: Hazard Communication Standard for Dental Staff

Pain Management for the Adult Client

Payer Perspective: Adherence

Payer Perspective: Asthma/COPD

Payer Perspective: Care Coordination of Chronic Diseases

Payer Perspective: Comorbidity Management

Payer Perspective: Diabetes Management

Payer Perspective: Hypertension/CAD/CHF

Pressure Injury/Wound Care

Preventative Care: Screenings and Immunizations

Respiratory Pathophysiology, Complications and Interventions

Safe Patient Care: Preventing Medication Errors

Skin Assessment: Signs and Symptoms of Clients at Risk

The Merit-based Incentive Payment System: Quality and Cost Performance Categories

The Treatment of Chronic Pain

Tobacco Cessation

Treating the Opiate Epidemic

Type 2 Diabetes Mellitus (T2DM) Update for Primary Care

Vital Signs: Normal and Abnormal Ranges for the Adult Client

Offender Programs

Co-Occurring Disorders: An Overview for Corrections Professionals

Motivational Interviewing for Corrections Professionals
Reducing Barriers for Offenders Entering the Workforce
Understanding Addiction: An Overview for Corrections Professionals
Understanding Mental Health Treatment in the Corrections Setting
Working with Incarcerated Persons: Best Practices in Treatment

OSHA Requirements

Back Injury Prevention
Beating Workplace Violence: Assess, Defend, and Survive
Bioterrorism
Bloodborne Pathogens
Electrical Safety
Ergonomics: Office
Fire Safety
Fire Safety Evacuation Procedures Skills Checklist
Fire Safety: The Basics
Hand Hygiene: The Basics
Hazardous Chemicals- MSDS
Hazardous Chemicals: SDS
Hazardous Chemicals: The Basics
Infection Control
Infection Control: The Basics
Influenza
Lockout/Tagout
OSHA: Confined Space
Personal Protective Equipment
Preparing for Pandemic Influenza
Preventing Slips, Trips and Falls
Safe Transfers
Sharps Injury Prevention and Response
The Two Most Common Forms of Workplace Violence: Hostile Encounters and Domestic Violence
Tuberculosis Overview
Tuberculosis: The Basics
WEBINAR: The Ebola Virus: What You Need To Know

Workplace Emergencies and Natural Disasters: An Overview

Workplace Emergencies and Natural Disasters: Earthquakes and Tsunamis

Workplace Emergencies and Natural Disasters: Extreme Heat and Cold

Workplace Emergencies and Natural Disasters: Flooding and Landslides

Workplace Emergencies and Natural Disasters: Hurricanes

Workplace Emergencies and Natural Disasters: Tornadoes

Workplace Safety: The Basics

Workplace Violence

Workplace Violence Prevention

Security/Operations

An Overview of Mental Illness for Public Safety Professionals
Civil Liability and the Disciplinary Process in Corrections
Conducting Effective Cell Searches
Conducting Effective Security Rounds
Contraband Detection
Controlling Contraband: Searching Inmates, Cells, Entrance Points, Common Areas, and Vehicles
Disciplining Inmates
Effective Interpersonal Communication for Correctional Supervisors
Emergency Preparedness in the Corrections Setting
Escorting and Transporting Inmates
Inmate Accountability: Conducting Counts
Interpreting Gang Tattoos
Key and Tool Control
Legal Issues Part 1: The U.S. Legal System
Legal Issues Part 2: Offender Lawsuits
Legal Issues Part 3: How the U.S. Criminal Justice System Works
Legal Issues Part 4: The Civil Justice Process
Managing Adult and Juvenile Offenders with Chronic Illness
Managing Inmates and Juveniles who Require Accommodations for Disabilities
Managing Inmates with Mental Health

Managing Resistance

Offender Rights Part 1: Medical and Mental Health Care

Offender Rights Part 2: Conditions of Confinement

Offender Rights Part 3: Use of Force and Due Process

Offender Rights Part 4: Religion, Communication, and Searches

Offender Rights Part 5: Access to the Legal System

Overview of Suicide Prevention for Corrections Professionals

PREA: An Introduction and Overview

PREA: Dynamics of Sexual Abuse in Correctional Systems

PREA: Investigation Protocols

PREA: Reporting Obligations and Retaliation Protections

PREA: Staff Roles and Responsibilities Under the Prison Rape Elimination Act

Preventing Escapes

Receiving Screening for Corrections Officers

Roles of the Correctional Officer

Security and Offender Management: Preventing and Responding to Emergencies

Security and Offender Management: Using Force in the Correctional Environment

Security Threat Group Management in Detention and Prisons

Suicide in Jails and Prisons Part 1: Common Myths and Reactions

Suicide in Jails and Prisons Part 2: Prevention

Suicide in Jails and Prisons Part 3: Identifying Suicidal Offenders

Suicide in Jails and Prisons Part 4: Managing Suicidal Offenders

Suicide in Jails and Prisons Part 5: Responding to Suicides

Supervising Inmates: Nonverbal Communication Skills

Supervising Inmates: Programs and Work

Supervising Inmates: Verbal Communication Skills

Supervising Offenders in Crisis

Supervising Offenders with Mental Illness

WEBINAR: PREA- Follow the Yellow Brick Road

Working with Incarcerated Persons: An Overview for Corrections Professionals

Special Populations in Corrections

Female Offenders: Violence, Trauma, and Supervision Strategies

Safe Management of Gay, Lesbian, Bisexual, Transgender, and Intersex Individuals in Corrections

The Foundations and Fundamentals of Gangs and Gang Membership

Women Offenders and the Correctional Environment

Workforce Skills and Development

Problem Solving: Solutions in the Workplace

Stress Management in the Workplace



Advanced Leadership & Management for Public Safety

CATEGORIES:

Advanced Leadership

Advanced Leadership & Management

Premium Leadership & Human Resources



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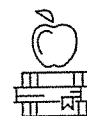
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Key Elements of Business Execution

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Implementing and Sustaining Change
Leading Your Team through Change
Managing Motivation during Organizational Change

COMMUNICATION/TEAMWORK

Administrative Support: Interacting Effectively with Colleagues
Administrative Support: Working in Partnership with Your Boss
Become a Great Listener
Being an Effective Team Member
Clarity and Conciseness in Business Writing
Communicating Vision to Your Employees
Difficult People: Can't Change Them, so Change Yourself
Difficult People: Strategies to Keep Everyone Working Together
Effective Team Communication
Handling Team Conflict
Individual Behavior in Organizations
Leveraging Emotional Intelligence
Personal Power and Credibility
Using Communication Strategies to Bridge Cultural Divides

CUSTOMER SERVICE

Facing Confrontation in Customer Service
Providing Effective Internal Customer Service
Rapport Building in Customer Service

HR/LEGAL

Affirmative Action
Discrimination in the Workplace: What Supervisors Need to Know
Documentation for Supervisors
Employee and Labor Relations Unions and Collective Bargaining
FLSA: What Supervisors Need to Know
FMLA: What Supervisors Need to Know

INTERVIEWING AND ONBOARDING

Applicant Screening: The First Step in Hiring the Best
Ensuring Onboarding Success
Essentials of Interviewing and Hiring: Preparing to Interview

INTERVIEWING AND ONBOARDING (CONTINUED)

Essentials of Interviewing and Hiring: Behavioral Interview Techniques
Essentials of Interviewing and Hiring: Conducting an Effective Interview
Hitting the Recruitment Bull's-eye
Workforce Planning and Employment Orientation, Onboarding, and Exit Strategies

MANAGING EFFECTIVELY

Beginning Your Coaching Engagement
Being an Effective Manager When Times Are Tough
Coaching Techniques that Drive Change
Facing the Management Challenges of Difficult Behavior and Diverse Teams
Developing a Successful Team
Effectively Directing and Delegating as a Manager
High Performing Teams: Achieving Excellence
High Performing Teams: Aligning and Developing Your Team
High Performing Teams: Building an Effective Team
Leading a Cross-functional Team
Managing Employee Development
Managing for Cross-functionality
Managing Multigenerational Employees
Motivating Your Employees
Positive Atmosphere: Establishing an Engaged Workforce
Positive Atmosphere: Establishing a Positive Work Environment
Positive Atmosphere: How Organizational Learning Drives Positive Change
Thinking Strategically as a Manager

PERFORMANCE APPRAISAL

Aligning Goals and Priorities to Manage Time
Creating a Plan for Performance Management
Delivering Feedback
Detecting and Dealing with Performance Problems
Managing the Dismissal of an Employee
Planning an Effective Performance Appraisal
Planning for Skills Needs and Managing Performance
Receiving Feedback
Using Progressive Discipline to Correct Problem Performance

TIME MANAGEMENT

Beating Procrastination by Boosting Your Creativity and Drive
Make the Time You Need: Get Organized
The Art of Staying Focused

PS1117FS1455-00

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Public Works-11.

SUBJECT:

CSA No. 6-Jones Valley Water - Re-establish CAB

DEPARTMENT: Public Works

County Service Area No. 6-Jones Valley Water

Supervisory District No. : 3

DEPARTMENT CONTACT: Pat Minturn, Public Works Director, (530) 225-5661

STAFF REPORT APPROVED BY: Pat Minturn, Public Works Director

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

On behalf of County Service Area (CSA) No. 6-Jones Valley Water, adopt a resolution which: (1) Repeals Resolution No. 2017-067 Suspending Operations of the CSA No. 6-Jones Valley Water Community Advisory Board (CAB); and (2) re-establishes the CSA No. 6-Jones Valley Water CAB.

SUMMARY

It is recommended that the Board re-establish the CSA No. 6-Jones Valley CAB.

DISCUSSION

County Service Areas provide water and sewer services in rural areas. The Board of Supervisors is the governing body. Board Resolution No. 84-6 established CABs to provide the Board with local input. Last year, CSA No. 6-Jones Valley Water became insolvent and the CAB lacked a quorum due to waning participation. The Board subsequently adopted Resolution No. 2017-067 suspending operation of the CAB and Ordinance No. 732 implementing a new rate structure. CAB candidates have since come forward. It is recommended that the Board re-establish the CAB.

ALTERNATIVES

The Board may decline to re-establish the CAB at this time.

OTHER AGENCY INVOLVEMENT

County Counsel has approved the resolution as to form. The County Administrative Office has reviewed this recommendation.

FINANCING

The Board has directed that CSAs shall be self-supporting. CSA No. 6-Jones Valley Water is insolvent so there has been a temporary impact to the General Fund. A new rate structure has been implemented pursuant to Ordinance No. 732.

ATTACHMENTS:

Description	Upload Date	Description
CSA No. 6-Jones Valley Water CAB Resolution	1/9/2018	CSA No. 6-Jones Valley Water CAB Resolution

RESOLUTION NO. 2018-

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
REPEALING RESOLUTION NO. 2017-067 SUSPENDING OPERATION OF THE
COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER
COMMUNITY ADVISORY BOARD**

WHEREAS, on June 27, 2017, the Shasta County Board of Supervisors adopted Resolution No. 2017-067 suspending operation of the CSA No. 6-Jones Valley Water Community Advisory Board (“CAB”) and;

WHEREAS, there is now community interest in filling all seven available CAB seats, and

WHEREAS, CSA No. 6-Jones Valley Water has established a rate structure in place that allows continued operations.

NOW, THEREFORE BE IT RESOLVED, by the Board of Supervisors of the County of Shasta, repeals Resolution No. 2017-067 and re-establishes the CSA No. 6-Jones Valley Water CAB.

DULY PASSED AND ADOPTED this 23rd day of January, 2018 by the Board of Supervisors of the County of Shasta, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:
RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

I do hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the Board of Supervisors of the County of Shasta held on January 23, 2018.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Public Works-12.

SUBJECT:

County Service Area Community Advisory Board Appointments

DEPARTMENT: Public Works
Public Works-County Service Areas

Supervisory District No. : All

DEPARTMENT CONTACT: Pat Minturn, Public Works Director, (530) 225-5661

STAFF REPORT APPROVED BY: Pat Minturn, Public Works Director

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Appoint property owners to two-year terms on their respective Community Advisory Boards for the various County Service Areas.

SUMMARY

It is recommended that the Board appoint property owners to serve on CABs in the various CSAs.

DISCUSSION

County Service Areas provide water and sewer services in rural areas. The Board of Supervisors is the governing body. Board Resolution No. 84-6 established CABs to provide the Board with local input. The Board may appoint up to seven property owners to serve on each CAB. Property owners are invited to nominate CAB candidates annually. Elections are held if willing candidates exceed the number of vacant seats. This year's candidate pool and election results are shown on Exhibit B.

ALTERNATIVES

The Board may elect to appoint other CAB members or decline to make some or all of the proposed appointments at this time.

OTHER AGENCY INVOLVEMENT

The County Administrative Office has reviewed this recommendation.

FINANCING

Adequate funds to conduct the CAB elections have been included in the Adopted 2017/18 budgets for the various CSAs. There is no General Fund impact provided solvency is maintained in the CSAs.

ATTACHMENTS:

Description	Upload Date	Description
Exhibit A - 2018 Recommended CAB Appointments	12/21/2017	Exhibit A - 2018 Recommended CAB Appointments
Exhibit B - 2018 CAB Election Results	12/21/2017	Exhibit B - 2018 CAB Election Results

EXHIBIT A

**COUNTY SERVICE AREA
COMMUNITY ADVISORY BOARDS
2018 RECOMMENDED APPOINTMENTS**

(Two-Year Terms)

CSA #2 – Sugarloaf

- | | | | |
|----|---|----|---|
| 1. | Diane Monthei
P.O. Box 670
Lakehead, CA 96051 | 2. | John Ewan
1221 Sylvia Court
San Luis Obispo, CA 93401 |
|----|---|----|---|

CSA #3 – Castella

- | | | | |
|----|---|----|---|
| 1. | James Heilman
P.O. Box 1
Castella, CA 96017 | 2. | Mary Jorgensen
P.O. Box 22
Castella, CA 96017 |
| 3. | Albert Burrows
P.O. Box 86
Castella, CA 96017 | 4. | Robert Snyder
P.O. Box 58
Castella, CA 96017 |
| 5. | Michael Ballou
P.O. Box 49
Castella, CA 96017 | 6. | Sarah Harvey
P.O. Box 684
Alviso, CA 95002 |
| 7. | Patrick Hines
P.O. Box 215
Castella, CA 96017 | | |

CSA #6 – Jones Valley

- | | | | |
|----|--|----|---|
| 1. | Marti Palmer
14584 Marti Lane
Redding, CA 96003 | 2. | Tacey Hatfield
21684 Elk Trail West
Redding, CA 96003 |
| 3. | Roy Vincent
13733 Green Mountain Trail
Redding, CA 96003 | 4. | David Morley
14725 Bear Mountain Road
Redding, CA 96003 |
| 5. | Robin Freeman
14864 Marin Drive
Redding, CA 96003 | 6. | Peter Scales
13829 Bear Valley Trail
Redding, CA 96003 |

EXHIBIT A

**COUNTY SERVICE AREA
COMMUNITY ADVISORY BOARDS
2018 RECOMMENDED APPOINTMENTS**

(Two-Year Terms)

CSA #23 – Crag View

- | | | | |
|----|---|----|--|
| 1. | Colleen Batman
30692 Crag View Drive
Dunsmuir, CA 96025 | 2. | Pam Harryman
30755 Crag View Drive
Dunsmuir, CA 96025 |
| 3. | Walter Osterberg
30692 Crag View Drive
Dunsmuir, CA 96025 | 4. | Rebecca Lee
P.O. Box 76
Dunsmuir, CA 96025 |
| 5. | Linda Ost
829 South 1 st Street
Dunsmuir, CA 96025 | 6. | Al Marks
826 South 1 st Street
Dunsmuir, CA 96025 |
| 7. | Ron Griffith
30805 Crag View Drive
Dunsmuir, CA 96025 | | |

CSA #25 – Keswick

- | | | | |
|----|---|----|--|
| 1. | Walt Tausch
P.O. Box 479
Shasta, CA 96087 | 2. | Kurt Schuhmeier
11052 Iron Mountain Road
Redding, CA 96001 |
| 3. | Deborah Bentrin
16181 Hock Street
Redding, CA 96001 | 4. | Ralph Bentrin
16181 Hock Street
Redding, CA 96001 |

EXHIBIT B

	Continued Members	Vacant CAB Seats	Willing Candidates	Proposed Appointments	Total 2018 CAB Members
CSA #02 – Sugarloaf	5	2	3	2	7
CSA #03 – Castella	0	7	7	7	7
CSA #06 – Jones Valley	1	6	13	6	7
CSA #08 – Palo Cedro	0	7	0	0	No CAB
CSA #11 – French Gulch	3	4	1	0	No CAB
CSA #13 – Alpine Meadows	0	7	0	0	No CAB
CSA #17 – Cottonwood	3	4	0	0	No CAB
CSA #23 – Crag View	0	7	7	7	7
CSA #25 – Keswick	3	4	4	4	7

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Public Works-13.

SUBJECT:

Olinda Road Widening Project – Right of Way

DEPARTMENT: Public Works

Supervisory District No. : 2

DEPARTMENT CONTACT: Pat Minturn, Public Works Director, (530) 225-5661

STAFF REPORT APPROVED BY: Pat Minturn, Public Works Director

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Take the following actions regarding the “Olinda Road Widening Cycle 5 Project,” Contract No. 702977: (1) Approve and authorize the Chairman to sign right-of-way contracts with: (a) PAC NF, LP for right-of-way (9.28 acres at \$14,000); and (b) Fahm Chow Saechao and Nai Pou Saechao for right-of-way (0.32 acres at \$3,500) plus a Federal Highway Administration signing incentive of \$1,000; (2) accept two Easement Deeds conveying the right-of-way parcels; and (3) approve and authorize the Chairman to sign a utility agreement with PG&E in an amount not to exceed \$21,108.75 to provide relocation of utilities.

SUMMARY

Final right-of-way acquisition is proposed to widen Olinda Road.

DISCUSSION

The County is preparing to construct paved shoulders along two miles of Olinda Road from Green Leaf Lane to Sammy Lane. The project necessitated right-of-way acquisition from fourteen property owners. Agreements have been reached with the last two owners. Construction is anticipated this summer. Local agencies may offer a bonus to property owners who sign in a timely manner. The incentives must be offered equally to all property owners and are reimbursable by Federal Highway Administration. Thirteen property owners signed within the requisite sixty days of receiving the first written offer.

ALTERNATIVES

The Board may decline to acquire the right-of-way. These acquisitions are necessary to construct the project.

OTHER AGENCY INVOLVEMENT

Caltrans oversees the project funding. County Counsel has approved the contracts and utility agreement as to form. Risk Management has reviewed and approved the contracts and utility agreement. The recommendation has been reviewed by the County Administrative Office.

FINANCING

The total project cost estimate is \$1,500,000. Federal funds will cover 90%. Adequate funds have been included in the Adopted FY 2017/18 Roads budget. There is no General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
Right-of-Way Contract - PAC NF, LP	1/12/2018	Right-of-Way Contract - PAC NF, LP
Right-of-Way Contract - Saechao	1/10/2018	Right-of-Way Contract - Saechao
Easement Deed - PAC NF, LP	1/10/2018	Easement Deed - PAC NF, LP
Easement Deed - Saechao	1/10/2018	Easement Deed - Saechao
PG&E Utility Agreement	1/12/2018	PG&E Utility Agreement

**COUNTY OF SHASTA
STATE OF CALIFORNIA**

RIGHT OF WAY CONTRACT

**PAC NF, LP, a California Limited
Partnership as Nominee of Pacific Coach, Inc.
an Arizona Corporation doing business as
Pacific Coach Real Estate, Inc.**

**APN 207-230-013 AND 207-220-002
OLINDA ROAD CYCLE 5
WIDENING PROJECT**

This contract is entered into by and between the County of Shasta, hereinafter known as "County", and PAC NF, LP, a California Limited Partnership as Nominee of Pacific Coach, Inc. an Arizona Corporation doing business as Pacific Coach Real Estate, Inc., hereinafter known as "Grantor."

1. Grantor grants to County a property interest, in the form of Exhibit "1" (the "Deed") attached hereto and incorporated herein, conveying the property interest described in the Deed and Exhibits "A" thru "G" attached thereto (the "Property"). The Deed has been executed by Grantor and delivered to County.
2. The parties have herein set forth the whole of their agreement, the performance of which constitutes the entire consideration for the conveyance of the Property and shall relieve County of all further obligations or claims relating to the location or construction of the proposed public improvement, which is described as widening Olinda Road in accordance with the project specifications as shown on the Olinda Road Cycle 5 Widening Project – Contract No. 702977, on file in the Shasta County Surveyor's Office (the "Specifications").
3. County shall:
 - A. For the property interest described in Section 1. above, compensate Grantor in the amount of \$14,000.00. The compensation provided pursuant to this subsection shall be paid into Escrow No. 1401-24780 at Placer Title Company located at 2145 Larkspur Lane, Suite A, Redding, CA 96002 for payment to Grantor. If escrow is not closed and transfer of title is not complete within 180 days of execution of this contract by both parties, the compensation described in this subsection and the Deed shall be disbursed by Placer Title Company to County upon written request by County. If County requests that the compensation provided for in this contract and the Deed be disbursed to it, County shall pay the compensation described in this subsection directly to Grantor within sixty days of County's receipt of the compensation.
 - B. In addition to the compensation mentioned in Section 3.A. above, it is agreed the County will pay a sum of \$1,000.00 as an incentive to the Grantor for the timely signing of the Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE YOU RECEIVED THIS CONTRACT BY CERTIFIED MAIL).
 - C. The compensation provided for in this section shall be paid after title to the Property is transferred to County free and clear of all liens, encumbrances, taxes, assessments, easements, and leases (recorded or unrecorded) except:

- (1) Taxes for the fiscal year shall be cleared and paid in the manner required by Revenue and Taxation Code Section 5086;
- (2) Covenants, conditions, restrictions and reservations of record contained in the above referenced conveyance, if any;
- (3) Easements or rights of way over the Property for public or quasi-public utility or public street purposes, if any.

D. Pay all escrow and recording fees incurred in this transaction.

4. Any amount necessary to satisfy any due and payable taxes and any delinquent taxes due in any fiscal year except the fiscal year in which title to the Property is transferred to County, together with penalties and interest thereon, and any delinquent or non-delinquent assessments, and any bonds except those which title is to be taken subject-to or in accordance with the terms of this contract, may be deducted from the compensation provided in Section 3.
5. Grantor warrants that there are no oral and/or written leases on any portion of the Property exceeding a period of one month.
6. The right of possession and use of the Property shall commence upon transfer of title to County. Transfer of title is defined as the date in which the Board of Supervisors accepts the Deed conveying the interest in the Property to the County.
7. Grantor shall defend, hold harmless and indemnify Shasta County, its elected officials, officers, employees, agents and volunteers against all claims, suits, actions, costs, expenses (including but not limited to reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments or decrees occasioned by any person's or persons' claim or assertion regarding title to the Property.
8. At no expense to Grantor, and at the time of construction of the project, as additional compensation for the property interest described in section 1. above, County shall, in accordance with the Specifications, complete the following work on the Property:
 - A. Reconstruct two existing road connections. The road connections shall be considered an encroachment under permit on the County highway and is to be maintained, repaired and operated as such by Grantor, their assigns and successors. Grantor shall grant to County, its employees and agents, permission to enter upon Grantor's property, for the purpose of constructing the public improvements described in the Specifications and accomplishing all necessary incidents thereto including but not limited to the work described in this section. Upon County's recordation of a notice of completion for the Project, Grantor hereby assumes ownership and responsibility for the improvements constructed on Grantor's property and releases the County and its employees and agents from any further responsibility related to the work performed by County pursuant to this section.
 - B. Remove trees from the Property as described in the Specifications. Any usable wood will be bucked into 4-foot lengths, and stacked clear of the project work area on Grantor's remaining property. All branches and brush resulting from County's removal of trees on the Property pursuant to this subsection shall be removed from Grantor's remaining property.

- C. Relocate approximately 2,740 feet of field fencing to the proposed right of way line for the Project and on the Grantor's remaining properties. The field fence will be of the same configuration as the field fencing existing as of the date of execution of this contract and in accordance with the Specifications.
- 9. This contract supersedes all previous agreements between Grantor and County regarding the Property and constitutes the entire understanding of the parties hereto. There are no agreements, representations, or warranties, express or implied, not specified in this contract.
- 10. Grantor represents and warrants that Grantor has not engaged nor dealt with any agent, broker, or finder in connection with the sale contemplated by this contract. Grantor shall pay, and shall hold the County harmless from and against, any commission or finder's fee payable to any other person (or legal entity which) who represents or claims to represent the Grantor.
- 11. This agreement shall inure to the benefit of, and shall be binding upon the assigns, successors in interest, personal representatives, estates, and heirs of the respective parties hereto.
- 12. The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by the parties.

NO OBLIGATION, OTHER THAN THOSE SET FORTH HEREIN, WILL BE RECOGNIZED.

IN WITNESS WHEREOF, County and grantor have executed this agreement on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

APPROVED
GRANTOR:

PAC NF, LP,
BY ITS GENERAL PARTNER,

NORTH FORK, LLC,
A Delaware Limited Liability Company

By: Levine Investments Limited Partnership,
an Arizona Limited Partnership,
Member Manager of North Fork, LLC

By: Keim Inc., an Arizona Corporation,
General Partner of Levine
Investments Limited Partnership

By 
JONATHAN LEVINE,
PRESIDENT OF KEIM, INC.

Date 1-23-18

APPROVED:
County of Shasta

By _____
DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

Date _____


ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:

RUBIN E. CRUSE, JR.
County Counsel

By 
David M. Yorton, Jr.
Senior Deputy County Counsel

RECOMMENDED FOR APPROVAL:

By 
PATRICK J. MINTURN, Director
Department of Public Works

RISK MANAGEMENT APPROVAL

By  01/12/18
Jim Johnson
Risk Management Analyst II

EXHIBIT "1"

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 207-230-013 & 207-220-002 (a portion)
PROJECT: Olinda Road Widening (ROAD)

DPW NO. 2G01-2016-001

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

PAC NF, LP, a California Limited Partnership as Nominee of Pacific Coach, Inc. an Arizona Corporation doing business as Pacific Coach Real Estate, Inc., HEREBY GRANTS to the COUNTY OF SHASTA, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northwest one-quarter of Section 24, Township 30 North, Range 5 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in EXHIBITS 'A' and 'B', attached hereto and made a part hereof.

PAC NF, LP,
BY ITS GENERAL PARTNER,

NORTH FORK, LLC,
A Delaware Limited Liability Company

By: Levine Investments Limited Partnership,
an Arizona Limited Partnership,
Member Manager of North Fork, LLC

By: Keim Inc., an Arizona Corporation,
General Partner of Levine
Investments Limited Partnership

By _____ Date _____
JONATHAN LEVINE,
PRESIDENT OF KEIM, INC.

EXHIBIT "1"

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

**PAC NF, LP, a California Limited Partnership as
Nominee of Pacific Coach, Inc. an Arizona Corporation doing
business as Pacific Coach Real Estate, Inc**

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from PAC NF, LP, a California Limited Partnership as Nominee of Pacific Coach, Inc. an Arizona Corporation doing business as Pacific Coach Real Estate, Inc., to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 201_.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description- PAC-NF, LP
Olinda Road West Widening Project

EXHIBIT "A"

All that portion of real property situated in the North one-half of Section 19 , Township 30 North, Range 4 West and the North one-half of Section 24, Township 30 North, Range 5 West, M.D.B.& M., in the unincorporated area of County of Shasta, State of California, as conveyed to PAC-NF, LP, a California Limited Partnership as Nominee of Pacific Coach, Inc. an Arizona Corporation doing business in California as Pacific Coach Real Estate, Inc. Shasta County Records, described as follows:

PARCEL ONE

All that portion of real property situated in the North one-half of Section 24 , Township 30 North, Range 5 West lying southerly of a Right of Way line as shown on Exhibits B, C, D, and E attached hereto and made a part hereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction of a portion of Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records. Together with an irregularly shaped parcel of land, coincident with said portion, lying southerly of the following line:

Commencing at a point on the northerly boundary of said portion, said point lying 35.00 feet left of Engineer's Station "O" 43+99.03 as shown on said Record of Survey; **THENCE** North 55°19'27" East a distance of 11.05 feet to a point lying 40.00 feet left of Engineer's Station "O" 44+08.78, said point being the beginning of a tangent curve concave southerly having a radius of 3654.44 feet; **THENCE** easterly along said curve a distance of 10.00 feet through a central angle of 0°09'24" to a point lying 40.00 feet left of Engineer's Station "O" 44+18.67; **THENCE** South 71°17'10" East a distance of 11.33 feet to a point on said northerly boundary, said point lying 35.00 feet left of Engineer's Station "O" 44+28.74.

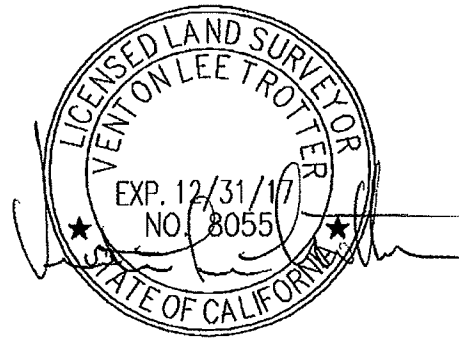
Being a portion of APN 207-230-013

PARCEL TWO

All that portion of real property situated in the North one-half of Section 19 , Township 30 North, Range 4 West lying southerly of a Right of Way line as shown on Exhibits E, F, and G attached hereto and made a part hereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction for Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records. Said Right of Way line commencing left of Engineer's Station "O" 56 +21.71 and terminating left of Engineer's Station "O" 69 +99.34.

Also a portion of property lying southerly of a Right of Way line lying 40.00 feet northerly of and parallel with centerline of monumentation for construction for Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records. Said Right of Way line commencing left of Engineer's Station "O" 69+99.34 and terminating left of Engineer's Station "O" 110 +38.75; **THENCE** North 39°01'05" East a distance of 16.22 feet to a point lying 52.77 feet left of Engineer's Station "O" 110+ 48.75; **THENCE** South 89°02'52" East a distance of 11.97 feet to a point on the easterly boundary of Section 19, said point lying 52.77 feet left of Engineer's Station "O" 110+60.81

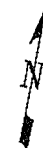
Being a portion of APN 207-220-002



RS

EXHIBIT "B"

SCALE 1"=100'

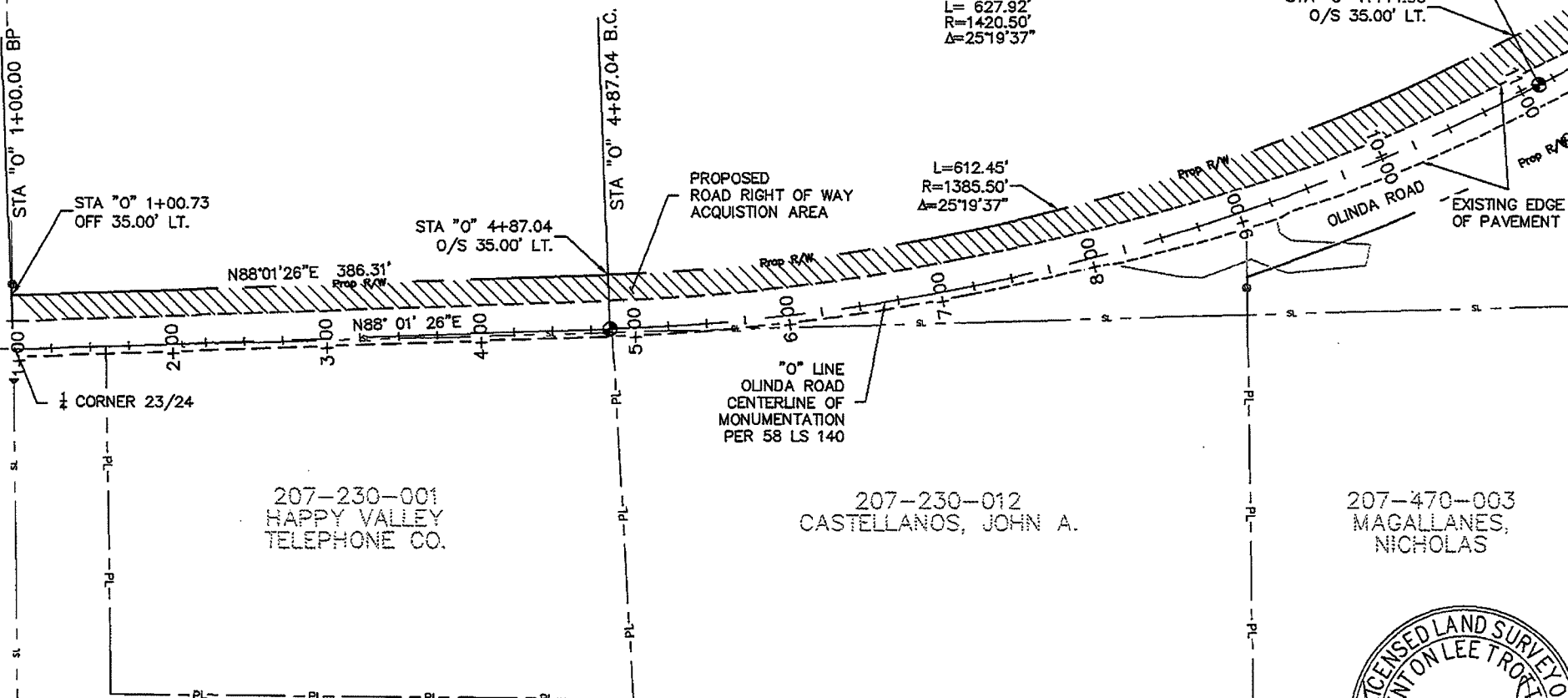


207-230-013
PAC-NF, LP
PARCEL ONE

"O" LINE
CURVE DATA
L= 627.92'
R=1420.50'
Δ=25°19'37"

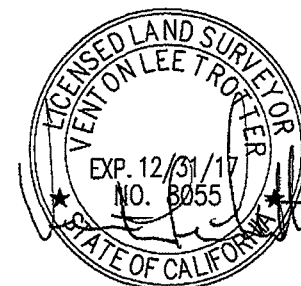
STA "O" 11+14.96
O/S 35.00' LT.

STA "O" 11+14.96 E.C.



LEGEND

- ⊕ Shasta County Centerline Monument
- Found Property Pin



SCALE 1"=100'

PROPOSED
ROAD RIGHT OF WAY
ACQUISITION AREA

EXISTING EDGE
OF PAVEMENT

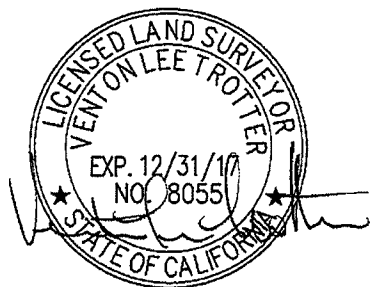
STA "O" 11+14.96 E.C.

STA "0" 11+14.96
O/S 35.00' LT.

Prop R/W _____
"O" LINE
OLINDA ROAD
CENTERLINE OF
MONUMENTATION
PER 58 LS 140

207-470-003
MAGALLANES, NICHOLAS

PL- PL-
GREEN LEAF LANE



207-230-013
PAC-NF, LP
PARCEL ONE

LEGEND

- ⊕ Shasta County Centerline Monument
- Found Property Pin

"O" LINE
OLINDA ROAD
CENTERLINE OF
MONUMENTATION
PER 58 LS 140

PROPOSED
- ROAD RIGHT OF WAY
ACQUISITION AREA

EXISTING EDGE
OF PAVEMENT

2°41'49"E 2057.69'

N62°41'49"E 2057.69'

N62° 41' 49"E

OLINDA ROAD

Exist. R/W-

N62°41'49"E 203.87'

207-260-001
US BANK TRUST

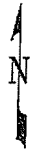
207-260-004
WHITEHEAD,
CHARLES AND MAVIS

207-260-006
HAWKINS,
DONALD REYNOLDS

Page 195 of 746

EXHIBIT "D"

SCALE 1"=100'



LEGEND

- Shasta County Centerline Monument
- Found Property Pin

207-230-013
PAC-NF, LP
PARCEL ONE

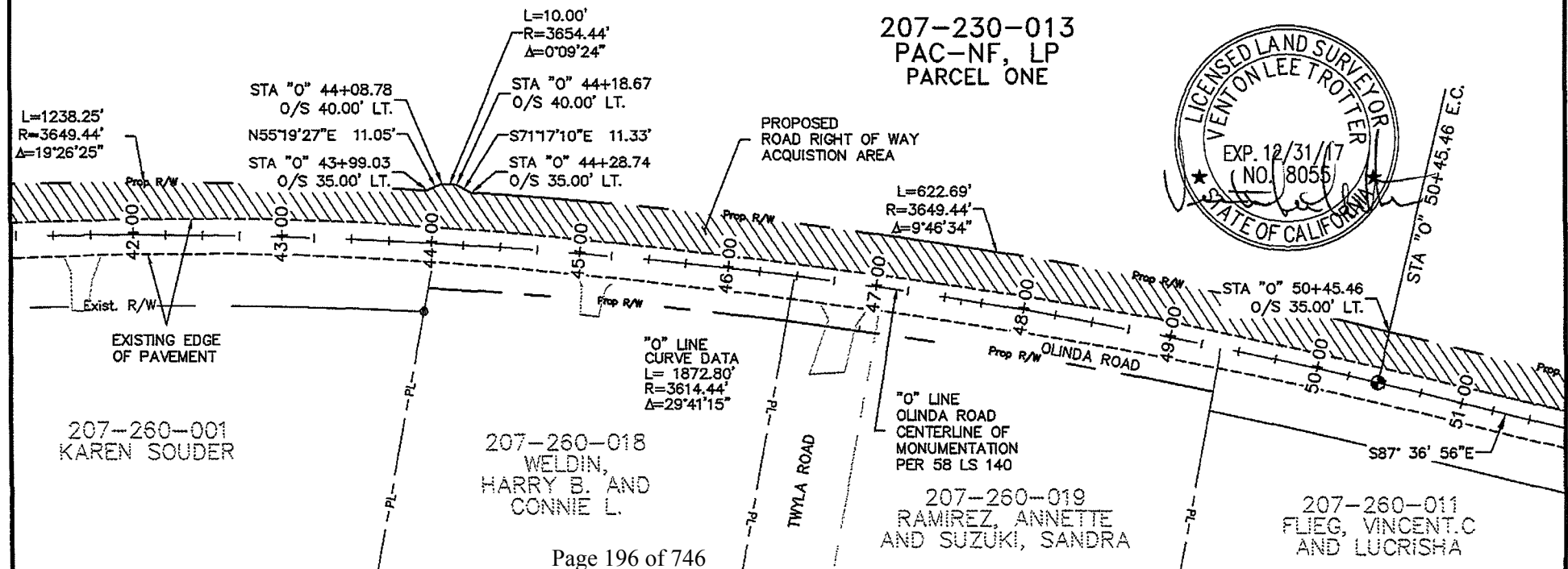
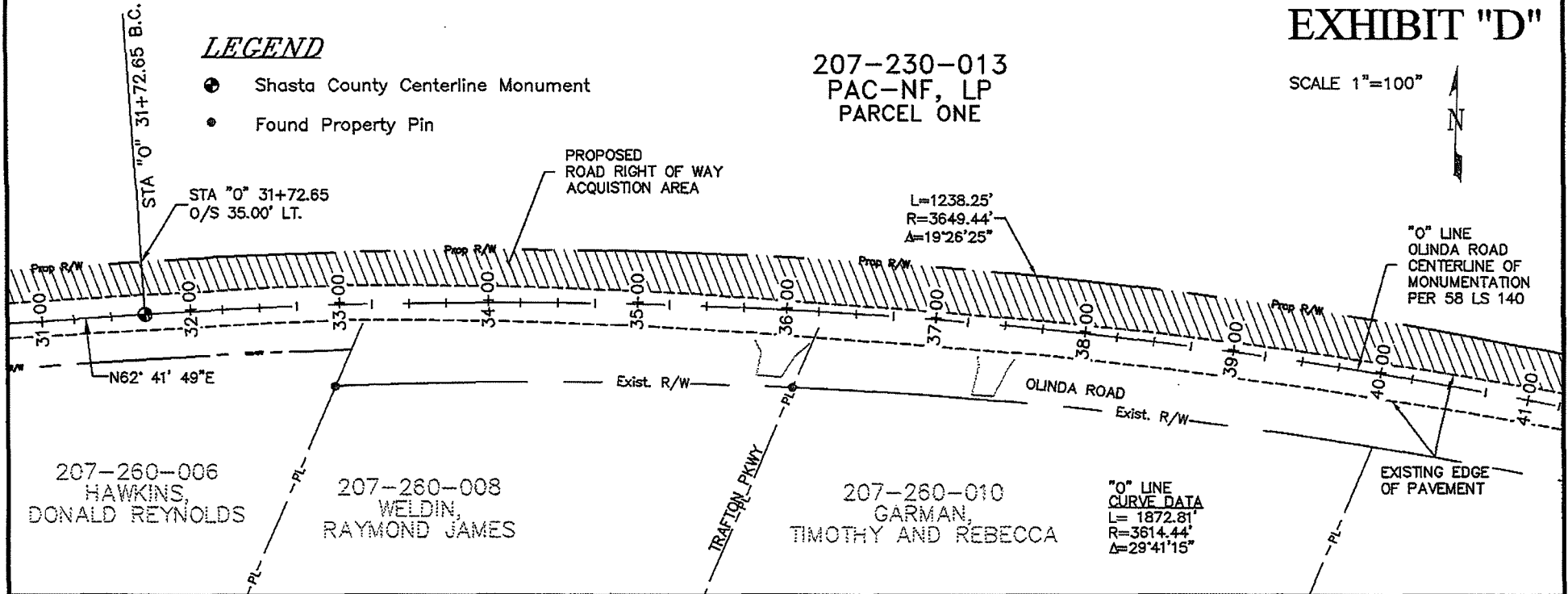


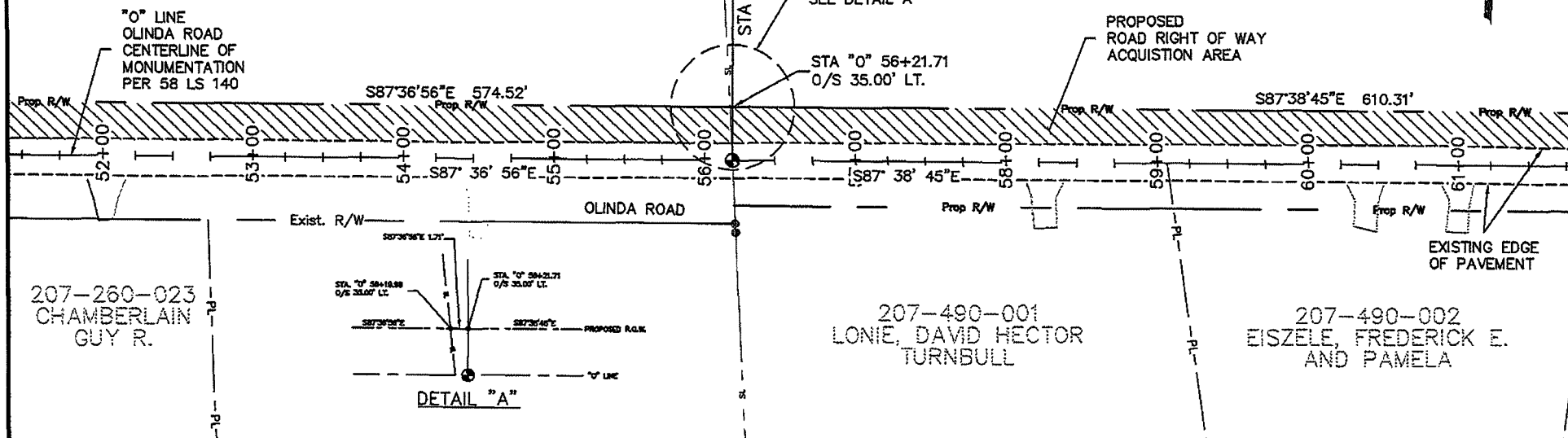
EXHIBIT "E"

SCALE 1"=100'



207-230-013
PAC-NF, LP
PARCEL ONE

207-220-002
PAC-NF, LP
PARCEL TWO



LEGEND

- Shasta County Centerline Monument
- Found Property Pin

207-220-002
PAC-NF, LP
PARCEL TWO

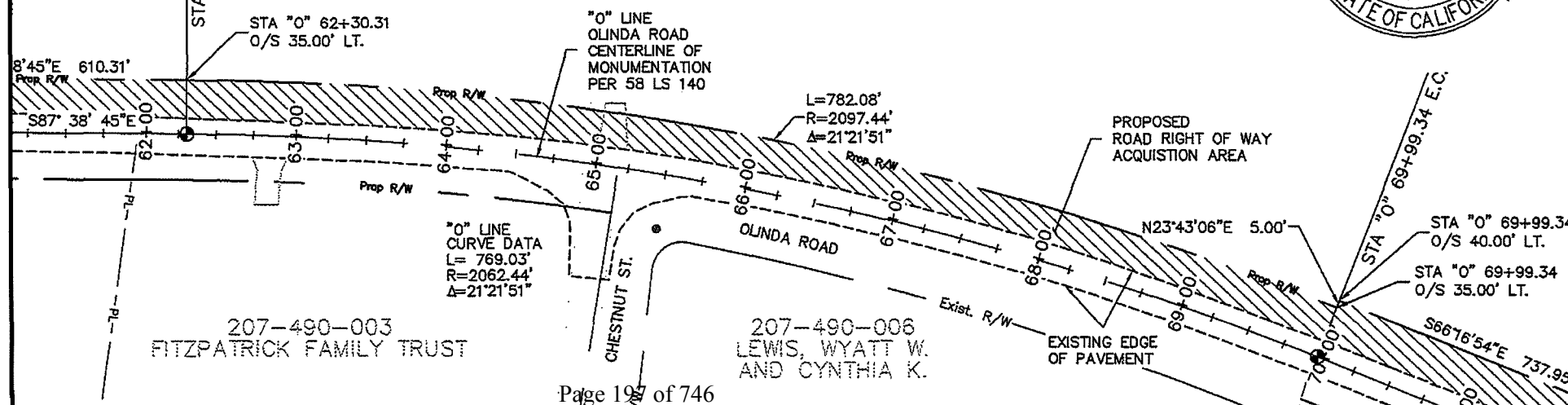
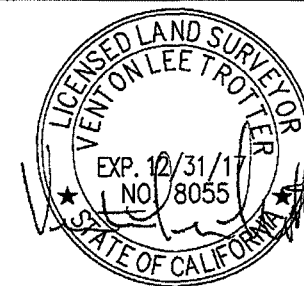


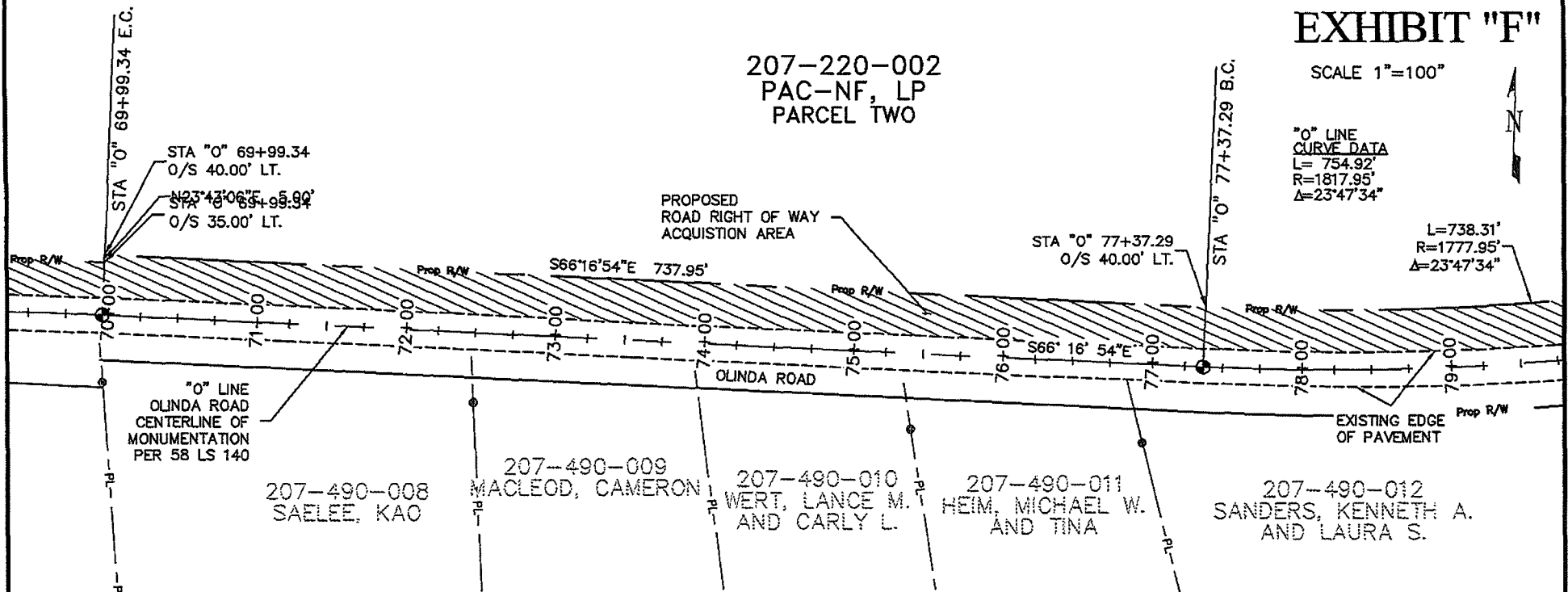
EXHIBIT "F"

SCALE 1"=100'

"O" LINE
CURVE DATA
L=754.92'
R=1817.95'
Δ=23°47'34"

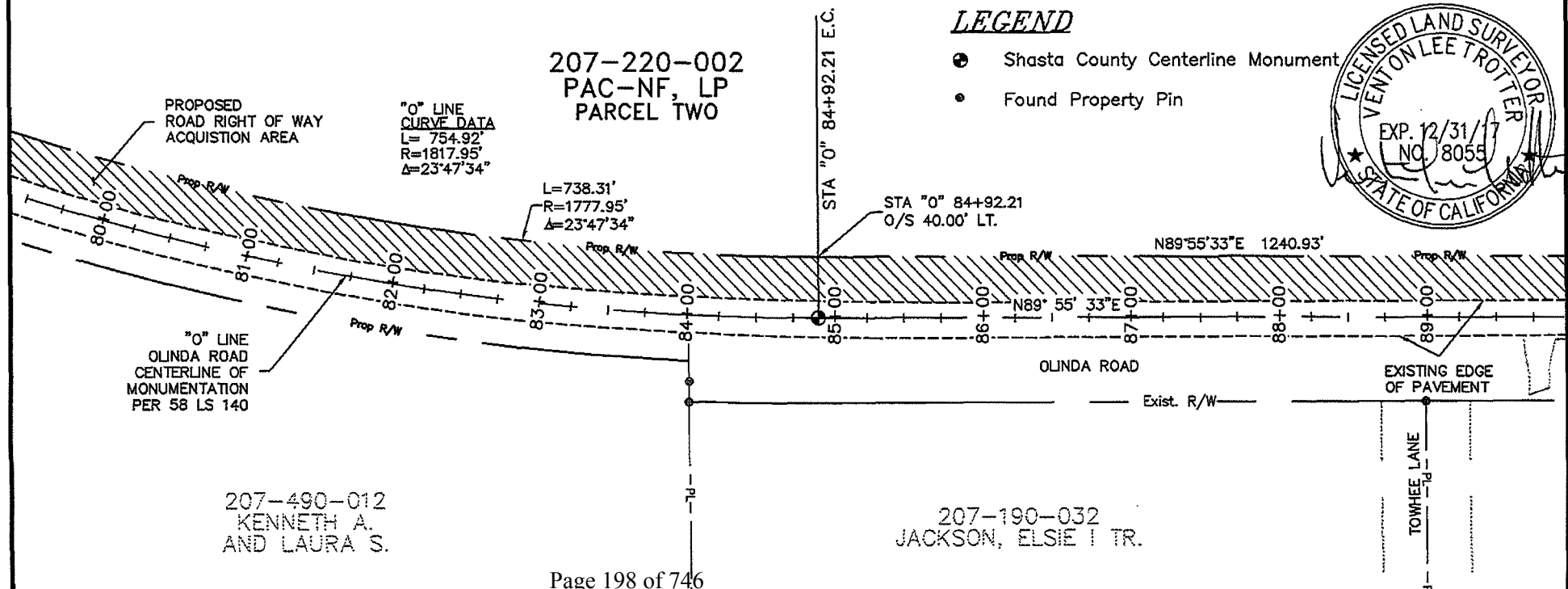
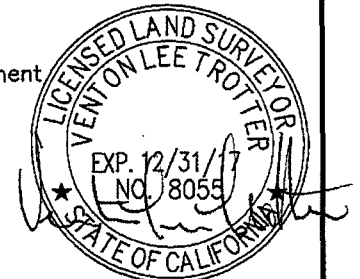
L=738.31'
R=1777.95'
Δ=23°47'34"

207-220-002
PAC-NF, LP
PARCEL TWO



LEGEND

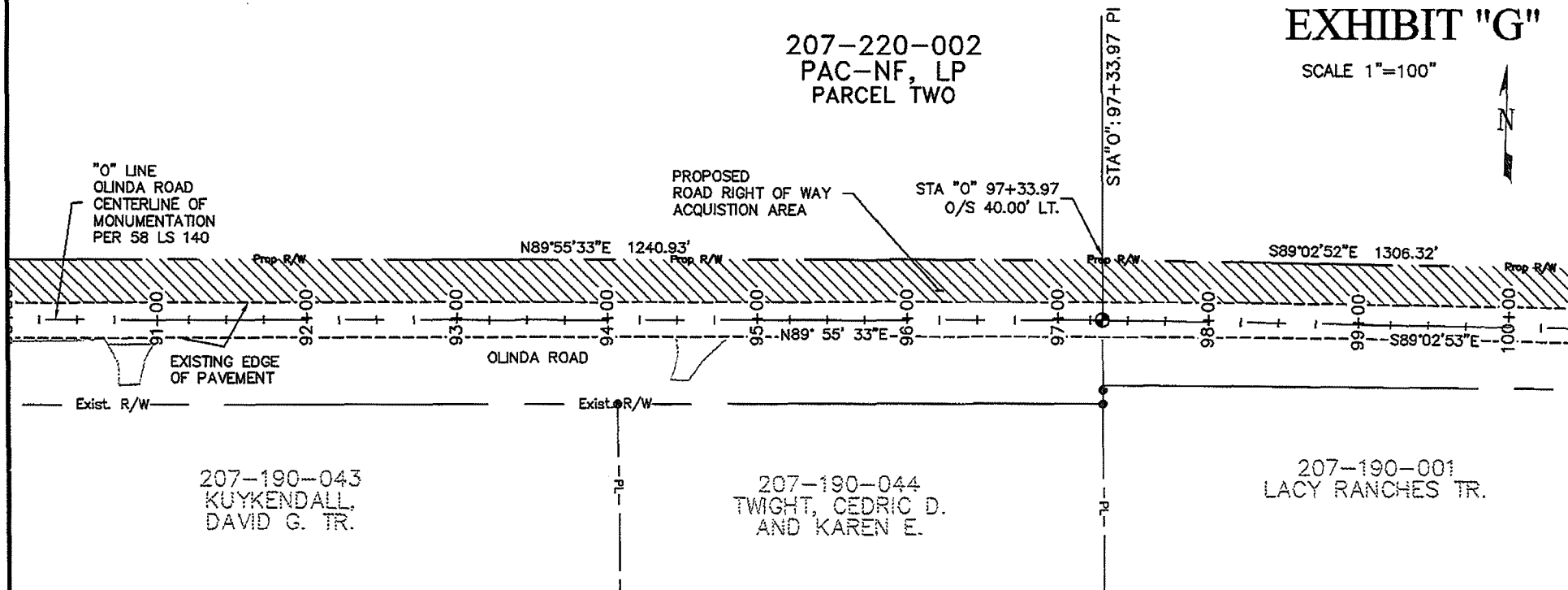
- Shasta County Centerline Monument
- Found Property Pin



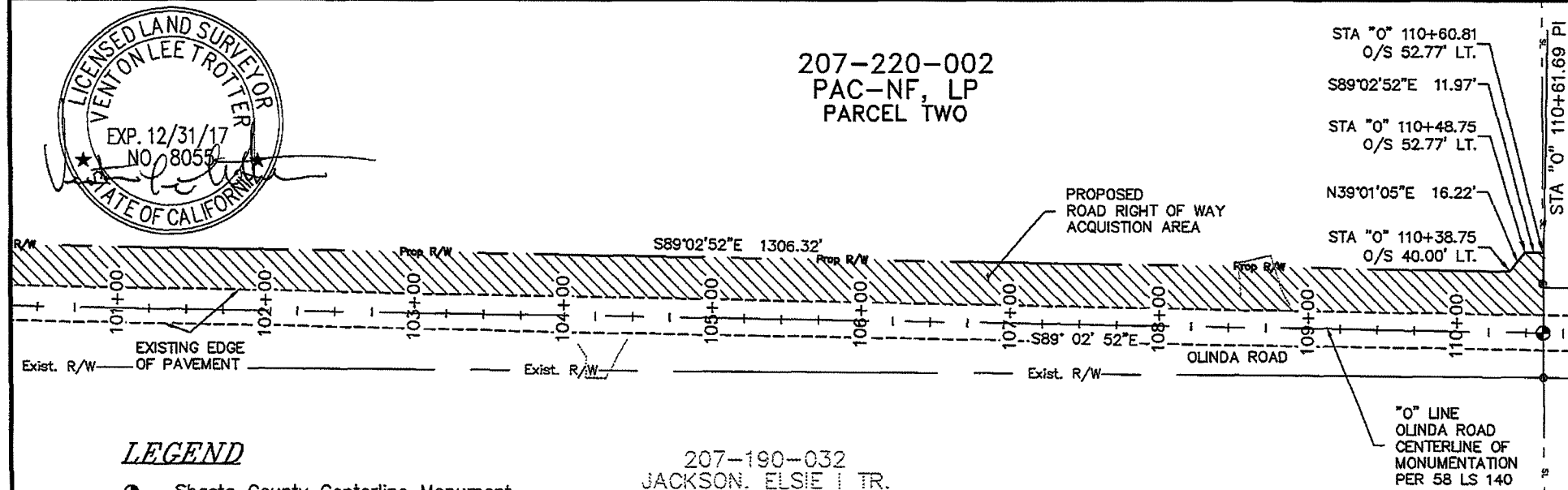
207-220-002
PAC-NF, LP
PARCEL TWO

EXHIBIT "G"

SCALE 1"=100"



207-220-002
PAC-NF, LP
PARCEL TWO



LEGEND

- Shasta County Centerline Monument
- Found Property Pin

207-190-032
JACKSON, ELSIE I TR.

**COUNTY OF SHASTA
STATE OF CALIFORNIA**

RIGHT OF WAY CONTRACT

**FAHM CHOW SAECHAO and
NAI POU SAECHAO**

**APN 207-260-001
OLINDA ROAD CYCLE 5
WIDENING PROJECT**

This contract is entered into by and between the County of Shasta, hereinafter known as "County", and Fahm Chow Saechao and Nai Pou Saechao, hereinafter known as "Grantor."

1. Grantor grants to County a property interest, in the form of Exhibit "1" (the "Deed") attached hereto and incorporated herein, conveying the property interest described in the Deed and Exhibits "A" and "B" attached thereto (the "Property"). The Deed has been executed by Grantor and delivered to County.
2. The parties have herein set forth the whole of their agreement, the performance of which constitutes the entire consideration for the conveyance of the Property and shall relieve County of all further obligations or claims relating to the location or construction of the proposed public improvement, which is described as widening Olinda Road in accordance with the project specifications as shown on the Olinda Road Cycle 5 Widening Project – Contract No. 702977, on file in the Shasta County Surveyor's Office (the "Specifications").
3. County shall:
 - A. For the property interest described in Section 1. above, compensate Grantor in the amount of \$3,500.00. The compensation provided pursuant to this subsection shall be paid into Escrow No. 1401-24783 at Placer Title Company located at 2145 Larkspur Lane, Suite A, Redding, CA 96002 for payment to Grantor. If escrow is not closed and transfer of title is not complete within 180 days of execution of this contract by both parties, the compensation described in this subsection and the Deed shall be disbursed by Placer Title Company to County upon written request by County. If County requests that the compensation provided for in this contract and the Deed be disbursed to it, County shall pay the compensation described in this subsection directly to Grantor within sixty days of County's receipt of the compensation.
 - B. In addition to the compensation mentioned in Section 3.A. above, it is agreed the County will pay a sum of \$1,000.00 as an incentive to the Grantor for the timely signing of the Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE YOU RECEIVED THIS CONTRACT BY CERTIFIED MAIL).
 - C. The compensation provided for in this section shall be paid after title to the Property is transferred to County free and clear of all liens, encumbrances, taxes, assessments, easements, and leases (recorded or unrecorded) except:
 - (1) Taxes for the fiscal year shall be cleared and paid in the manner required by Revenue and Taxation Code Section 5086;

- (2) Covenants, conditions, restrictions and reservations of record contained in the above referenced conveyance, if any;
- (3) Easements or rights of way over the Property for public or quasi-public utility or public street purposes, if any.

D. Pay all escrow and recording fees incurred in this transaction.

4. Any amount necessary to satisfy any due and payable taxes and any delinquent taxes due in any fiscal year except the fiscal year in which title to the Property is transferred to County, together with penalties and interest thereon, and any delinquent or non-delinquent assessments, and any bonds except those which title is to be taken subject-to or in accordance with the terms of this contract, may be deducted from the compensation provided in Section 3.
5. Grantor warrants that there are no oral and/or written leases on any portion of the Property exceeding a period of one month.
6. The right of possession and use of the Property shall commence upon transfer of title to County. Transfer of title is defined as the date in which the Board of Supervisors accepts the Deed conveying the interest in the Property to the County.
7. Grantor shall defend, hold harmless and indemnify Shasta County, its elected officials, officers, employees, agents and volunteers against all claims, suits, actions, costs, expenses (including but not limited to reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments or decrees occasioned by any person's or persons' claim or assertion regarding title to the Property.
8. At no expense to Grantor, and at the time of construction of the project, as additional compensation for the property interest described in section 1. above, County shall, in accordance with the Specifications Reconstruct one existing road connection. The road connection shall be considered an encroachment under permit on the County highway and is to be maintained, repaired and operated as such by Grantor, their assigns and successors. Grantor shall grant to County, its employees and agents, permission to enter upon Grantor's property, for the purpose of constructing the public improvements described in the Specifications and accomplishing all necessary incidents thereto including but not limited to the work described in this section. Upon County's recordation of a notice of completion for the Project, Grantor hereby assumes ownership and responsibility for the improvements constructed on Grantor's property and releases the County and its employees and agents from any further responsibility related to the work performed by County pursuant to this section.
9. This contract supersedes all previous agreements between Grantor and County regarding the Property and constitutes the entire understanding of the parties hereto. There are no agreements, representations, or warranties, express or implied, not specified in this contract.
10. Grantor represents and warrants that Grantor has not engaged nor dealt with any agent, broker, or finder in connection with the sale contemplated by this contract. Grantor shall pay, and shall hold the County harmless from and against, any commission or finder's fee payable to any other person (or legal entity which) who represents or claims to represent the Grantor.

11. This agreement shall inure to the benefit of, and shall be binding upon the assigns, successors in interest, personal representatives, estates, and heirs of the respective parties hereto.
12. The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by the parties.

SIGNATURE PAGE FOLLOWS

NO OBLIGATION, OTHER THAN THOSE SET FORTH HEREIN, WILL BE RECOGNIZED.

IN WITNESS WHEREOF, County and grantor have executed this agreement on the dates set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

APPROVED
GRANTOR:



FAHM CHOW SAECHAO

Date 11/17/17



NAI POU SAECHAO

Date 11/17/17

APPROVED:
County of Shasta

By _____
DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

Date _____


ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

RUBIN E. CRUSE, JR.
County Counsel

By _____
Deputy

By  10/17/17
David M. Yorton, Jr.
Senior Deputy County Counsel

RECOMMENDED FOR APPROVAL:

RISK MANAGEMENT APPROVAL

By 
PATRICK J. MINTURN, Director
Department of Public Works

By  10/17/17
Jim Johnson
Risk Management Analyst II

EXHIBIT "1"

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 207-260-001 (a portion)
PROJECT: Olinda Road Widening (ROAD)

DPW NO. 2G01-2016-003

-----Space above this line for Recorder's use only-----

UNINCORPORATED AREA

DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

FAHM CHOW SAECHAO, A SINGLE WOMAN AND NAI POU SAECHAO, A SINGLE MAN, AS JOINT TENANTS, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the North one-half of Section 24, Township 30 North, Range 5 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By _____
FAHM CHOW SAECHAO

Dated _____

By _____
NAI POU SAECHAO

Dated _____

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

FAHM CHOW SAECHAO and NAI POU SAECHAO

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from FAHM CHOW SAECHAO and NAI POU SAECHAO, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, _____.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Saechao
– Olinda Road Widening Project- West

EXHIBIT "A"

All that portion of real property situated in Section 24, Township 30 North, Range 5 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, as conveyed to Fahm Chow Saechao, a single woman and Nai Pou Saechao, a single man, as joint tenants by deed recorded September 22, 2017, in Official Records Document 2017-0028488, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 30.00 feet southerly of and parallel with the centerline of monumentation for construction of a portion of Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records.

Being a portion of APN 207-260-001



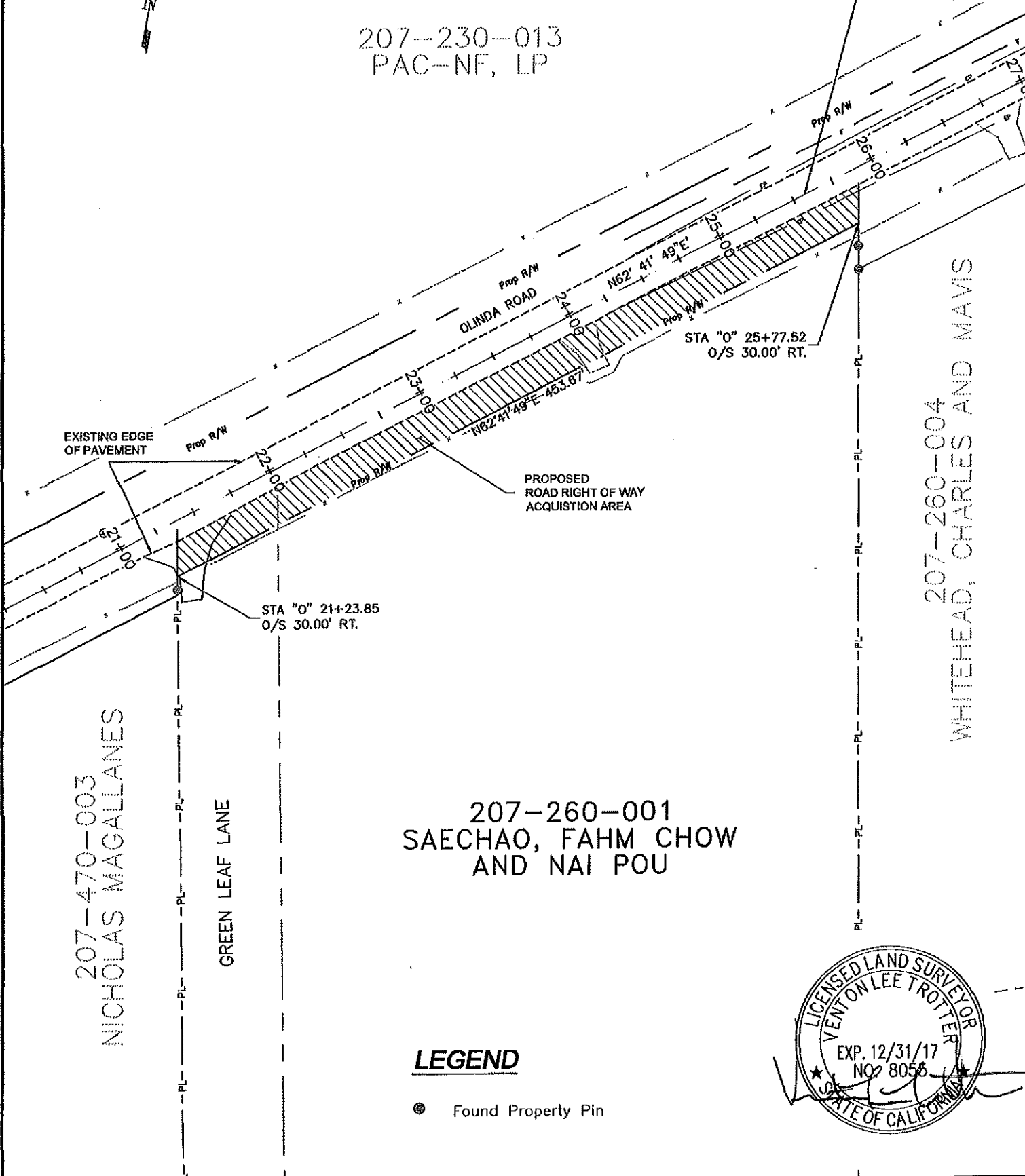
EXHIBIT "B"

SCALE 1"=75'



207-230-013
PAC-NF, LP

"O" LINE
OLINDA ROAD
CENTERLINE OF
MONUMENTATION
PER 58 LS 140



207-470-003
NICHOLAS MAGALLANES

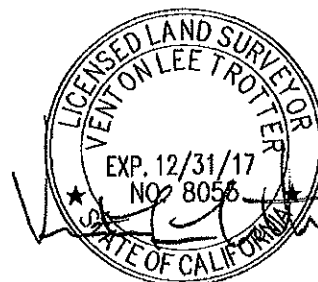
GREEN LEAF LANE

207-260-001
SAECHAO, FAHM CHOW
AND NAI POU

207-260-004
WHITEHEAD, CHARLES AND MAVIS

LEGEND

● Found Property Pin



RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 207-230-013 & 207-220-002 (a portion)
PROJECT: Olinda Road Widening (ROAD)

DPW NO. 2G01-2016-001

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

PAC NF, LP, a California Limited Partnership as Nominee of Pacific Coach, Inc. an Arizona Corporation doing business as Pacific Coach Real Estate, Inc., HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northwest one-quarter of Section 24, Township 30 North, Range 5 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

PAC NF, LP,
BY ITS GENERAL PARTNER,

NORTH FORK, LLC,
A Delaware Limited Liability Company

By: Levine Investments Limited Partnership,
an Arizona Limited Partnership,
Member Manager of North Fork, LLC

By: Keim Inc., an Arizona Corporation,
General Partner of Levine
Investments Limited Partnership

By  _____
JONATHAN LEVINE,
PRESIDENT OF KEIM, INC.

Date 1-3-18

COUNTY OF SHASTA

STATE OF CALIFORNIA

E A S E M E N T D E E D

**PAC NF, LP, a California Limited Partnership as
Nominee of Pacific Coach, Inc. an Arizona Corporation doing
business as Pacific Coach Real Estate, Inc**

T O

C O U N T Y O F S H A S T A

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from PAC NF, LP, a California Limited Partnership as Nominee of Pacific Coach, Inc. an Arizona Corporation doing business as Pacific Coach Real Estate, Inc., to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 201_.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description- PAC-NF, LP
Olinda Road West Widening Project

EXHIBIT "A"

All that portion of real property situated in the North one-half of Section 19 , Township 30 North, Range 4 West and the North one-half of Section 24, Township 30 North, Range 5 West, M.D.B.& M., in the unincorporated area of County of Shasta, State of California, as conveyed to PAC-NF, LP, a California Limited Partnership as Nominee of Pacific Coach, Inc. an Arizona Corporation doing business in California as Pacific Coach Real Estate, Inc. Shasta County Records, described as follows:

PARCEL ONE

All that portion of real property situated in the North one-half of Section 24 , Township 30 North, Range 5 West lying southerly of a Right of Way line as shown on Exhibits B, C, D, and E attached hereto and made a part hereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction of a portion of Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records. Together with an irregularly shaped parcel of land, coincident with said portion, lying southerly of the following line:

Commencing at a point on the northerly boundary of said portion, said point lying 35.00 feet left of Engineer's Station "O" 43+99.03 as shown on said Record of Survey; **THENCE** North 55°19'27" East a distance of 11.05 feet to a point lying 40.00 feet left of Engineer's Station "O" 44+08.78, said point being the beginning of a tangent curve concave southerly having a radius of 3654.44 feet; **THENCE** easterly along said curve a distance of 10.00 feet through a central angle of 0°09'24" to a point lying 40.00 feet left of Engineer's Station "O" 44+18.67; **THENCE** South 71°17'10" East a distance of 11.33 feet to a point on said northerly boundary, said point lying 35.00 feet left of Engineer's Station "O" 44+28.74.

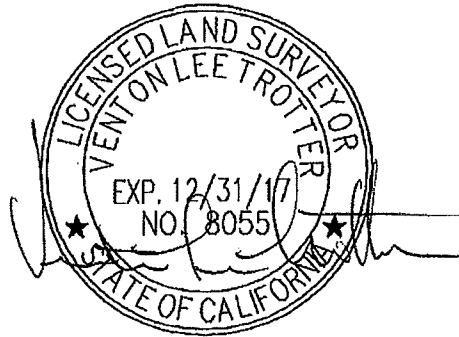
Being a portion of APN 207-230-013

PARCEL TWO

All that portion of real property situated in the North one-half of Section 19 , Township 30 North, Range 4 West lying southerly of a Right of Way line as shown on Exhibits E, F, and G attached hereto and made a part hereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction for Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records. Said Right of Way line commencing left of Engineer's Station "O" 56 +21.71 and terminating left of Engineer's Station "O" 69 +99.34.

Also a portion of property lying southerly of a Right of Way line lying 40.00 feet northerly of and parallel with centerline of monumentation for construction for Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records. Said Right of Way line commencing left of Engineer's Station "O" 69+99.34 and terminating left of Engineer's Station "O" 110 +38.75; **THENCE** North 39°01'05" East a distance of 16.22 feet to a point lying 52.77 feet left of Engineer's Station "O" 110+ 48.75; **THENCE** South 89°02'52" East a distance of 11.97 feet to a point on the easterly boundary of Section 19, said point lying 52.77 feet left of Engineer's Station "O" 110+60.81

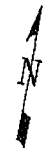
Being a portion of APN 207-220-002



23

EXHIBIT "B"

SCALE 1"=100'



207-230-013
PAC-NF, LP
PARCEL ONE

"O" LINE
CURVE DATA
L= 627.92'
R=1420.50'
Δ=25°19'37"

STA "O" 11+14.96
O/S 35.00' LT.

STA "O" 11+14.96 E.C.

PROPOSED
ROAD RIGHT OF WAY
ACQUISITION AREA

L=612.45'
R=1385.50'
Δ=25°19'37"

OLINDA ROAD

EXISTING EDGE
OF PAVEMENT

"O" LINE
OLINDA ROAD
CENTERLINE OF
MONUMENTATION
PER 58 LS 140

207-230-001
HAPPY VALLEY
TELEPHONE CO.

207-230-012
CASTELLANOS, JOHN A.

207-470-003
MAGALLANES,
NICHOLAS

LEGEND

- Shasta County Centerline Monument
- Found Property Pin

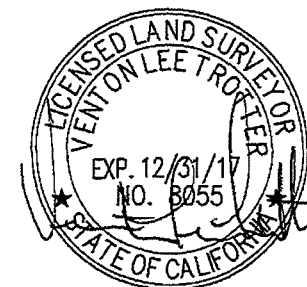
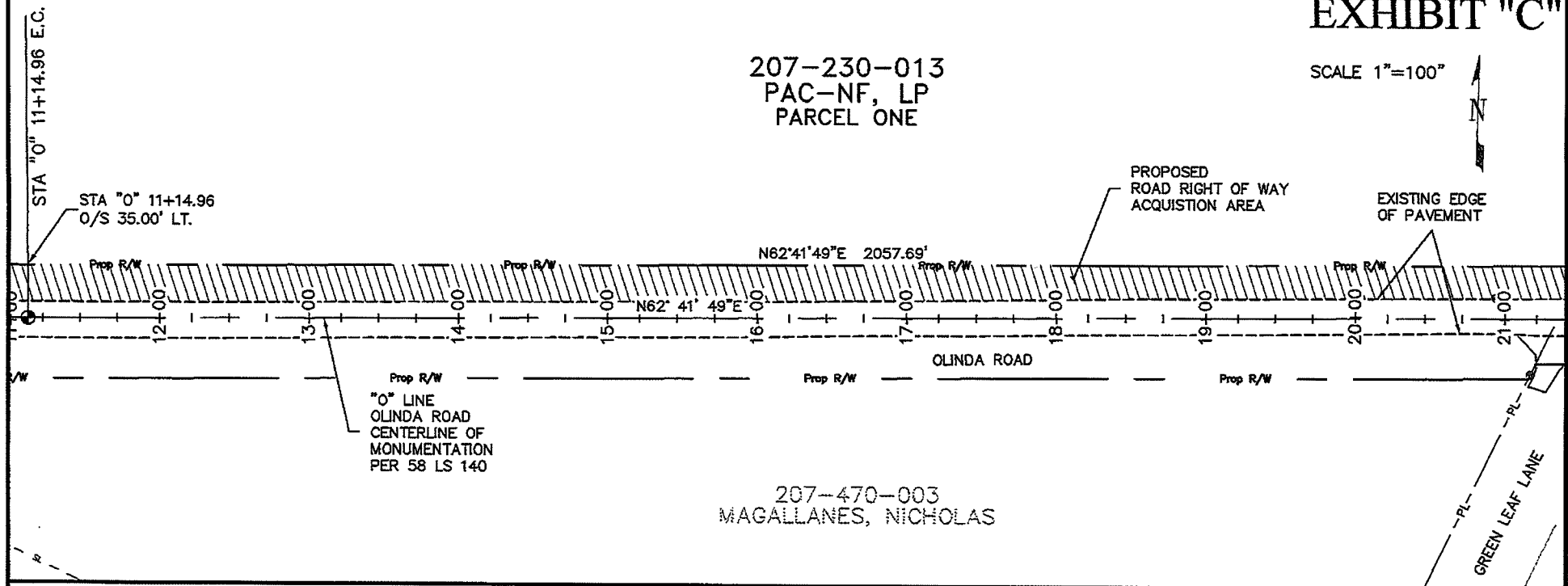


EXHIBIT "C"

SCALE 1"=100'



207-230-013
PAC-NF, LP
PARCEL ONE



207-230-013
PAC-NF, LP
PARCEL ONE

LEGEND

- ⊕ Shasta County Centerline Monument
- Found Property Pin

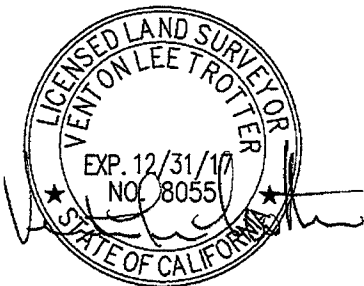
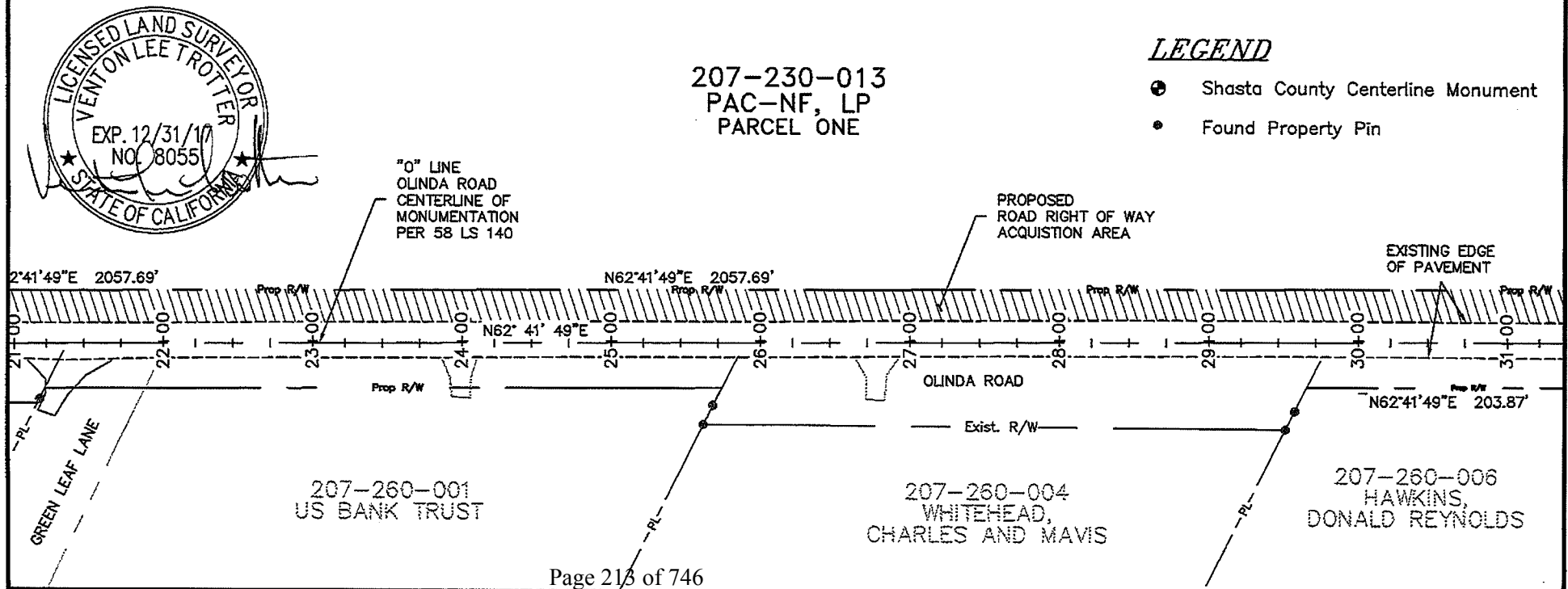


EXHIBIT "D"

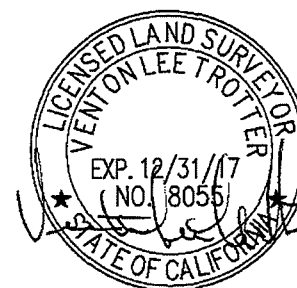
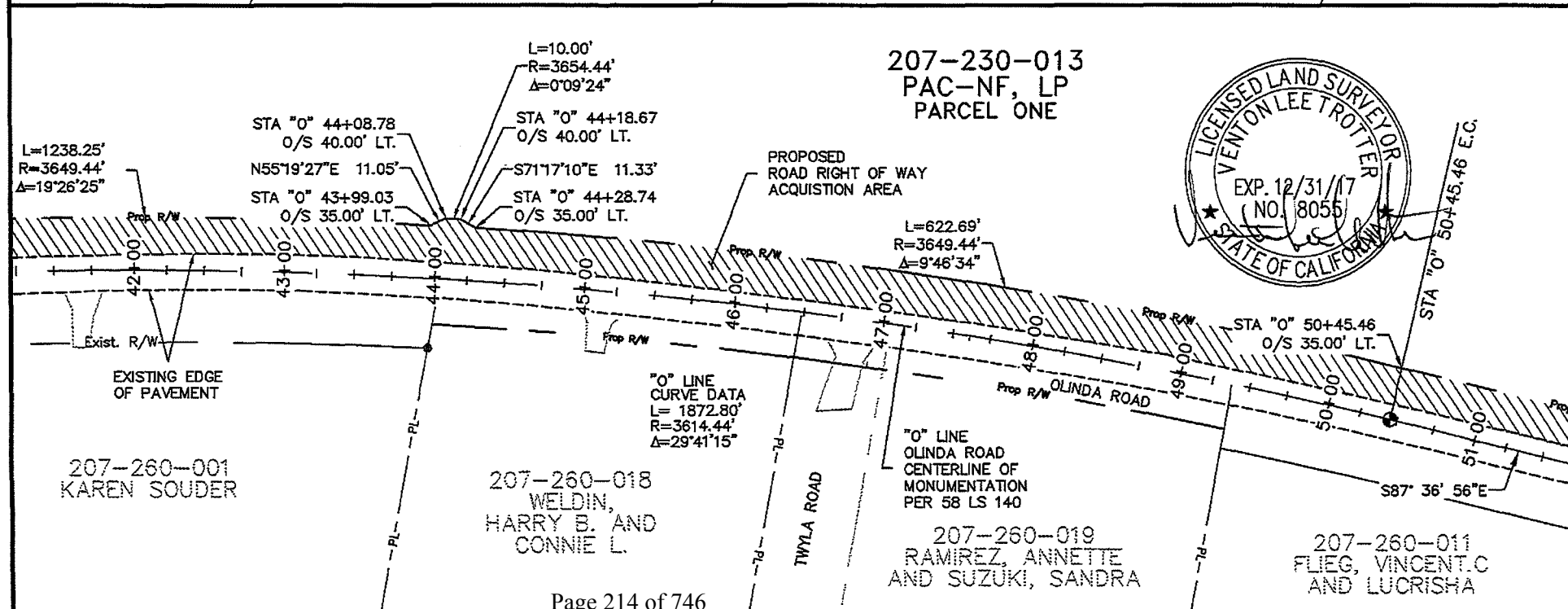
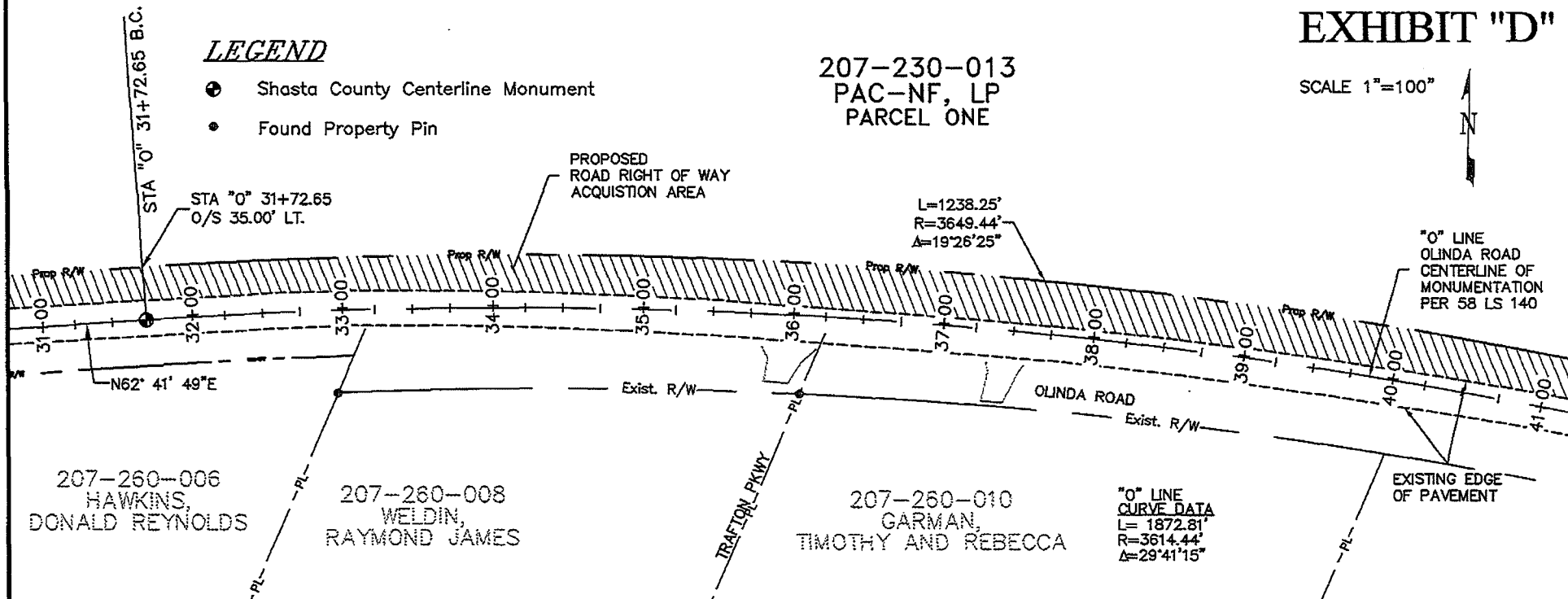
SCALE 1"=100'



LEGEND

- Shasta County Centerline Monument
- Found Property Pin

207-230-013
PAC-NF, LP
PARCEL ONE

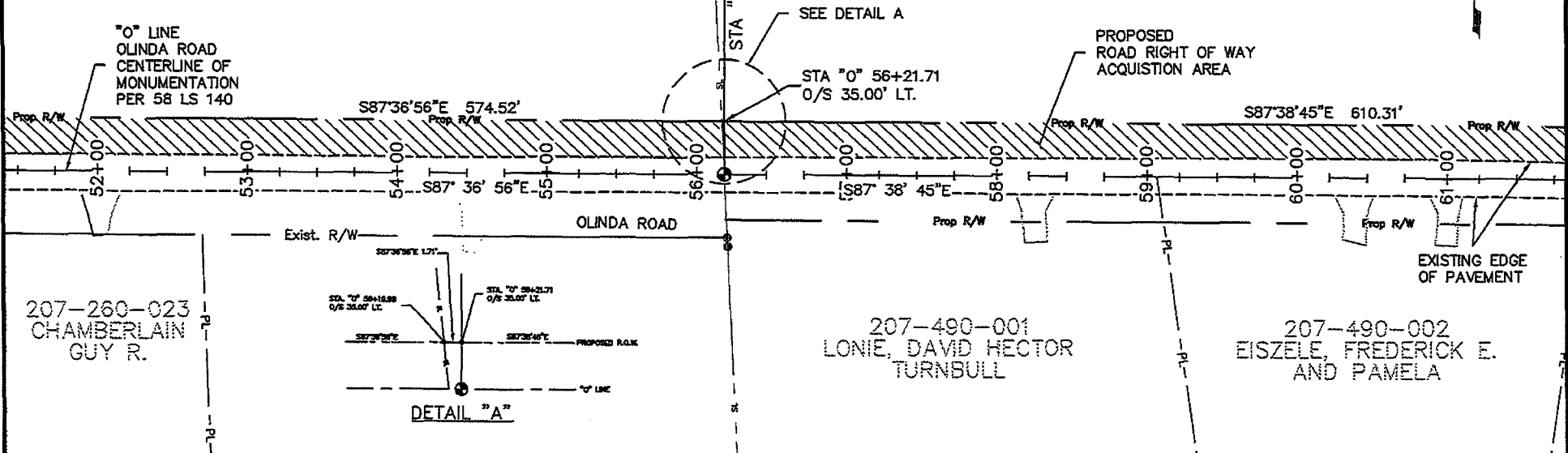


207-230-013
PAC-NF, LP
PARCEL ONE

207-220-002
PAC-NF, LP
PARCEL TWO

EXHIBIT "E"

SCALE 1"=100'



LEGEND

- Shasta County Centerline Monument
- Found Property Pin

207-220-002
PAC-NF, LP
PARCEL TWO

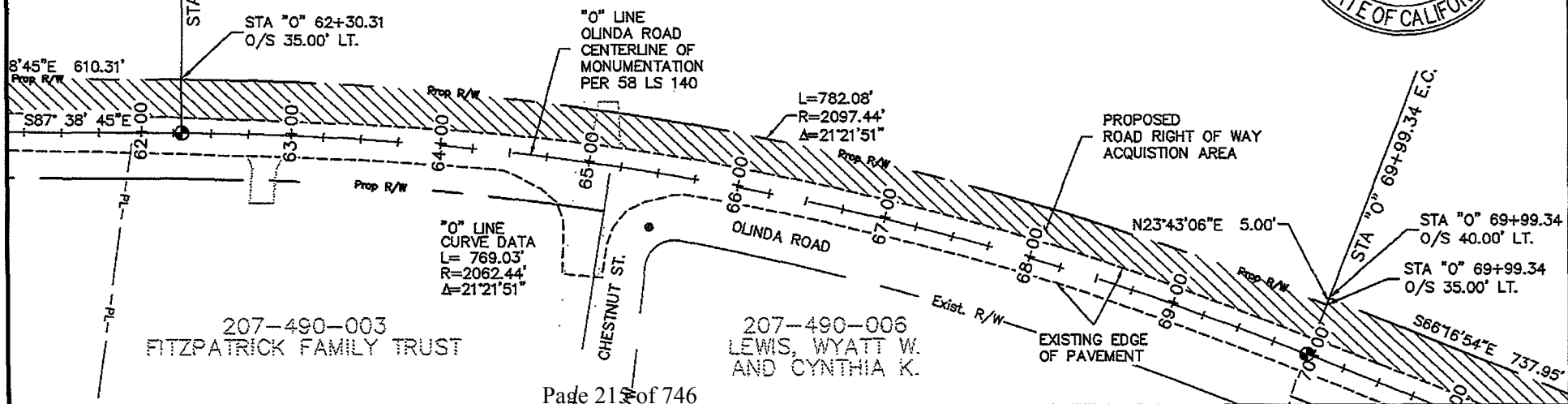


EXHIBIT "F"

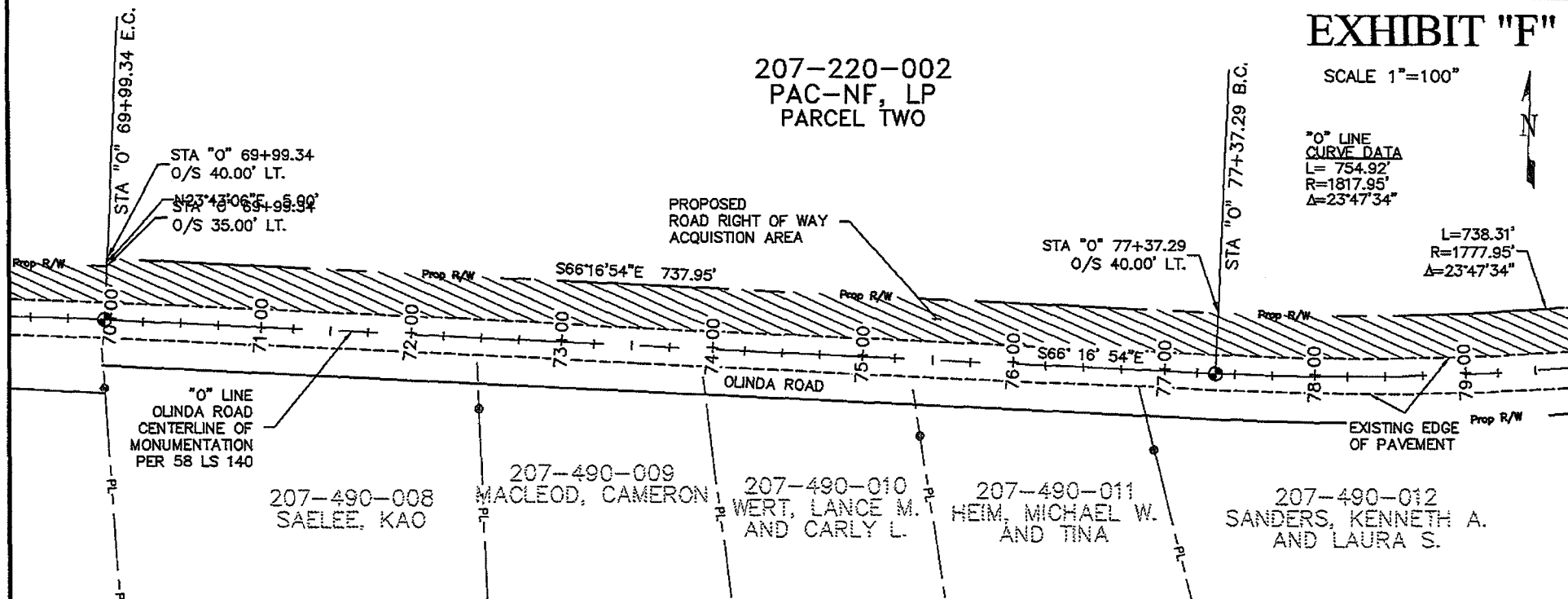
SCALE 1"=100'



"0" LINE
CURVE DATA
L= 754.92'
R=1817.95'
Δ=23°47'34"

L=738.31'
R=1777.95'
Δ=23°47'34"

207-220-002
PAC-NF, LP
PARCEL TWO



LEGEND

- Shasta County Centerline Monument
- Found Property Pin



207-220-002
PAC-NF, LP
PARCEL TWO

"0" LINE
CURVE DATA
L= 754.92'
R=1817.95'
Δ=23°47'34"

L=738.31'
R=1777.95'
Δ=23°47'34"

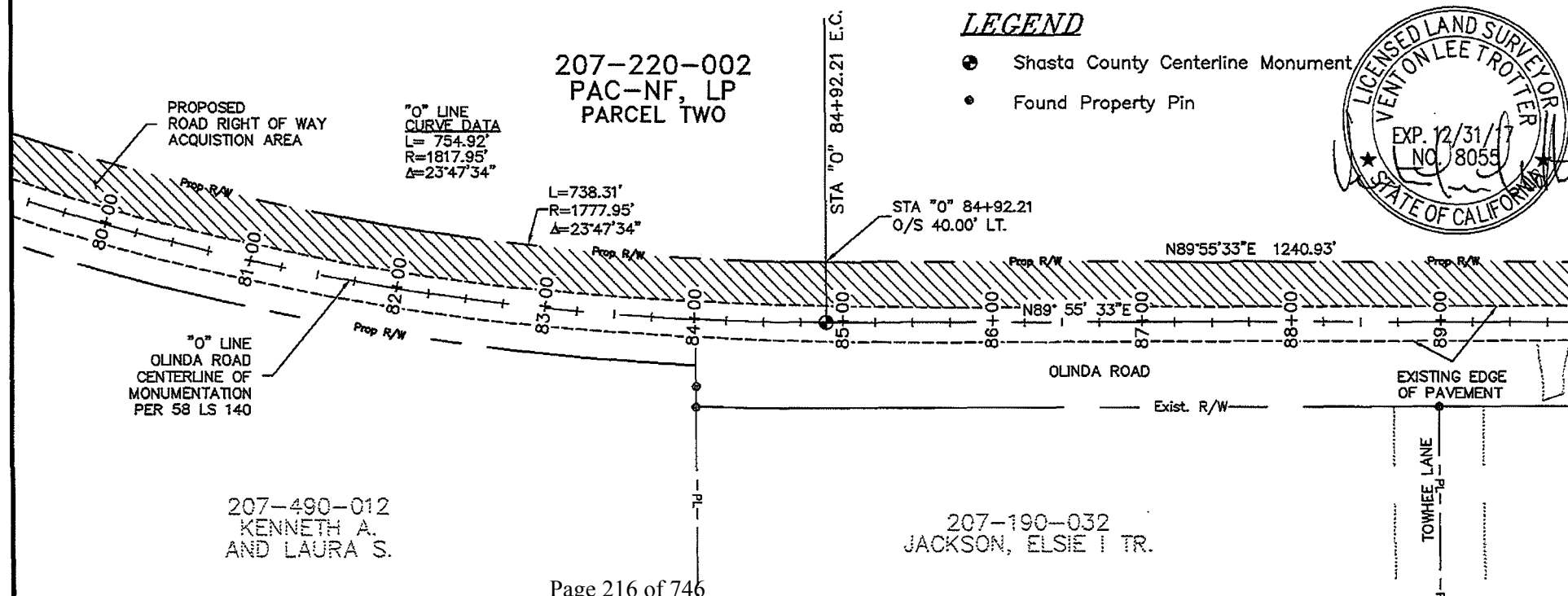
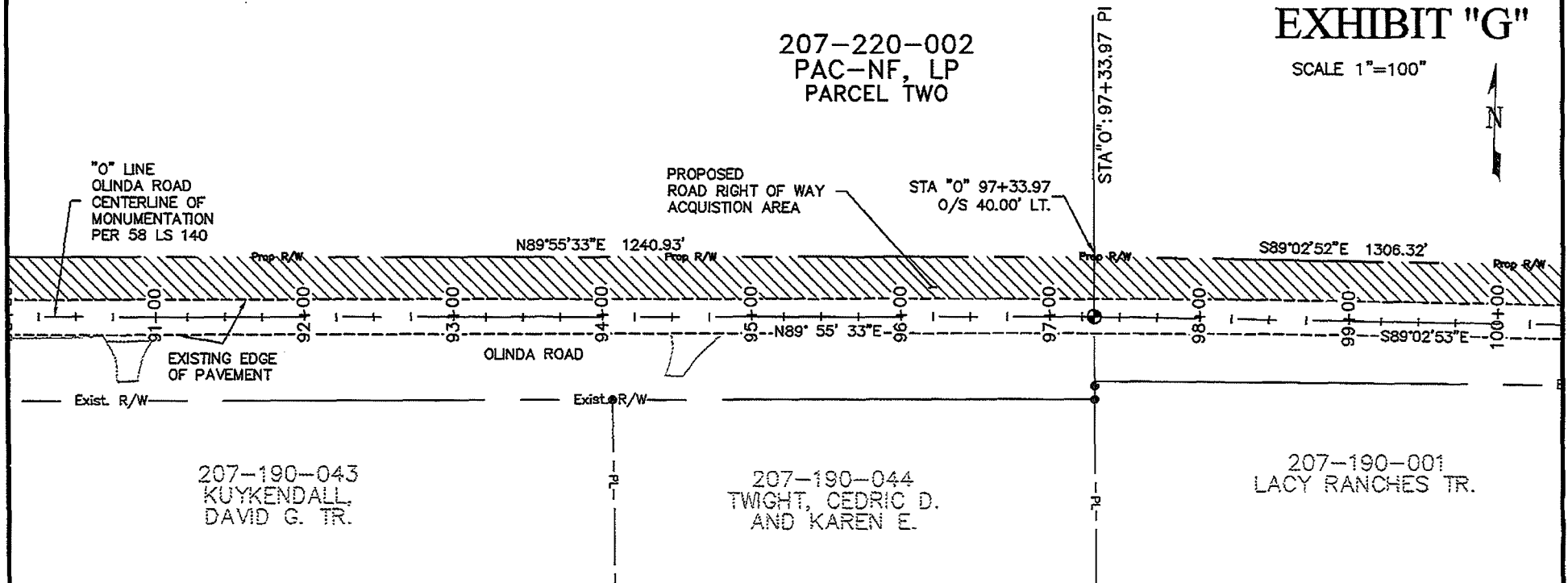


EXHIBIT "G"

SCALE 1"=100"



207-220-002
PAC-NF, LP
PARCEL TWO



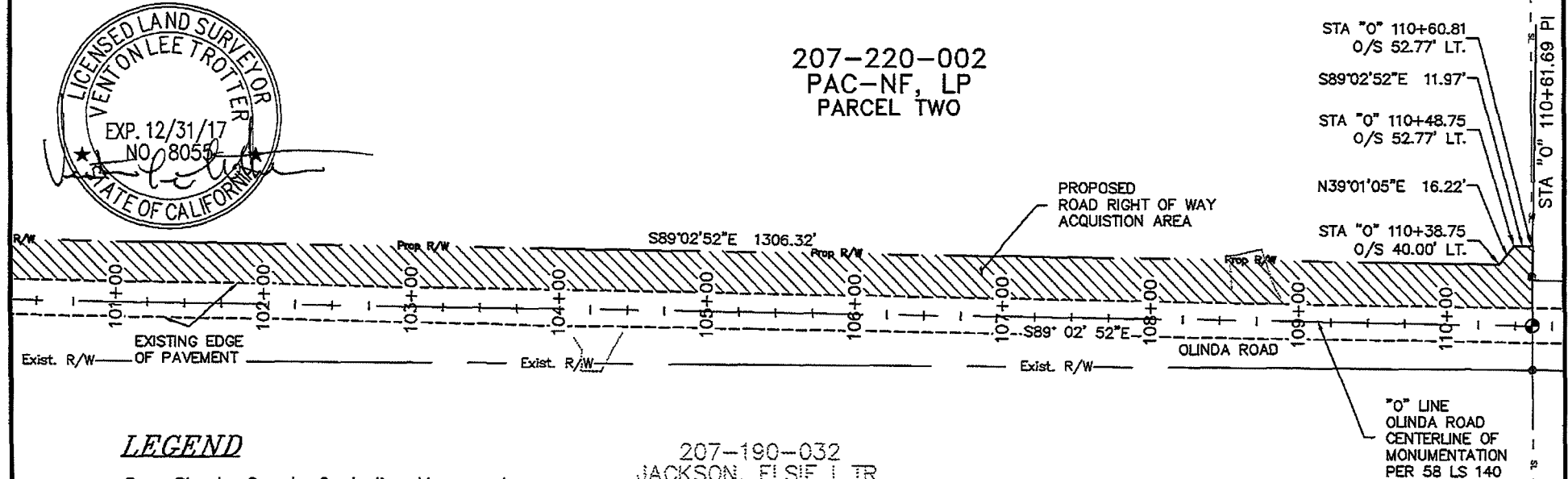
207-190-043
KUYKENDALL,
DAVID G. TR.

207-190-044
TWIGHT, CEDRIC D.
AND KAREN E.

207-190-001
LACY RANCHES TR.



207-220-002
PAC-NF, LP
PARCEL TWO



LEGEND

- Shasta County Centerline Monument
- Found Property Pin

207-190-032
JACKSON, ELSIE I TR.

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 207-260-001 (a portion)
PROJECT: Olinda Road Widening (ROAD)

DPW NO. 2G01-2016-003

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

FAHM CHOW SAECHAO, A SINGLE WOMAN AND NAI POU SAECHAO, A SINGLE MAN, AS JOINT TENANTS, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the North one-half of Section 24, Township 30 North, Range 5 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By 
FAHM CHOW SAECHAO

Dated Nov. 17, 2017

By 
NAI POU SAECHAO

Dated 12/1/17

COUNTY OF SHASTA

STATE OF CALIFORNIA

E A S E M E N T D E E D

FAHM CHOW SAECHAO and NAI POU SAECHAO

T O

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from FAHM CHOW SAECHAO and NAI POU SAECHAO, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, _____.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

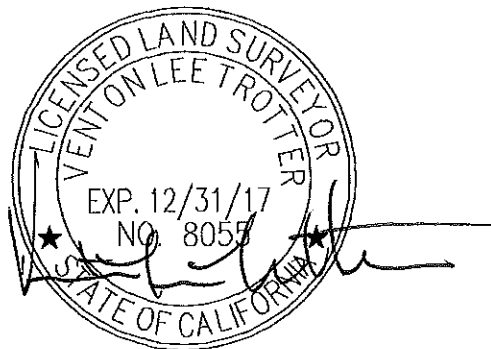
By _____
Deputy

Legal Description Saechao
– Olinda Road Widening Project- West

EXHIBIT "A"

All that portion of real property situated in Section 24, Township 30 North, Range 5 West, M.D.B.& M., in the unincorporated area of County of Shasta, State of California, as conveyed to Fahm Chow Saechao, a single woman and Nai Pou Saechao, a single man, as joint tenants by deed recorded September 22, 2017, in Official Records Document 2017-0028488, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 30.00 feet southerly of and parallel with the centerline of monumentation for construction of a portion of Olinda Road, Shasta County Road No. 2G01, as shown on that certain Record of Survey for Olinda Road filed March 23, 2016 in Book 58 of Land Surveys at Page 140, Shasta County Records.

Being a portion of APN 207-260-001



N

207-230-013
PAC-NF, LP

"O" LINE
OLINDA ROAD
CENTERLINE OF
MONUMENTATION
PER 58 LS 140

EXISTING EDGE
OF PAVEMENT

PROPOSED
ROAD RIGHT OF WAY
ACQUISITION AREA

STA "O" 21+23.85
O/S 30.00' RT.

STA "0" 25+77.52
O/S 30.00' RT.

207-280-004
WHITEHEAD, CHARLES AND MAVIS

207-470-003
NICHOLAS MAGALLANES

GREEN LEAF LANE

207-260-001
SAECHAO, FAHM CHOW
AND NAI POU

LEGEND

Found Property Pin



CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of SHASTA)On NOVEMBER 17, 2017 before me, BRANDON H. MAGBY, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officerpersonally appeared FAHM CHOW SAECHAO
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of SHASTA)On December 1, 2017 before me, BRANDON H. MAGBY, NOTARY PUBLIC,
Date Here Insert Name and Title of the Officerpersonally appeared NAI POU SAECHAO
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature [Signature]
Signature of Notary Public

Place Notary Seal Above

OPTIONAL

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____ Document Date: _____

Number of Pages: _____ Signer(s) Other Than Named Above: _____

Capacity(ies) Claimed by Signer(s)

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

Signer's Name: _____

☐ Corporate Officer — Title(s): _____☐ Partner — ☐ Limited ☐ General☐ Individual ☐ Attorney in Fact☐ Trustee ☐ Guardian or Conservator☐ Other: _____

Signer Is Representing: _____

UTILITY AGREEMENT

County	Route	P.M.	Project #
County of Shasta			No. 702977
Fed. Aid. No. HRRRL-5906(115)			
Owner's File: Olinda Road Cycle 5 Widening			
FEDERAL PARTICIPATION: On the Project : Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			
On the Utilities: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>			

UTILITY AGREEMENT NO. 702977-PG&E

The County of Shasta hereinafter called "LOCAL AGENCY" proposes to widen Olinda Road between Green Leaf Lane and Sammy Lane, in the Happy Valley area, Shasta County, California.

And PG&E hereinafter called "OWNER" owns and maintains aerial electric facilities within the limits of LOCAL AGENCY's project that requires the relocation of said facilities to accommodate LOCAL AGENCY's project.

It is hereby mutually agreed that:

I. WORK TO BE DONE:

In accordance with Notice to Owner No. 702977-A dated January 8, 2018, OWNER shall relocate aerial electric facilities within said project limits. All work shall be performed substantially in accordance with OWNER's Plan No. PM 31221417, consisting of one (1) sheet, which by this reference are made a part hereof. Deviations from the OWNER's plan described above initiated by either the LOCAL AGENCY or the OWNER, shall be agreed upon by both parties hereto under a Revised Notice to Owner. Such Revised Notices to Owner, approved by the LOCAL AGENCY and acknowledged by the OWNER, will constitute an approved revision of the OWNER's plan described above and are hereby made a part hereof. No work under said deviation shall commence prior to receipt by the OWNER of the Revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to the revised Notice to Owner.

II. LIABILITY FOR WORK:

The existing facilities are in their present position pursuant to prescriptive rights prior and superior to those of the LOCAL AGENCY and will be relocated at LOCAL AGENCY'S expense.

III. PERFORMANCE OF WORK:

OWNER agrees to perform the herein-described work with its own forces or to cause the herein described work to be performed by the OWNER's contractor, employed by written contract on a continuing basis to perform work of this type, and to provide and furnish all necessary labor, materials, tools, and equipment required therefore; and to prosecute said work diligently to completion.

IV. PAYMENT FOR WORK:

The LOCAL AGENCY shall pay its share of the actual cost of the herein described work within 90 days after receipt of OWNER's itemized bill in quintuplicate, signed by a responsible official of OWNER's organization and prepared on OWNER's letterhead, compiled on the basis of the actual cost and expense incurred and charged or allocated to said work in accordance with the uniform system of accounts prescribed for OWNER by the California Public Utilities Commission (PUC) or Federal Communications Commission (FCC), whichever is applicable.

It is understood and agreed that the LOCAL AGENCY will not pay for any betterment or increase in capacity of OWNER's facilities in the new location and that OWNER shall give credit to the LOCAL AGENCY for all accrued depreciation on the replaced facilities and for the salvage value of any material or parts salvaged and retained or sold by OWNER.

Not more frequently than once a month, but at least quarterly, OWNER will prepare and submit progress bills for costs incurred not to exceed OWNER's recorded costs as of the billing date less estimated credits applicable to completed work. Payment of progress bills not to exceed the amount of this Agreement may be made under the terms of this Agreement. Payment of progress bills which exceed the amount of this Agreement may be made after receipt and approval by LOCAL AGENCY of documentation supporting the cost increase and after an Amendment to this Agreement has been executed by the parties to this Agreement.

The OWNER shall submit a final bill to the LOCAL AGENCY within 180 days after the completion of the work described in Section I above. If the LOCAL AGENCY has not received a final bill within 180 days after notification of completion of OWNER's work described in Section I of this Agreement, and LOCAL AGENCY has delivered to OWNER fully executed Director's Deeds, Consents to Common Use or Joint Use Agreements as required for OWNER's facilities; LOCAL AGENCY will provide written notification to OWNER of its intent to close its file within 30 days and OWNER hereby acknowledges, to the extent allowed by law that all remaining costs will be deemed to have been abandoned.

The final billing shall be in the form of an itemized statement of the total costs charged to the project, less the credits provided for in this Agreement, and less any amounts covered by progress billings. However, the LOCAL AGENCY shall not pay final bills, which exceed the estimated cost of this Agreement without documentation of the reason for the increase of said cost from the OWNER. If the final bill exceeds the OWNER's estimated costs solely as the result of a revised Notice to Owner as provided for in Section I, a copy of said revised Notice to Owner shall suffice as documentation.

In any event if the final bill exceeds 125% of the estimated cost (\$16,887) of this Agreement, an amended Agreement shall be executed by the parties to this Agreement prior to the payment of the OWNERS final bill. Any and all increases in costs that are the direct result of deviations from the work described in Section I of this Agreement shall have the prior concurrence of LOCAL AGENCY.

$$\text{Estimated Cost } \$16,887 \times 125\% = \$21,108.75$$

Detailed records from which the billing is compiled shall be retained by the OWNER for a period of three years from the date of the final payment and will be available for audit in accordance with Contract Cost Principals and Procedures as set forth in 48 CFR, Chapter 1, Part 31 by LOCAL AGENCY and/or Federal Auditors.

V. GENERAL CONDITIONS:

If LOCAL AGENCY's project which precipitated this Agreement is canceled or modified so as to eliminate the necessity of work by OWNER, LOCAL AGENCY will notify OWNER in writing, and LOCAL AGENCY reserves the right to terminate this Agreement by Amendment. The Amendment shall provide mutually acceptable terms and conditions for terminating the Agreement.

OWNER shall submit a Notice of Completion to the LOCAL AGENCY within 30 days of the completion of the work described herein.

Where OWNER has prior rights in areas which will be within the highway right of way and where OWNER's facilities will remain on or be relocated on LOCAL AGENCY highway right of way, a Joint Use Agreement or Consent to Common Use Agreement shall be executed by the parties.

It is understood that said highway is a Federal aid highway and accordingly, 23 CFR, Chapter 1, Part 645 is hereby incorporated into this Agreement.

In addition, the provisions of 23 CFR 635.410, BA, are also incorporated into this agreement. The BA requirements are further specified in Moving Ahead for Progress in the 21st Century (MAP-21), section 1518; 23 CFR 635.410 requires that all manufacturing processes have occurred in the United States for steel and iron products (including the application of coatings) installed on a project receiving funding from the FHWA.

Owner understands and acknowledges that this project is subject to the requirements of the BA law (23 U.S.C., Section 313) and applicable regulations, including 23 CFR 635.410 and FHWA guidance and will demonstrate BA compliance by collecting written certification(s) from the vendor(s) or by collecting written certification(s) from the manufacturer(s) (the mill test report (MTR)).

All documents obtained to demonstrate BA compliance will be held by the OWNER for a period of three (3) years from the date the final payment was received by the OWNER and will be made available to Caltrans or FHWA upon request.

One set of copies of all documents obtained to demonstrate BA compliance will be attached to, and submitted with, the final invoice.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year above written.

OWNER
PACIFIC GAS & ELECTRIC

By: _____

Date: _____

APPROVED:
COUNTY
COUNTY OF SHASTA

By: _____

Date: _____

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

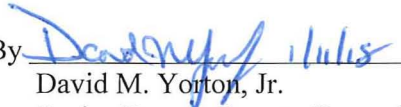
ATTEST:

APPROVED AS TO FORM:


LAWRENCE G. LEES
Clerk of the Board of Supervisors

RUBIN E. CRUSE, JR.
County Counsel

By _____
Deputy

By  _____
David M. Yorton, Jr.
Senior Deputy County Counsel

RISK MANAGEMENT APPROVAL

By:  01/12/18
Jim Johnson
Risk Management Analyst III

RELOCATE POLES, OLINDA RD

ASSD: RECLOSER 1550

LOCATION 2:
REMOVE EXISTING 40-5 POLE AND FRAMING.
SET NEW 40-4, SET 5' NORTH OF OLD LOCATION, LIGHT ANGLE
RAPTOR FRAMING ON 3-4/OA, 8' COMPOSITE BUCK FOR 2-2AR.
INSTALL NEW PT75H/10 IF NEEDED.
BACK UP BUCK WITH 2-7/16" WITH 20M, SHORT 6' LEAD.

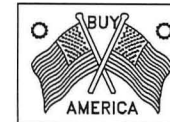


VICINITY SKETCH
40.4415, -122.3498



VICINITY SKETCH
40.4431, -122.3734

SITE CONTACT:
BRANDON MAGBY
530-225-5472



FIRE AREA NON-EXEMPT EQUIPMENT STAMP

Identify the Subject Pole Fire Area District (Per Doc. #072148 and Utility Bulletin TB-23018-004):

☐ FWA ☐ SFA ☐ LNA

☐ ONF ☐ UNF

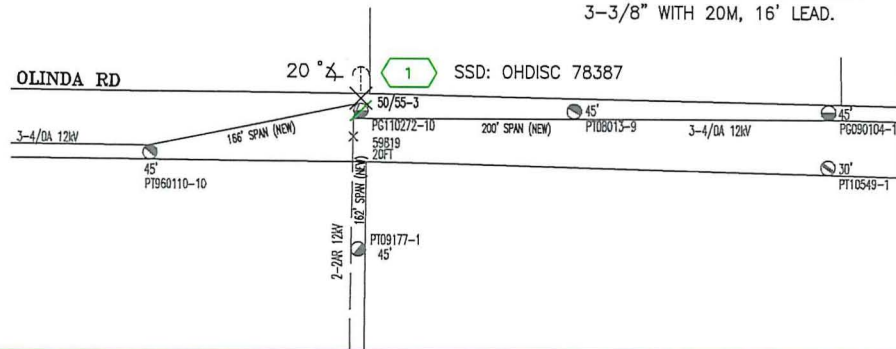
For the Power Line Fire Prevention Field Guide, the equipment being installed is:

☒ Exempt ☐ Non-Exempt ☐ N/A

☐ If installing Non-Exempt Equipment in a Fire Area, verify in SAP that the CH-25 has been ordered.

By: KELLY ACRIDGE (PLNS, 11/15/2017)
Signature, Name (Corp ID), Date

LOCATION 1:
REMOVE EXISTING 50-3 POLE AND FRAMING.
SET NEW 55-3, SET 10' NORTH OF OLD LOCATION, MEDIUM ANGLE
RAPTOR FRAMING ON 3-4/OA, 8' COMPOSITE BUCK FOR 2-2AR.
INSTALL NEW PT75H/20 IF NEEDED.
BACK UP ANGLE AND BUCK WITH 3-3/8" WITH 20M, 16' LEAD.



CONSTRUCTION SKETCH OLINDA RD ANDERSON	EST: KELLY ACRIDGE	530-246-6586
	ADE: TIMOTHY BROCK	530-246-6526
	SUPV: LEW BLEVINS	530-246-6444
	REP: PETE PEREZ	530-246-6584
	PLNR: DAN SPENCER	530-758-4724
NO ENVIRONMENTAL ISSUES <small>Know what's below. Call before you dig.</small>	NOTIFY: 111358863	JPA: PGT70025FY
	SCALE: 1"=100'	DATE: 4/3/17
	PW: 31221417	SHEET: 1 OF 1 REV. 1
	GAS MAP: GAS CONFLICT:	NEAR LOC:
	VOLTAGE AREA: 2	
CKT. MAP: n/a	ELEC. MAP: R30	
SOURCE SIDE DEVICE: SEE SKETCH		
SUB & CIRCUIT: JESSUP 1102/2		
DSGN SAG: LT RURAL	RAPTOR ZONE: Y	
LOADING AREA: ITM	ARRESTER DIST: 1	
CORROSION AREA: N	INSULATION DIST: D	
EXEMPT EQUIP. INST: Y	FIRE AREA: SRA	

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Consent - Public Works-14.

SUBJECT:

Gas Point Road Widening Project – Right of Way

DEPARTMENT: Public Works

Supervisory District No. : 5

DEPARTMENT CONTACT: Pat Minturn, Public Works Director, (530) 225-5661

STAFF REPORT APPROVED BY: Pat Minturn, Public Works Director

Vote Required?	General Fund Impact?
Simple Majority Vote	No General Fund Impact

RECOMMENDATION

Take the following actions regarding the “Gas Point Road Widening Project,” Contract No. 702976: (1) Find the project categorically exempt in conformance with the California Environmental Quality Act (CEQA) Guidelines Section 15301, Class 1-Existing Facilities; (2) approve and authorize the Chairman to sign right-of-way contracts with: (a) Dennis Huhtala and Arline Huhtala for right-of-way (0.09 acres at \$6,145) plus a Federal Highway Administration (FHWA) signing incentive of \$1,000; (b) Gretchen J. Lasater for right-of-way (0.26 acres at \$2,400) plus a FHWA signing incentive of \$1,000; (c) Suzanne Sargent for right-of-way (0.27 acres at \$9,900) plus a FHWA signing incentive of \$1,000; (d) Thomas Richards and Lisa Richards for right-of-way (0.02 acres at \$2,050) plus a FHWA signing incentive of \$1,000; and (e) Nancy Garber for right-of-way (0.66 acres at \$4,400) plus a FHWA signing incentive of \$1,000; and (3) accept five Easement Deeds conveying the right-of-way parcels.

SUMMARY

Right-of-way acquisition is proposed to widen Gas Point Road.

DISCUSSION

The County is preparing to add a center turn lane and paved shoulders on Gas Point Road from Stone Gate Drive to Charles Street. Minor alterations to existing highways are categorically exempt from the California Environmental Quality Act (CEQA). The project will require the acquisition of ten right-of-way parcels. Agreements have been reached with the first five owners. Local agencies may offer a bonus to property owners who sign in a timely manner. The incentives must be offered equally to all property owners and are reimbursable by FHWA. All of the five subject property owners signed within the requisite sixty days of accepting the first written offer. Negotiations with the remaining property owners continue.

ALTERNATIVES

The Board may decline to make the CEQA findings and/or acquire the right-of-way. These steps are necessary to construct the project.

OTHER AGENCY INVOLVEMENT

Caltrans oversees the project funding. County Counsel has approved the contracts as to form. Risk Management has reviewed and approved the contracts. The recommendation has been reviewed by the County Administrative Office.

FINANCING

The total project cost estimate is \$1,300,000. Federal funds will cover 90%. Adequate funds are included in the Adopted FY 2017/18 Roads budget. There is no General Fund impact.

ATTACHMENTS:

Description	Upload Date	Description
Right-of-Way Contract - Huhtala	1/12/2018	Right-of-Way Contract - Huhtala
Right-of-Way Contract - Lasater	1/12/2018	Right-of-Way Contract - Lasater
Right-of-Way Contract - Sargent	1/12/2018	Right-of-Way Contract - Sargent
Right-of-Way Contract - Richards	1/12/2018	Right-of-Way Contract - Richards
Right-of-Way Contract - Garber	1/12/2018	Right-of-Way Contract - Garber
Easement Deed - Huhtala	1/12/2018	Easement Deed - Huhtala
Easement Deed - Lasater	1/12/2018	Easement Deed - Lasater
Easement Deed - Sargent	1/12/2018	Easement Deed - Sargent
Easement Deed - Richards	1/12/2018	Easement Deed - Richards
Easement Deed - Garber	1/12/2018	Easement Deed - Garber

**COUNTY OF SHASTA
STATE OF CALIFORNIA**

RIGHT OF WAY CONTRACT

**DENIS HUHTALA AND
ARLINE HUHTALA**

**APN: 207-560-021
GAS POINT ROAD
WIDENING PROJECT**

This contract is entered into by and between the County of Shasta, hereinafter known as "County", and Dennis Huhtala and Arline Huhtala, hereinafter known as "Grantor."

1. Grantor grants to County a property interest, in the form of Exhibit "1" (the "Deed") attached hereto and incorporated herein, conveying the property interest described in the Deed and Exhibits "A" and "B" attached thereto (the "Property"). The Deed has been executed by Grantor and delivered to County.
2. The parties have herein set forth the whole of their agreement, the performance of which constitutes the entire consideration for the conveyance of the Property and shall relieve County of all further obligations or claims relating to the location or construction of the proposed public improvement, which is described as widening Gas Point Road in accordance with the project specifications as shown on the Gas Point Road Widening Plan – Contract No. 702969, on file in the Shasta County Surveyor's Office (the "Specifications").
3. County shall:
 - A. Compensate Grantor in the amount of \$6,145.00 for the property interest described in section 1. above, including all compensation for approximately 300 feet of wire mesh fence. The compensation provided pursuant to this subsection shall be paid into Escrow No. P177749 at Placer Title Company located at 2145 Larkspur Lane, Suite A, Redding, CA 96002 for payment to Grantor. If escrow is not closed and transfer of title is not complete within 180 days of execution of this contract by both parties, the compensation described in this subsection and the Deed shall be disbursed by Placer Title Company to County upon written request by County. If County requests that the compensation provided for in this contract and the Deed be disbursed to it, County shall pay the compensation described in this subsection directly to Grantor within sixty days of County's receipt of the compensation.
 - B. In addition to the compensation mentioned in Section 3.A. above, it is agreed the County will pay a sum of \$1,000.00 as an incentive to the Grantor for the timely signing of the Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE YOU RECEIVED THIS CONTRACT BY EITHER CERTIFIED MAIL OR HAND DELIVERED).
 - C. The compensation provided for in this section shall be paid after title to the Property is transferred to County free and clear of all liens, encumbrances, taxes, assessments, easements, and leases (recorded or unrecorded) except:

- (1) Taxes for the fiscal year shall be cleared and paid in the manner required by Revenue and Taxation Code Section 5086;
- (2) Covenants, conditions, restrictions and reservations of record contained in the above referenced conveyance, if any;
- (3) Easements or rights of way over the Property for public or quasi-public utility or public street purposes, if any.

D. Pay all escrow and recording fees incurred in this transaction.

4. Any amount necessary to satisfy any due and payable taxes and any delinquent taxes due in any fiscal year except the fiscal year in which title to the Property is transferred to County, together with penalties and interest thereon, and any delinquent or non-delinquent assessments, and any bonds except those which title is to be taken subject-to or in accordance with the terms of this contract, may be deducted from the compensation provided in Section 3.
5. Grantor warrants that there are no oral and/or written leases on any portion of the Property exceeding a period of one month.
6. The right of possession and use of the Property shall commence upon transfer of title to County. Transfer of title is defined as the date in which the Board of Supervisors accepts the Deed conveying the interest in the Property to the County as well as compensation shown in Clause 3.A. being placed in said escrow account and made available to Grantor.
7. Grantor shall defend, hold harmless and indemnify Shasta County, its elected officials, officers, employees, agents and volunteers against all claims, suits, actions, costs, expenses (including but not limited to reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments or decrees occasioned by any person's or persons' claim or assertion regarding title to the Property.
8. This contract supersedes all previous agreements between Grantor and County regarding the Property and constitutes the entire understanding of the parties hereto. There are no agreements, representations, or warranties, express or implied, not specified in this contract.
9. Grantor represents and warrants that Grantor has not engaged nor dealt with any agent, broker, or finder in connection with the sale contemplated by this contract. Grantor shall pay, and shall hold the County harmless from and against, any commission or finder's fee payable to any other person (or legal entity which) who represents or claims to represent the Grantor.
10. The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by the parties.

SIGNATURE PAGE FOLLOWS

NO OBLIGATION, OTHER THAN THOSE SET FORTH HEREIN, WILL BE RECOGNIZED.

IN WITNESS WHEREOF, County and grantor have executed this agreement on the day and year set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

APPROVED:
GRANTOR


DENNIS HUHTALA

Date 12-1-2017


ARLINE HUHTALA

Date 12-1-2017

APPROVED:
County of Shasta

By _____,
Chairman
Board of Supervisors
County of Shasta
State of California

Date _____


ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

RUBIN E. CRUSE, JR.
County Counsel


By _____
Deputy

By 
David M. Yorton, Jr.
Senior Deputy County Counsel

RECOMMENDED FOR APPROVAL:

RISK MANAGEMENT APPROVAL

By 
PATRICK J. MINTURN, Director
Department of Public Works

By  01/12/18
Jim Johnson
Risk Management Analyst III

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 207-560-021 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-02

-----Space above this line for Recorder's use only-----

UNINCORPORATED AREA

DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

DENNIS HUHTALA AND ARLINE HUHTALA, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northeast one-quarter of Section 8, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By _____
DENNIS HUHTALA

Dated _____

By _____
ARLINE HUHTALA

Dated _____

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

DENNIS HUHTALA AND ARLINE HUHTALA

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from DENNIS HUHTALA and ARLINE HUHTALA, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201__.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Huhtala
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the northeast one-quarter of Section 8, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Dennis Huhtala and Arline Huhtala as Community Property with Right of Survivorship, by deed recorded January 10, 2003 in Official Records Document 2003-0001904, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 42.00 feet southerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County Road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 207-560-021



EXHIBIT "B"

SCALE 1"=80'



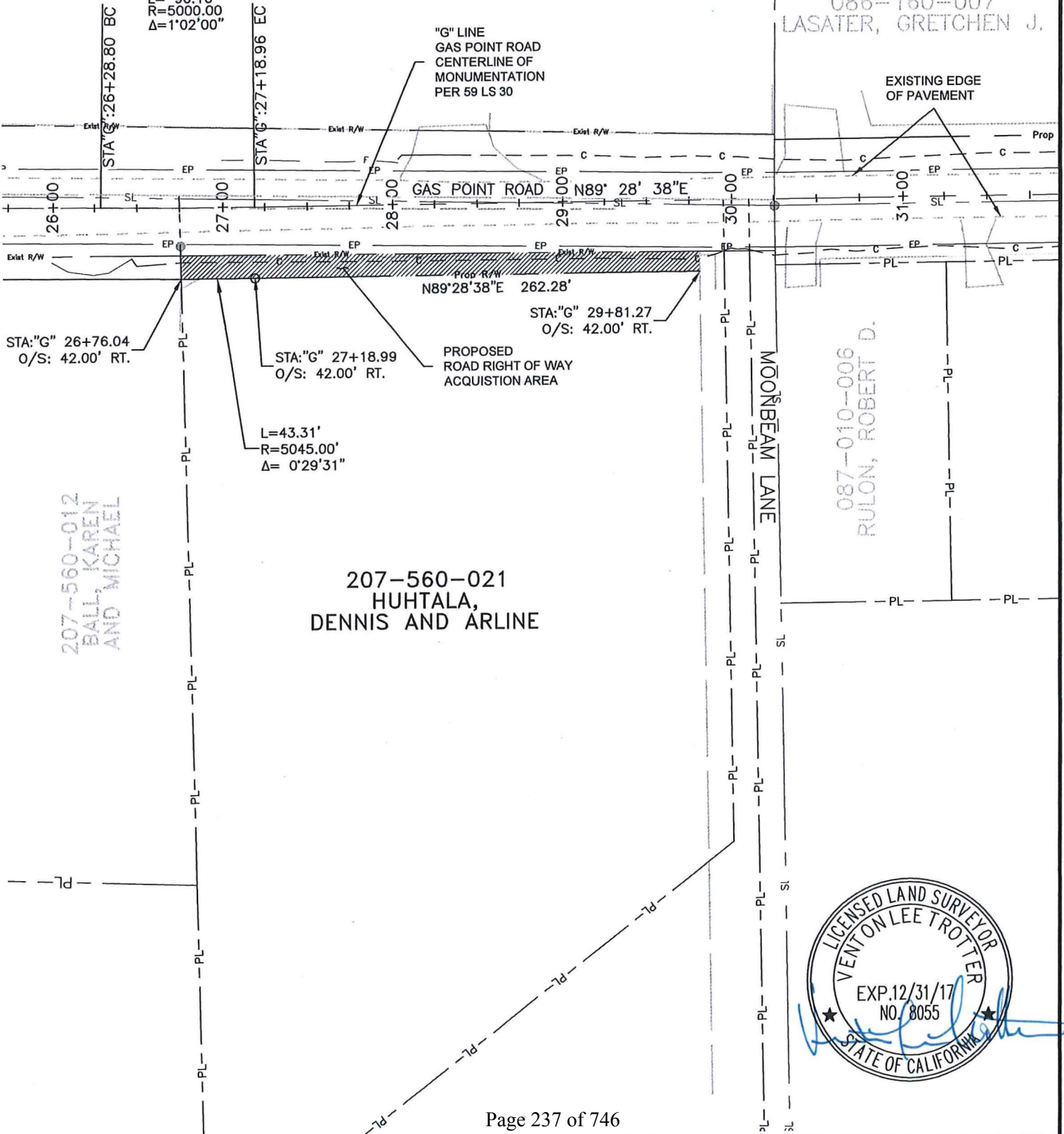
207-390-029
BOYD TRUCKING COMPANY

086-160-007
LASATER, GRETCHEN J.

"G" LINE
CURVE DATA
L= 90.16'
R=5000.00
Δ=1°02'00"

"G" LINE
GAS POINT ROAD
CENTERLINE OF
MONUMENTATION
PER 59 LS 30

EXISTING EDGE
OF PAVEMENT



**COUNTY OF SHASTA
STATE OF CALIFORNIA**

RIGHT OF WAY CONTRACT

GRETCHEN J. LASATER

**APN: 086-160-007
GAS POINT ROAD
WIDENING PROJECT**

This contract is entered into by and between the County of Shasta, hereinafter known as "County", and Gretchen J. Lasater, hereinafter known as "Grantor."

1. Grantor grants to County a property interest, in the form of Exhibit "1" (the "Deed") attached hereto and incorporated herein, conveying the property interest described in the Deed and Exhibits "A" and "B" attached thereto (the "Property"). The Deed has been executed by Grantor and delivered to County.
2. The parties have herein set forth the whole of their agreement, the performance of which constitutes the entire consideration for the conveyance of the Property and shall relieve County of all further obligations or claims relating to the location or construction of the proposed public improvement, which is described as widening Gas Point Road. in accordance with the project specifications as shown on the Gas Point Road Widening Plan – Contract No. 702976, on file in the Shasta County Surveyor's Office (the "Specifications").
3. County shall:
 - A. Compensate Grantor in the amount of \$2,400.00 for the property interest described in section 1. above. The compensation provided pursuant to this subsection shall be paid into Escrow No. P-178024 at Placer Title Company located at 2145 Larkspur Lane, Suite A, Redding, CA 96002 for payment to Grantor. If escrow is not closed and transfer of title is not complete within 180 days of execution of this contract by both parties, the compensation described in this subsection and the Deed shall be disbursed by Placer Title Company to County upon written request by County. If County requests that the compensation provided for in this contract and the Deed be disbursed to it, County shall pay the compensation described in this subsection directly to Grantor within sixty days of County's receipt of the compensation.
 - B. In addition to the compensation mentioned in Section 3.A. above, it is agreed the County will pay a sum of \$1,000.00 as an incentive to the Grantor for the timely signing of the Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE YOU RECEIVED THIS CONTRACT BY EITHER CERTIFIED MAIL OR HAND DELIVERED).
 - C. The compensation provided for in this section shall be paid after title to the Property is transferred to County free and clear of all liens, encumbrances, taxes, assessments, easements, and leases (recorded or unrecorded) except:

- (1) Taxes for the fiscal year shall be cleared and paid in the manner required by Revenue and Taxation Code Section 5086;
- (2) Covenants, conditions, restrictions and reservations of record contained in the above referenced conveyance, if any;
- (3) Easements or rights of way over the Property for public or quasi-public utility or public street purposes, if any.

D. Pay all escrow and recording fees incurred in this transaction.

4. Any amount necessary to satisfy any due and payable taxes and any delinquent taxes due in any fiscal year except the fiscal year in which title to the Property is transferred to County, together with penalties and interest thereon, and any delinquent or non-delinquent assessments, and any bonds except those which title is to be taken subject-to or in accordance with the terms of this contract, may be deducted from the compensation provided in Section 3.
5. Grantor warrants that there are no oral and/or written leases on any portion of the Property exceeding a period of one month.
6. The right of possession and use of the Property shall commence upon transfer of title to County. Transfer of title is defined as the date in which the Board of Supervisors accepts the Deed conveying the interest in the Property to the County as well as compensation shown in Clause 3.A. being placed in said escrow account and made available to Grantor.
7. Grantor shall defend, hold harmless and indemnify Shasta County, its elected officials, officers, employees, agents and volunteers against all claims, suits, actions, costs, expenses (including but not limited to reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments or decrees occasioned by any person's or persons' claim or assertion regarding title to the Property.
8. At no expense to Grantor, and at the time of construction of the project, as additional compensation for the property interest described in section 1. above, County shall, in accordance with the Specifications, complete the following work on the Property:
 - A. Reconstruct one existing road connections The road connection shall be considered an encroachment under permit on the County highway and is to be maintained, repaired and operated as such by Grantor, their assigns and successors. Grantor shall grant to County, its employees and agents, permission to enter upon Grantor's property, for the purpose of constructing the public improvements described in the Specifications and accomplishing all necessary incidents thereto including but not limited to the work described in this section. Upon County's recordation of a notice of completion for the Project, Grantor hereby assumes ownership and responsibility for the improvements constructed on Grantor's property and releases the County and its employees and agents from any further responsibility related to the work performed by County pursuant to this section.
 - B. Remove trees and vegetation from the Property as described in the Specifications. Any usable wood will be bucked into 4-foot lengths, and stacked clear of the project work area on Grantor's remaining property. All branches and brush resulting from County's

removal of trees on the Property pursuant to this subsection shall be removed from Grantor's remaining property.

9. This contract supersedes all previous agreements between Grantor and County regarding the Property and constitutes the entire understanding of the parties hereto. There are no agreements, representations, or warranties, express or implied, not specified in this contract.
10. Grantor represents and warrants that Grantor has not engaged nor dealt with any agent, broker, or finder in connection with the sale contemplated by this contract. Grantor shall pay, and shall hold the County harmless from and against, any commission or finder's fee payable to any other person (or legal entity which) who represents or claims to represent the Grantor.
11. The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by the parties.

SIGNATURE PAGE FOLLOWS

NO OBLIGATION, OTHER THAN THOSE SET FORTH HEREIN, WILL BE RECOGNIZED.

IN WITNESS WHEREOF, County and grantor have executed this agreement on the day and year set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

APPROVED:
GRANTOR



GRETCHEN J. LASATER

Date Dec 12 '17

APPROVED:
County of Shasta

By _____,
Chairman

Board of Supervisors
County of Shasta
State of California

Date _____


ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

APPROVED AS TO FORM:

RUBIN E. CRUSE, JR.
County Counsel

By _____
Deputy

By 
David M. Yorton, Jr.
Senior Deputy County Counsel

RECOMMENDED FOR APPROVAL:

RISK MANAGEMENT APPROVAL

By 
PATRICK J. MINTURN, Director
Department of Public Works

By  01/12/18
Jim Johnson
Risk Management Analyst III

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 086-160-007 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-03

-----Space above this line for Recorder's use only-----

UNINCORPORATED AREA

DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

GRETCHEN J. LASATER, AN UNMARRIED WOMAN, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By _____
GRETCHEN J. LASATER

Dated _____

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

GRETCHEN J. LASATER

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from GRETCHEN J. LASATER, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201__.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Lasater
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Gretchen J. Lasater, an unmarried woman, by deed recorded March 2, 2012 in Official Records Document 2012-0006557, Shasta County Records, lying southerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County Road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 086-16-007



EXHIBIT "B"

SCALE 1"=60'



086-160-005
STOWELL, LUCILLE L. TR.

086-160-007
LASATER,
GRETCHEN J.

207-390-029
BOYD TRUCKING COMPANY

"G" LINE
GAS POINT ROAD
CENTERLINE OF
MONUMENTATION
PER 59 LS 30

STA:"G" 30+25.87
O/S: 35.00' LT.

STA:"G" 33+55.78
O/S: 35.00' LT.

PROPOSED
ROAD RIGHT OF WAY
ACQUISITION AREA

N89°28'38"E 329.91'

Prop. R/W

Prop. R/W

N89° 28' 38"E

N89° 28' 38"E

GAS POINT ROAD

EXISTING EDGE
OF PAVEMENT

087-010-009
CANTRELL,
DONALD C. TR.

087-010-005
ALBION, JOSEPH
AND TERESA

087-010-006
RULON, ROBERT D.

MOONBEAM LANE (PVT)



**COUNTY OF SHASTA
STATE OF CALIFORNIA**

RIGHT OF WAY CONTRACT

**SUZANNE SARGENT, TRUSTEE OF THE
SUZANNE SARGENT FAMILY TRUST
DATED NOVEMBER 9, 1998**

**APN: 086-160-030
GAS POINT ROAD
WIDENING PROJECT**

This contract is entered into by and between the County of Shasta, hereinafter known as "County", and Suzanne Saargent, Trustee of the Suzanne Sargent Family Trust Dated November 9, 1998, hereinafter known as "Grantor."

1. Grantor grants to County a property interest, in the form of Exhibit "1" (the "Deed") attached hereto and incorporated herein, conveying the property interest described in the Deed and Exhibits "A" and "B" attached thereto (the "Property"). The Deed has been executed by Grantor and delivered to County.
2. The parties have herein set forth the whole of their agreement, the performance of which constitutes the entire consideration for the conveyance of the Property and shall relieve County of all further obligations or claims relating to the location or construction of the proposed public improvement, which is described as widening Gas Point Road in accordance with the project specifications as shown on the Gas Point Road Widening Plan – Contract No. 702976, on file in the Shasta County Surveyor's Office (the "Specifications").
3. County shall:
 - A. Compensate Grantor in the amount of \$9,900.00 for the property interest described in section 1. above, including all compensation for relocating one roadside advertisement sign and approximately 300 feet of wire mesh fence. The compensation provided pursuant to this subsection shall be paid into Escrow No. P-177954 at Placer Title Company located at 2145 Larkspur Lane, Suite A, Redding, CA 96002 for payment to Grantor. If escrow is not closed and transfer of title is not complete within 180 days of execution of this contract by both parties, the compensation described in this subsection and the Deed shall be disbursed by Placer Title Company to County upon written request by County. If County requests that the compensation provided for in this contract and the Deed be disbursed to it, County shall pay the compensation described in this subsection directly to Grantor within sixty days of County's receipt of the compensation.
 - B. In addition to the compensation mentioned in Section 3.A. above, it is agreed the County will pay a sum of \$1,000.00 as an incentive to the Grantor for the timely signing of the Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE YOU RECEIVED THIS CONTRACT BY EITHER CERTIFIED MAIL OR HAND DELIVERED).

C. The compensation provided for in this section shall be paid after title to the Property is transferred to County free and clear of all liens, encumbrances, taxes, assessments, easements, and leases (recorded or unrecorded) except:

- (1) Taxes for the fiscal year shall be cleared and paid in the manner required by Revenue and Taxation Code Section 5086;
- (2) Covenants, conditions, restrictions and reservations of record contained in the above referenced conveyance, if any;
- (3) Easements or rights of way over the Property for public or quasi-public utility or public street purposes, if any.

D. Pay all escrow and recording fees incurred in this transaction.

4. Any amount necessary to satisfy any due and payable taxes and any delinquent taxes due in any fiscal year except the fiscal year in which title to the Property is transferred to County, together with penalties and interest thereon, and any delinquent or non-delinquent assessments, and any bonds except those which title is to be taken subject-to or in accordance with the terms of this contract, may be deducted from the compensation provided in Section 3.
5. Grantor warrants that there are no oral and/or written leases on any portion of the Property exceeding a period of one month.
6. The right of possession and use of the Property shall commence upon transfer of title to County. Transfer of title is defined as the date in which the Board of Supervisors accepts the Deed conveying the interest in the Property to the County as well as compensation shown in Clause 3.A. being placed in said escrow account and made available to Grantor.
7. Grantor shall defend, hold harmless and indemnify Shasta County, its elected officials, officers, employees, agents and volunteers against all claims, suits, actions, costs, expenses (including but not limited to reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments or decrees occasioned by any person's or persons' claim or assertion regarding title to the Property.
8. At no expense to Grantor, and at the time of construction of the project, as additional compensation for the property interest described in section 1. above, County shall, in accordance with the Specifications, complete the following work on the Property:
 - A. Reconstruct one existing road connection. The road connection shall be considered an encroachment under permit on the County highway and is to be maintained, repaired and operated as such by Grantor, their assigns and successors. Grantor shall grant to County, its employees and agents, permission to enter upon Grantor's property, for the purpose of constructing the public improvements described in the Specifications and accomplishing all necessary incidents thereto including but not limited to the work described in this section. Upon County's recordation of a notice of completion for the Project, Grantor hereby assumes ownership and responsibility for the improvements constructed on Grantor's property and releases the County and its employees and agents from any further responsibility related to the work performed by County pursuant to this section.

- B. Remove trees and vegetation from the Property as described in the Specifications. Any usable wood will be bucked into 4-foot lengths, and stacked clear of the project work area on Grantor's remaining property. All branches and brush resulting from County's removal of trees on the Property pursuant to this subsection shall be removed from Grantor's remaining property.
- 9. This contract supersedes all previous agreements between Grantor and County regarding the Property and constitutes the entire understanding of the parties hereto. There are no agreements, representations, or warranties, express or implied, not specified in this contract.
- 10. Grantor represents and warrants that Grantor has not engaged nor dealt with any agent, broker, or finder in connection with the sale contemplated by this contract. Grantor shall pay, and shall hold the County harmless from and against, any commission or finder's fee payable to any other person (or legal entity which) who represents or claims to represent the Grantor.
- 11. The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by the parties.

SIGNATURE PAGE FOLLOWS

NO OBLIGATION, OTHER THAN THOSE SET FORTH HEREIN, WILL BE RECOGNIZED.

IN WITNESS WHEREOF, County and grantor have executed this agreement on the day and year set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

APPROVED:
GRANTOR

SUZANNE SARGENT FAMILY TRUST
DATED NOVEMBER 9, 1998


SUZANNE SARGENT

Date 12-27-17

APPROVED:
County of Shasta

By _____,
Chairman
Board of Supervisors
County of Shasta
State of California

Date _____

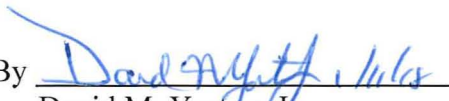
ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

APPROVED AS TO FORM:

RUBIN E. CRUSE, JR.
County Counsel

By 
David M. Yorton, Jr.
Senior Deputy County Counsel

RECOMMENDED FOR APPROVAL:

By 
PATRICK J. MINTURN, Director
Department of Public Works

RISK MANAGEMENT APPROVAL

By  01/12/18
Jim Johnson
Risk Management Analyst III

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 086-160-030 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-05

-----Space above this line for Recorder's use only-----

UNINCORPORATED AREA

DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

SUZANNE SARGENT, TRUSTEE OF THE SUZANNE SARGENT FAMILY TRUST DATED NOVEMBER 9, 1998, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

SUZANNE SARGENT FAMILY TRUST
DATED NOVEMBER 9, 1998

By _____
SUZANNE SARGENT, TRUSTEE

Dated _____

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

**SUZANNE SARGENT, TRUSTEE OF THE SUZANNE SARGENT
FAMILY TRUST DATED NOVEMBER 9, 1998**

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from SUZANNE SARGENT, TRUSTEE OF THE SUZANNE SARGENT FAMILY TRUST DATED NOVEMBER 9, 1998, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201__.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Sargent
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B.& M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Suzanne Sargent, as trustee of the Suzanne Sargent Family Trust, dated November 9, 1998, by deed recorded November 10, 1998 in Official Records in Book 3777 at Page 624, Shasta County Records, lying southerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 086-160-030



EXHIBIT "B"

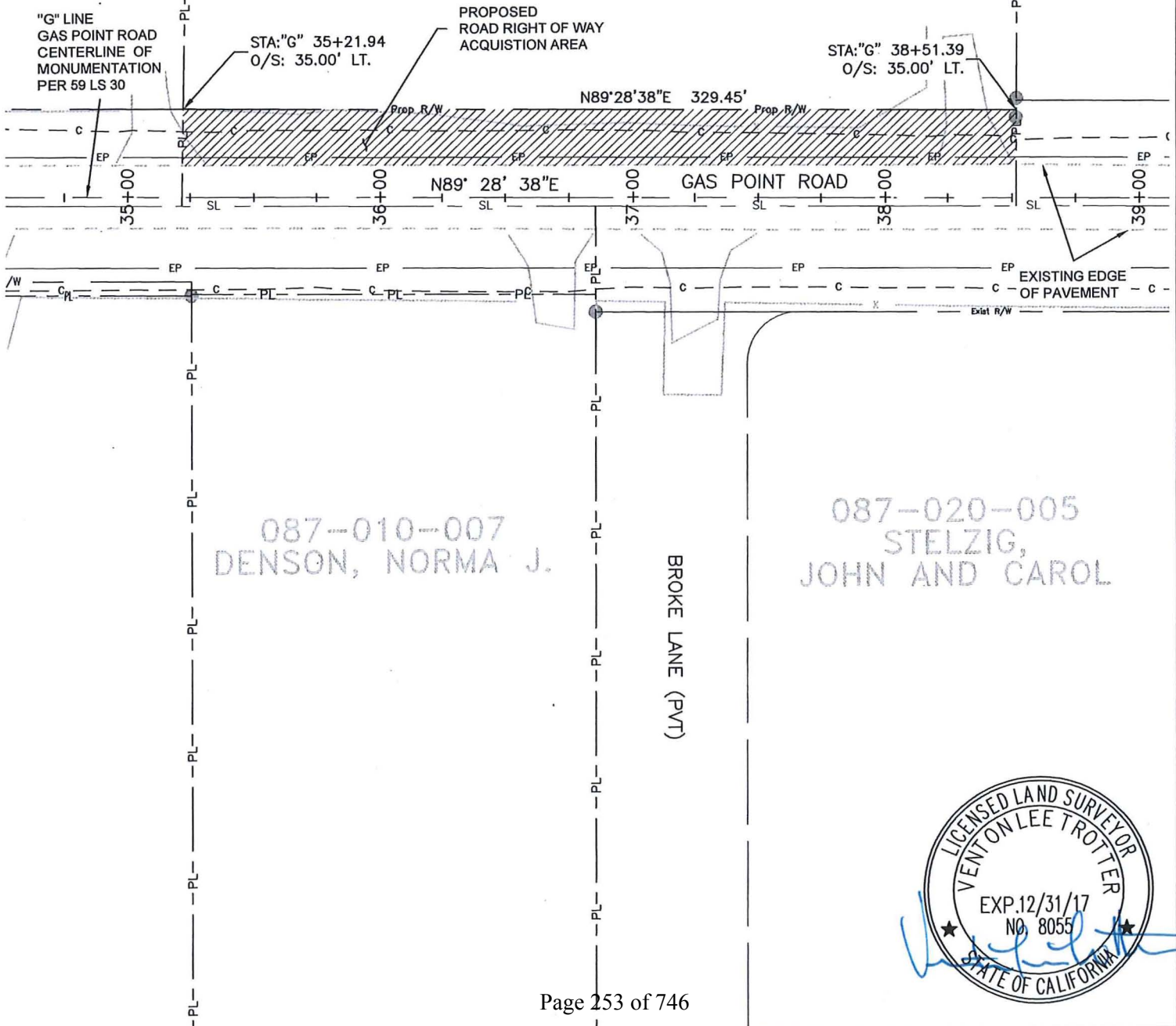
SCALE 1"=60'



086-160-005
STOWELL,
LUCILLE L. TR.

086-160-030
SARGENT, SUZANNE
FAMILY TRUST

086-160-028
LAKE, ROBERT



087-010-007
DENSON, NORMA J.

087-020-005
STELZIG,
JOHN AND CAROL



**COUNTY OF SHASTA
STATE OF CALIFORNIA**

RIGHT OF WAY CONTRACT

**THOMAS J. RICHARDS AND
LISA R. RICHARDS**

**APN: 087-030-015
PROJECT NAME**

This contract is entered into by and between the County of Shasta, hereinafter known as "County", and Thomas J. Richards and Lisa R. Richards, hereinafter known as "Grantor."

1. Grantor grants to County a property interest, in the form of Exhibit "1" (the "Deed") attached hereto and incorporated herein, conveying the property interest described in the Deed and Exhibits "A" and "B" attached thereto (the "Property"). The Deed has been executed by Grantor and delivered to County.
2. The parties have herein set forth the whole of their agreement, the performance of which constitutes the entire consideration for the conveyance of the Property and shall relieve County of all further obligations or claims relating to the location or construction of the proposed public improvement, which is described as widening Gas Point Road in accordance with the project specifications as shown on the Gas Point Road Widening Plan – Contract No. 702976, on file in the Shasta County Surveyor's Office (the "Specifications").
3. County shall:
 - A. Compensate Grantor in the amount of \$2,050.00 for the property interest described in section 1. above, including all compensation for relocating an existing driveway gate. The compensation provided pursuant to this subsection shall be paid into Escrow No. P-177765 at Placer Title Company located at 2145 Larkspur Lane, Suite A, Redding, CA 96002 for payment to Grantor. If escrow is not closed and transfer of title is not complete within 180 days of execution of this contract by both parties, the compensation described in this subsection and the Deed shall be disbursed by Placer Title Company to County upon written request by County. If County requests that the compensation provided for in this contract and the Deed be disbursed to it, County shall pay the compensation described in this subsection directly to Grantor within sixty days of County's receipt of the compensation.
 - B. In addition to the compensation mentioned in Section 3.A. above, it is agreed the County will pay a sum of \$1,000.00 as an incentive to the Grantor for the timely signing of the Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE YOU RECEIVED THIS CONTRACT BY EITHER CERTIFIED MAIL OR HAND DELIVERED).
 - C. The compensation provided for in this section shall be paid after title to the Property is transferred to County free and clear of all liens, encumbrances, taxes, assessments, easements, and leases (recorded or unrecorded) except:

- (1) Taxes for the fiscal year shall be cleared and paid in the manner required by Revenue and Taxation Code Section 5086;
- (2) Covenants, conditions, restrictions and reservations of record contained in the above referenced conveyance, if any;
- (3) Easements or rights of way over the Property for public or quasi-public utility or public street purposes, if any.

D. Pay all escrow and recording fees incurred in this transaction.

4. Any amount necessary to satisfy any due and payable taxes and any delinquent taxes due in any fiscal year except the fiscal year in which title to the Property is transferred to County, together with penalties and interest thereon, and any delinquent or non-delinquent assessments, and any bonds except those which title is to be taken subject-to or in accordance with the terms of this contract, may be deducted from the compensation provided in Section 3.
5. Grantor warrants that there are no oral and/or written leases on any portion of the Property exceeding a period of one month.
6. The right of possession and use of the Property shall commence upon transfer of title to County. Transfer of title is defined as the date in which the Board of Supervisors accepts the Deed conveying the interest in the Property to the County as well as compensation shown in Clause 3.A. being placed in said escrow account and made available to Grantor.
7. Grantor shall defend, hold harmless and indemnify Shasta County, its elected officials, officers, employees, agents and volunteers against all claims, suits, actions, costs, expenses (including but not limited to reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments or decrees occasioned by any person's or persons' claim or assertion regarding title to the Property.
8. This contract supersedes all previous agreements between Grantor and County regarding the Property and constitutes the entire understanding of the parties hereto. There are no agreements, representations, or warranties, express or implied, not specified in this contract.
9. Grantor represents and warrants that Grantor has not engaged nor dealt with any agent, broker, or finder in connection with the sale contemplated by this contract. Grantor shall pay, and shall hold the County harmless from and against, any commission or finder's fee payable to any other person (or legal entity which) who represents or claims to represent the Grantor.
10. The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by the parties.

SIGNATURE PAGE FOLLOWS


NO OBLIGATION, OTHER THAN THOSE SET FORTH HEREIN, WILL BE RECOGNIZED.

IN WITNESS WHEREOF, County and grantor have executed this agreement on the day and year set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

APPROVED:
GRANTOR


THOMAS J. RICHARDS

Date 11-29-17


LISA R. RICHARDS

Date 11-29-17

APPROVED:
County of Shasta

By _____,
Chairman
Board of Supervisors
County of Shasta
State of California

Date _____

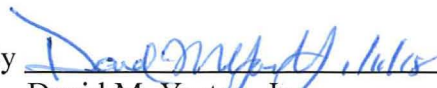
ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

APPROVED AS TO FORM:


RUBIN E. CRUSE, JR.
County Counsel


By _____
Deputy

By 
David M. Yorton, Jr.
Senior Deputy County Counsel

RECOMMENDED FOR APPROVAL:

RISK MANAGEMENT APPROVAL

By 
PATRICK J. MINTURN, Director
Department of Public Works

By  01/12/18
Jim Johnson
Risk Management Analyst III

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 087-030-015 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-09

-----Space above this line for Recorder's use only-----

UNINCORPORATED AREA

DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

THOMAS J. RICHARDS AND LISA R. RICHARDS, HUSBAND AND WIFE, AS JOINT TENANTS, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northwest one-quarter Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By _____
THOMAS J. RICHARDS

Dated _____

By _____
LISA R. RICHARDS

Dated _____

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

THOMAS J. RICHARDS AND LISA R. RICHARDS

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from THOMAS J. RICHARDS and LISA R. RICHARDS, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201__.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Richards
– Gas Point Road Widening Project

EXHIBIT "A"

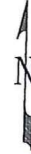
All that portion of real property situated in the northwest one-quarter of Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Thomas J. Richards and Lisa R. Richards, husband and wife, as joint tenants, by deed recorded March 31, 2011 in Official Records Document 2011-0009536, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 45.00 feet southerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County Road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 087-030-015



EXHIBIT "B"

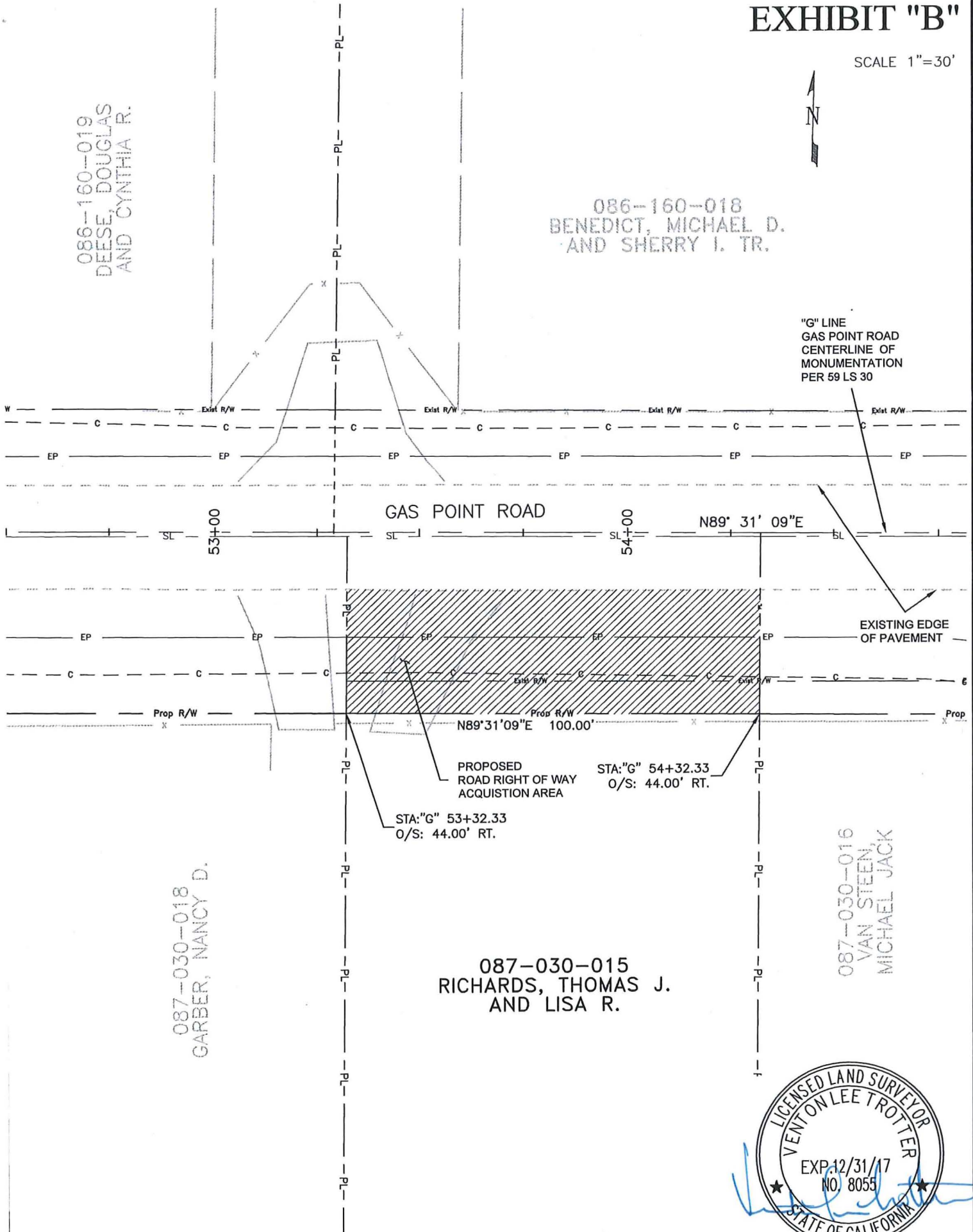
SCALE 1"=30'



086-160-019
DEESE, DOUGLAS
AND CYNTHIA R.

086-160-018
BENEDICT, MICHAEL D.
AND SHERRY I. TR.

"G" LINE
GAS POINT ROAD
CENTERLINE OF
MONUMENTATION
PER 59 LS 30



087-030-018
GARBER, NANCY D.

087-030-015
RICHARDS, THOMAS J.
AND LISA R.

087-030-016
VAN STEEN,
MICHAEL JACK



**COUNTY OF SHASTA
STATE OF CALIFORNIA**

RIGHT OF WAY CONTRACT

**NANCY D. GARBER, TRUSTEE
OF THE NANCY D. GARBER REVOCABLE
TRUST, DATED DECEMBER 15, 2011**

**APN: 087-030-018
GAS POINT ROAD
WIDENING PROJECT**

This contract is entered into by and between the County of Shasta, hereinafter known as "County", and Nancy D. Garber, Trustee of the Nancy D. Garber Revocable Trust, Dated December 15, 2011, hereinafter known as "Grantor."

1. Grantor grants to County a property interest, in the form of Exhibit "1" (the "Deed") attached hereto and incorporated herein, conveying the property interest described in the Deed and Exhibits "A" and "B" attached thereto (the "Property"). The Deed has been executed by Grantor and delivered to County.
2. The parties have herein set forth the whole of their agreement, the performance of which constitutes the entire consideration for the conveyance of the Property and shall relieve County of all further obligations or claims relating to the location or construction of the proposed public improvement, which is described as widening Gas Point Road in accordance with the project specifications as shown on the Gas Point Road Widening Plan – Contract No. 702976, on file in the Shasta County Surveyor's Office (the "Specifications").
3. County shall:
 - A. Compensate Grantor in the amount of \$4,400.00 for the property interest described in section 1. above. The compensation provided pursuant to this subsection shall be paid into Escrow No. P-177762 at Placer Title Company located at 2145 Larkspur Lane, Suite A, Redding, CA 96002 for payment to Grantor. If escrow is not closed and transfer of title is not complete within 180 days of execution of this contract by both parties, the compensation described in this subsection and the Deed shall be disbursed by Placer Title Company to County upon written request by County. If County requests that the compensation provided for in this contract and the Deed be disbursed to it, County shall pay the compensation described in this subsection directly to Grantor within sixty days of County's receipt of the compensation.
 - B. In addition to the compensation mentioned in Section 3.A. above, it is agreed the County will pay a sum of \$1,000.00 as an incentive to the Grantor for the timely signing of the Right of Way Contract. This incentive payment offer expires sixty (60) days from the Initiation of Negotiations (DATE YOU RECEIVED THIS CONTRACT BY EITHER CERTIFIED MAIL OR HAND DELIVERED).
 - C. The compensation provided for in this section shall be paid after title to the Property is transferred to County free and clear of all liens, encumbrances, taxes, assessments, easements, and leases (recorded or unrecorded) except:

- (1) Taxes for the fiscal year shall be cleared and paid in the manner required by Revenue and Taxation Code Section 5086;
- (2) Covenants, conditions, restrictions and reservations of record contained in the above referenced conveyance, if any;
- (3) Easements or rights of way over the Property for public or quasi-public utility or public street purposes, if any.

D. Pay all escrow and recording fees incurred in this transaction.

4. Any amount necessary to satisfy any due and payable taxes and any delinquent taxes due in any fiscal year except the fiscal year in which title to the Property is transferred to County, together with penalties and interest thereon, and any delinquent or non-delinquent assessments, and any bonds except those which title is to be taken subject-to or in accordance with the terms of this contract, may be deducted from the compensation provided in Section 3.
5. Grantor warrants that there are no oral and/or written leases on any portion of the Property exceeding a period of one month.
6. The right of possession and use of the Property shall commence upon transfer of title to County. Transfer of title is defined as the date in which the Board of Supervisors accepts the Deed conveying the interest in the Property to the County as well as compensation shown in Clause 3.A. being placed in said escrow account and made available to Grantor.
7. Grantor shall defend, hold harmless and indemnify Shasta County, its elected officials, officers, employees, agents and volunteers against all claims, suits, actions, costs, expenses (including but not limited to reasonable attorney's fees of County Counsel and counsel retained by County, expert fees, litigation costs, and investigation costs), damages, judgments or decrees occasioned by any person's or persons' claim or assertion regarding title to the Property.
8. At no expense to Grantor, and at the time of construction of the project, as additional compensation for the property interest described in section 1. above, County shall, in accordance with the Specifications, reconstruct two existing road connections. The road connections shall be considered an encroachment under permit on the County highway and is to be maintained, repaired and operated as such by Grantor, their assigns and successors. Grantor shall grant to County, its employees and agents, permission to enter upon Grantor's property, for the purpose of constructing the public improvements described in the Specifications and accomplishing all necessary incidents thereto including but not limited to the work described in this section. Upon County's recordation of a notice of completion for the Project, Grantor hereby assumes ownership and responsibility for the improvements constructed on Grantor's property and releases the County and its employees and agents from any further responsibility related to the work performed by County pursuant to this section.
9. This contract supersedes all previous agreements between Grantor and County regarding the Property and constitutes the entire understanding of the parties hereto. There are no agreements, representations, or warranties, express or implied, not specified in this contract.

10. Grantor represents and warrants that Grantor has not engaged nor dealt with any agent, broker, or finder in connection with the sale contemplated by this contract. Grantor shall pay, and shall hold the County harmless from and against, any commission or finder's fee payable to any other person (or legal entity which) who represents or claims to represent the Grantor.
11. The terms of this contract shall not be waived, altered, modified, supplemented or amended in any manner whatsoever except by written agreement signed by the parties.

SIGNATURE PAGE FOLLOWS

NO OBLIGATION, OTHER THAN THOSE SET FORTH HEREIN, WILL BE RECOGNIZED.

IN WITNESS WHEREOF, County and grantor have executed this agreement on the day and year set forth below. By their signatures below, each signatory represents that he/she has the authority to execute this agreement and to bind the party on whose behalf his/her execution is made.

APPROVED:
GRANTOR

NANCY D. GARBER REVOCABLE TRUST
2011, DATED DECEMBER 15, 2011



NANCY D. GARBER, TRUSTEE

Date 01-05-2018

APPROVED:
County of Shasta

By _____
_____, Chairman
Board of Supervisors
County of Shasta
State of California

Date _____

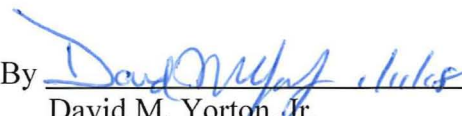
ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

APPROVED AS TO FORM:


RUBIN E. CRUSE, JR.
County Counsel

By _____
Deputy


By _____
David M. Yorton, Jr.
Senior Deputy County Counsel

RECOMMENDED FOR APPROVAL:

RISK MANAGEMENT APPROVAL

By 

PATRICK J. MINTURN, Director
Department of Public Works

By  01/12/18

Jim Johnson
Risk Management Analyst III

RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 087-030-018 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-08

-----Space above this line for Recorder's use only-----

UNINCORPORATED AREA

DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

NANCY D. GARBER, TRUSTEE OF THE NANCY D. GARBER REVOCABLE TRUST 2011, DATED DECEMBER 15, 2011, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northwest one-quarter of Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

NANCY D. GARBER REVOCABLE TRUST 2011,
DATED DECEMBER 15, 2011

By _____
NANCY D. GARBER, TRUSTEE

Dated _____

COUNTY OF SHASTA

STATE OF CALIFORNIA

E A S E M E N T D E E D

**NANCY D. GARBER, TRUSTEE OF THE NANCY D. GARBER
REVOCABLE TRUST 2011, DATED DECEMBER 15, 2011**

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from NANCY D. GARBER, TRUSTEE OF THE NANCY D. GARBER REVOCABLE TRUST 2011, DATED DECEMBER 15, 2011, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201__.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Garber
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the northwest one-quarter of Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Nancy D. Garber as Trustee of the Nancy D. Garber Revocable Trust 2011, dated December 15, 2011, by deed recorded December 20, 2011 in Official Records Document 2011-0038888, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 44.00 feet Southerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 087-030-018



EXHIBIT "B"

SCALE 1"=80'

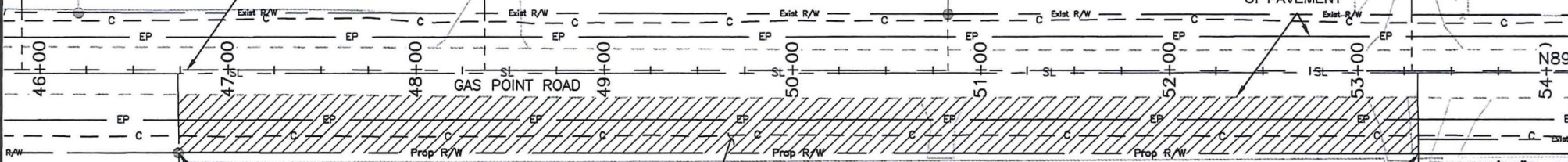
086-160-021
THARP, BILLY D.
AND MARY A.

086-160-020
PARKS, BRYAN F.
AND SANDRA J.

086-160-019
DEESE, DOUGLAS
AND CYNTHIA TR.

"G" LINE
GAS POINT ROAD
CENTERLINE OF
MONUMENTATION
PER 59 LS 30

EXISTING EDGE
OF PAVEMENT



STA: "G" 46+73.99
O/S: 44.00' RT.

PROPOSED
ROAD RIGHT OF WAY
ACQUISITION AREA

STA: "G" 53+32.33
O/S: 44.00' RT.

N89°31'09"E 10

087-030-018
GARBER, NANCY D.

087-030-015
RICHARDS, THOMAS J.
AND LISA R.



RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 207-560-021 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-02

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

DENNIS HUHTALA AND ARLINE HUHTALA, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northeast one-quarter of Section 8, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By *Dennis Huhtala*
DENNIS HUHTALA

Dated 12-1-2017

By *Arline Huhtala*
ARLINE HUHTALA

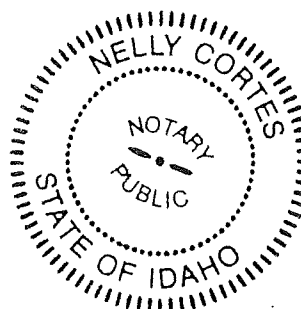
Dated 12-1-2017

State of Idaho, County of Canyon, Sub-
scribed & sworn to before me this 1
day of December, 2017

Nelly Cortes
Notary Public

Residing at Nampa, Idaho

Commission Expires 3-8-2019



COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

DENNIS HUHTALA AND ARLINE HUHTALA

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from DENNIS HUHTALA and ARLINE HUHTALA, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201__.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Huhtala
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the northeast one-quarter of Section 8, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Dennis Huhtala and Arline Huhtala as Community Property with Right of Survivorship, by deed recorded January 10, 2003 in Official Records Document 2003-0001904, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 42.00 feet southerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County Road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 207-560-021



EXHIBIT "B"

SCALE 1"=80'



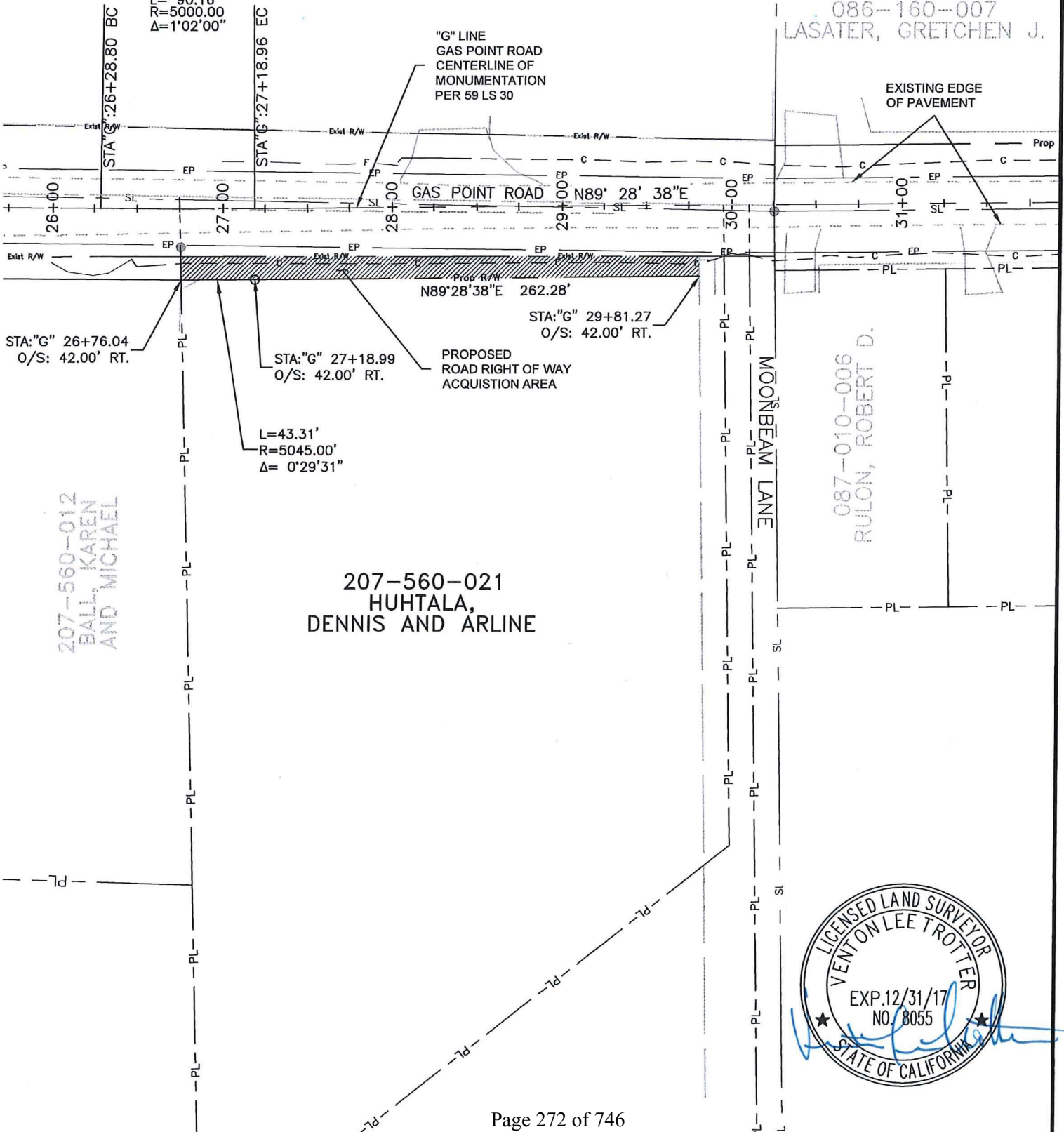
207-390-029
BOYD TRUCKING COMPANY

086-160-007
LASATER, GRETCHEN J.

"G" LINE
CURVE DATA
L= 90.16'
R=5000.00
Δ=1'02'00"

"G" LINE
GAS POINT ROAD
CENTERLINE OF
MONUMENTATION
PER 59 LS 30

EXISTING EDGE
OF PAVEMENT



RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 086-160-007 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-03

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

GRETCHEN J. LASATER, AN UNMARRIED WOMAN, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By 
GRETCHEN J. LASATER

Dated Dec 12 11/7

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

GRETCHEN J. LASATER

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from GRETCHEN J. LASATER, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201_.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Lasater
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Gretchen J. Lasater, an unmarried woman, by deed recorded March 2, 2012 in Official Records Document 2012-0006557, Shasta County Records, lying southerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County Road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 086-16-007



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Shasta)

On December 12, 2017 before me, J. Andrews, A Notary Public
(insert name and title of the officer)

personally appeared Gretchen J. Lasater,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/~~are~~
subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in
~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 086-160-030 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-05

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

**SUZANNE SARGENT, TRUSTEE OF THE SUZANNE SARGENT FAMILY TRUST
DATED NOVEMBER 9, 1998, HEREBY GRANTS** to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

SUZANNE SARGENT FAMILY TRUST
DATED NOVEMBER 9, 1998

By



SUZANNE SARGENT, TRUSTEE

Dated

12-27-17

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

**SUZANNE SARGENT, TRUSTEE OF THE SUZANNE SARGENT
FAMILY TRUST DATED NOVEMBER 9, 1998**

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from SUZANNE SARGENT, TRUSTEE OF THE SUZANNE SARGENT FAMILY TRUST DATED NOVEMBER 9, 1998, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 201_.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Sargent
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the southwest one-quarter of Section 4, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Suzanne Sargent, as trustee of the Suzanne Sargent Family Trust, dated November 9, 1998, by deed recorded November 10, 1998 in Official Records in Book 3777 at Page 624, Shasta County Records, lying southerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 35.00 feet northerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 086-160-030



EXHIBIT "B"

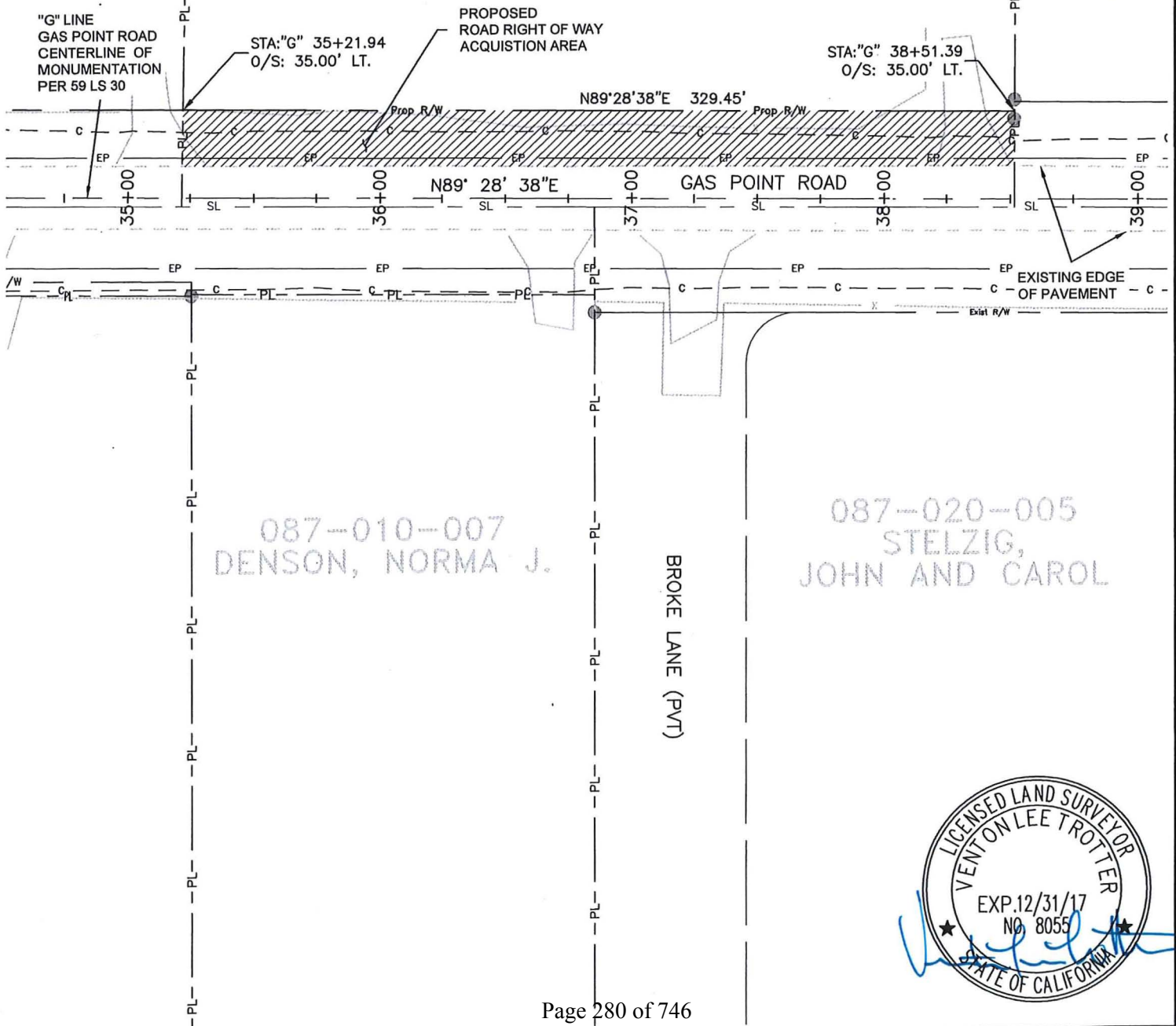
SCALE 1"=60'



086-160-005
STOWELL,
LUCILLE L. TR.

086-160-030
SARGENT, SUZANNE
FAMILY TRUST

086-160-028
LAKE, ROBERT



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Tehama

On December 27, 2017 before me, J. Andrews, A Notary Public
(insert name and title of the officer)

personally appeared Suzanne Sargent,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in
~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature~~(s)~~ on the instrument the
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

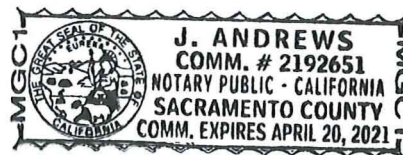
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 087-030-015 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-09

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

THOMAS J. RICHARDS AND LISA R. RICHARDS, HUSBAND AND WIFE, AS JOINT TENANTS, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northwest one-quarter Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

By Thomas J. Richards
THOMAS J. RICHARDS

Dated 11-29-17

By Lisa R. Richards
LISA R. RICHARDS

Dated 11-29-17

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

THOMAS J. RICHARDS AND LISA R. RICHARDS

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from THOMAS J. RICHARDS and LISA R. RICHARDS, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this ____ day of _____, 201_.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

Legal Description Richards
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the northwest one-quarter of Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Thomas J. Richards and Lisa R. Richards, husband and wife, as joint tenants, by deed recorded March 31, 2011 in Official Records Document 2011-0009536, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 45.00 feet southerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County Road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 087-030-015



ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Shasta

On November 29, 2017 before me, J. Andrews, A Notary Public
(insert name and title of the officer)

personally appeared Thomas J. and Lisa R. Richards,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is~~/are
subscribed to the within instrument and acknowledged to me that ~~he/she~~/they executed the same in
~~his/her~~/their authorized capacity(ies), and that by ~~his/her~~/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing
paragraph is true and correct.

WITNESS my hand and official seal.

Signature

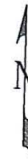


(Seal)



EXHIBIT "B"

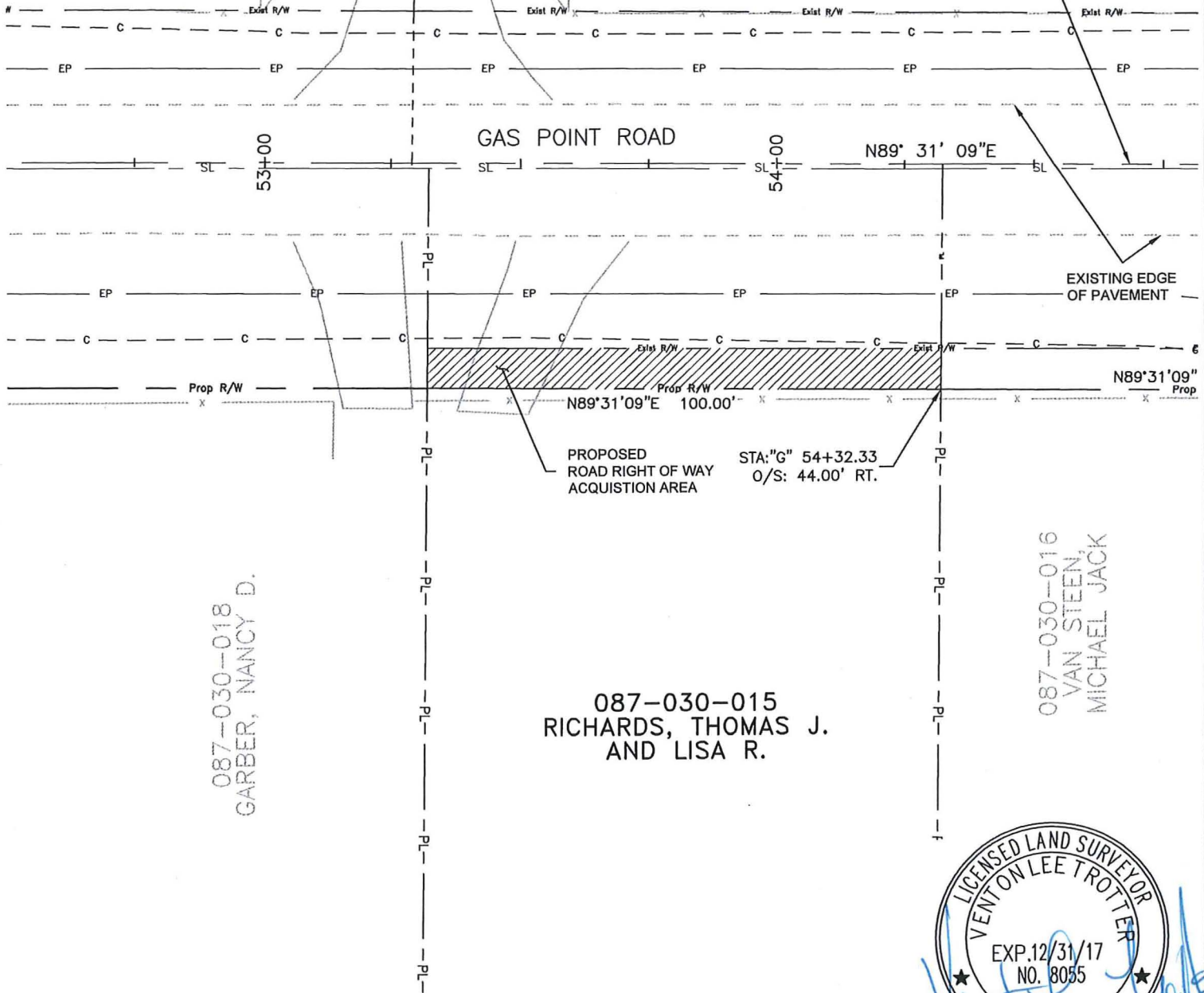
SCALE 1"=30'



086-160-019
DEESE, DOUGLAS
AND CYNTHIA R.

086-160-018
BENEDICT, MICHAEL D.
AND SHERRY I. TR.

"G" LINE
GAS POINT ROAD
CENTERLINE OF
MONUMENTATION
PER 59 LS 30



087-030-015
RICHARDS, THOMAS J.
AND LISA R.

087-030-016
VAN STEEN,
MICHAEL JACK



RECORDING REQUESTED BY
PATRICK J. MINTURN
RETURN TO:
SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS
1855 PLACER STREET
REDDING, CA 96001

NO FEE - COUNTY BUSINESS
GOVERNMENT CODE §-6103
AP NO. 087-030-018 (a portion)
PROJECT: Gas Point Rd. Widening (ROAD)

DPW NO. 1H01B-2017-08

-----Space above this line for Recorder's use only-----
UNINCORPORATED AREA DTT = \$0 - R&T §11922

EASEMENT DEED

IN CONSIDERATION, receipt of which is hereby acknowledged,

NANCY D. GARBER, TRUSTEE OF THE NANCY D. GARBER REVOCABLE TRUST 2011, DATED DECEMBER 15, 2011, HEREBY GRANTS to the **COUNTY OF SHASTA**, a political subdivision of the State of California, a permanent easement for public purposes in, upon, over, under, across and along the following described real property situated in the northwest one-quarter of Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of County of Shasta, State of California, more particularly described in **EXHIBITS 'A' and 'B'**, attached hereto and made a part hereof.

NANCY D. GARBER REVOCABLE TRUST 2011,
DATED DECEMBER 15, 2011

By 
NANCY D. GARBER, TRUSTEE

Dated 01-05-2018

COUNTY OF SHASTA

STATE OF CALIFORNIA

EASEMENT DEED

**NANCY D. GARBER, TRUSTEE OF THE NANCY D. GARBER
REVOCABLE TRUST 2011, DATED DECEMBER 15, 2011**

TO

COUNTY OF SHASTA

(CERTIFICATE OF ACCEPTANCE, GOVERNMENT CODE, SECTION 27281)

THIS IS TO CERTIFY that the interest in real property conveyed by the deed or grant dated _____, from NANCY D. GARBER, TRUSTEE OF THE NANCY D. GARBER REVOCABLE TRUST 2011, DATED DECEMBER 15, 2011, to the COUNTY OF SHASTA, State of California, a governmental agency (a political subdivision of the State of California) is hereby accepted by order of the Board of Supervisors on _____, and the grantee hereby consents to the recordation thereof by its duly authorized officer.

IN WITNESS WHEREOF, I have hereunto set my hand this _____ day of _____, 201_.

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of Shasta

On January 5, 2018 before me, J. Andrews, A Notary Public
(insert name and title of the officer)

personally appeared Nancy D. Garber,
who proved to me on the basis of satisfactory evidence to be the person~~(s)~~ whose name~~(s)~~ is/~~are~~
subscribed to the within instrument and acknowledged to me that ~~he~~/she/~~they~~ executed the same in
~~his~~/her/~~their~~ authorized capacity(ies), and that by ~~his~~/her/~~their~~ signature~~(s)~~ on the instrument the
person~~(s)~~, or the entity upon behalf of which the person~~(s)~~ acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature



(Seal)



Legal Description Garber
– Gas Point Road Widening Project

EXHIBIT "A"

All that portion of real property situated in the northwest one-quarter of Section 9, Township 29 North, Range 4 West, M.D.B. & M., in the unincorporated area of the County of Shasta, State of California, as conveyed to Nancy D. Garber as Trustee of the Nancy D. Garber Revocable Trust 2011, dated December 15, 2011, by deed recorded December 20, 2011 in Official Records Document 2011-0038888, Shasta County Records, lying northerly of a Right of Way line as shown on Exhibit "B", attached hereto and made a part thereof, said Right of Way line lying 44.00 feet Southerly of and parallel with the centerline of monumentation for construction of a portion of Gas Point Road, Shasta County road No. 1H01B, as shown on that certain Record of Survey for Gas Point Road filed June 23, 2017 in Book 59 of Land Surveys at Page 30, Shasta County Records.

Being a portion of APN 087-030-018



EXHIBIT "B"

SCALE 1"=80'



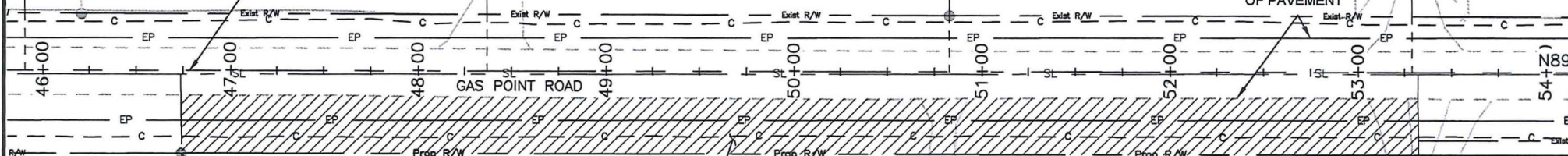
086-160-021
THARP, BILLY D.
AND MARY A.

086-160-020
PARKS, BRYAN F.
AND SANDRA J.

086-160-019
DEESE, DOUGLAS
AND CYNTHIA TR.

"G" LINE
GAS POINT ROAD
CENTERLINE OF
MONUMENTATION
PER 59 LS 30

EXISTING EDGE
OF PAVEMENT



STA: "G" 46+73.99
O/S: 44.00' RT.

PROPOSED
ROAD RIGHT OF WAY
ACQUISITION AREA

STA: "G" 53+32.33
O/S: 44.00' RT.

N89°31'09"E 10

087-030-018
GARBER, NANCY D.

087-030-015
RICHARDS, THOMAS J.
AND LISA R.



REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Regular - General Government-4.

SUBJECT:

Ordinance that establishes employment benefits for the Shasta County Board of Supervisors and amends Chapter 39, Elected Department Head and Board of Supervisor Benefits, Section 39.4, Health Insurance Premiums

DEPARTMENT: Support Services-Personnel

Supervisory District No. : All

DEPARTMENT CONTACT: Angela Davis, Director of Support Services, 530-225-5515

STAFF REPORT APPROVED BY: Angela Davis, Director of Support Services

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions: (1) Adopt a resolution amending Chapter 39, Elected Department Head and Board of Supervisor Benefits, Section 39.4, Health Insurance Premiums reducing the County contribution to health care premiums for the Board of Supervisors during their terms of service commencing on January 7, 2019; and (2) introduce and waive the reading of An Ordinance of the Board of Supervisors of the County of Shasta Establishing Compensation for Members of the Board of Supervisors that establishes the employment benefits for the Board of Supervisors as those identified in the revised Chapter 39 of the Shasta County Personnel Rules that pertain to the Board of Supervisors as proposed.

SUMMARY

N/A

DISCUSSION

Pursuant to a request from the Board of Supervisors, the proposed recommendation will amend the County's contribution to the Employee Only medical premium of the Shasta County Board of Supervisors during their terms of service from 100% County contribution to 85% County contribution. Additionally, the recommendation will amend the Shasta County Personnel Rules Chapter 39 Elected Department Head and Board of Supervisor Benefits, Section 39.4 Health Insurance Premiums to reflect this change. The recommended ordinance and amendments to the Personnel Rules will go into effect the first day of the new term of the Board of Supervisors, January 7, 2019. Current Personnel Rules, Chapter 39, Elected Department Head and Board of Supervisor Benefits, Section 39.4, Health Insurance Premiums, remain in effect until the effective date of this recommendation.

ALTERNATIVES

The Board may choose to not take action in whole or in part.

OTHER AGENCY INVOLVEMENT

The County Administrative Office and County Counsel have reviewed and concur with the recommendation.

FINANCING

There is very minimal cost savings associated with this recommendation.

cc: Larry Lees, County Executive Officer
Brian Muir, Auditor-Controller
Debbie Edwards, Accountant Auditor III-Conf
Ayla Tucker, Administrative Analyst I
Shelley Forbes, Assistant Director of Support Services
Kari Hallstrom, Personnel Analyst II
Melissa Merritt, Agency Staff Services Analyst II-Conf

ATTACHMENTS:

Description	Upload Date	Description
Ordinance	1/11/2018	Ordinance
Personnel Rules Chapter 39 Redline	1/11/2018	Personnel Rules Chapter 39 Redline
Personnel Rules Chapter 39 Final	1/11/2018	Personnel Rules Chapter 39 Final
Resolution	1/16/2018	Resolution

ORDINANCE NO.

**AN ORDINANCE OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SHASTA ESTABLISHING COMPENSATION
FOR
MEMBERS OF THE BOARD OF SUPERVISORS**

The Board of Supervisors of the County of Shasta ordains as follows:

SECTION 1. The monthly salary of each member of the Board of Supervisors shall remain unchanged in the amount of \$4,459.00 in base pay.

SECTION 2. The employment benefits provided to the Board of Supervisors shall be those employment benefits identified in Shasta County Personnel Rules, Chapter 39 that pertain to the Board of Supervisors, adopted by the Board of Supervisors on January 23, 2018, and made effective on the same date that this ordinance is effective.

SECTION 3. The provisions of this ordinance supersede the provisions of prior ordinances setting salaries and benefits for members of the Board of Supervisors.

SECTION 4. This ordinance shall take effect and be in full force and effect from and after 60 days after its passage. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 6th day of February, 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

CHAPTER 39. ELECTED DEPARTMENT HEAD AND BOARD OF SUPERVISOR BENEFITS

SECTION 39.4. HEALTH INSURANCE PREMIUMS.

A. (1) Elected Department Heads and members of the Board of Supervisors~~-.~~

(a) Elected Department Heads. The County maximum health contribution to the medical, dental, and vision plans for Elected Department Heads ~~and the Board of Supervisors~~ shall be the same as for employees represented by the Mid-Management Bargaining Unit (MMBU), including the spouse accommodation benefit provided to ~~other bargaining unit~~ employees represented by MMBU (if an Elected Officer and his/her spouse or registered domestic partner both work for the County and both are eligible for County provided health insurance and contributions), unless set otherwise by resolution or ordinance of the Board.

(b) Members of the Board of Supervisors. Commencing on January 7, 2019, ~~the~~ County maximum health contribution to the CalPERS-approved medical insurance will be as follows:

(i) The County will pay eighty five percent (85%) of the Employee Only medical premium cost and sixty-five percent (65%) of the Employee plus one and Employee plus family medical premium cost categories of PERS Choice (or equivalent plan), including the spouse accommodation benefit provided to employees represented by MMBU (if an Elected Officer and his/her spouse or registered domestic partner both work for the County and both are eligible for County provided health insurance and contributions). The County contribution includes the PEMHCA minimum contribution. Those percentages shall be converted to monthly maximums which dollar amounts shall not be exceeded, unless set otherwise by resolution or ordinance of the Board. Members of the Board of Supervisors will pay that portion of the premium not contributed by the County.

(2) For Elected Department Heads and members of the Board of Supervisors who either (1) did not have Shasta County service as a County officer or employee prior to assuming elected office or (2) had a separation in excess of seven (7) days between prior Shasta County service as a County officer or employee and the assuming of elected office:

(a) Eligibility for medical and dental insurance shall begin the first of the month following assumption of office unless otherwise required by the insurance provider(s).

(b) County contributions towards medical and dental, as provided above, shall commence the first of the month following six months of service in office unless otherwise required by the insurance provider(s).

Elected Officers who are otherwise eligible for insurance coverage during their first six months in office and elect such coverage shall pay the insurance premiums through payroll deductions.

(3) Except as where a separation from County service is required by Government Code section 53227 and other applicable law, for Elected Department Heads and members of the Board of Supervisors not identified in Section 39.4(A)(2) of the Personnel Rules, upon assuming elected office they shall be considered to have had no break in service for purposes of continuation of any existing medical, dental, and vision insurance and County contributions thereto.

CHAPTER 39. ELECTED DEPARTMENT HEAD AND BOARD OF SUPERVISOR BENEFITS

SECTION 39.4. HEALTH INSURANCE PREMIUMS.

A. (1) Elected Department Heads and members of the Board of Supervisors.

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(b) Members of the Board of Supervisors. Commencing on January 7, 2019, the County maximum health contribution to the CalPERS-approved medical insurance will be as follows:

(i) The County will pay eighty five percent (85%) of the Employee Only medical premium cost and sixty-five percent (65%) of the Employee plus one and Employee plus family medical premium cost categories of PERS Choice (or equivalent plan), including the spouse accommodation benefit provided to employees represented by MMBU (if an Elected Officer and his/her spouse or registered domestic partner both work for the County and both are eligible for County provided health insurance and contributions). The County contribution includes the PEMHCA minimum contribution. Those percentages shall be converted to monthly maximums which dollar amounts shall not be exceeded, unless set otherwise by resolution or ordinance of the Board. Members of the Board of Supervisors will pay that portion of the premium not contributed by the County.

(2) For Elected Department Heads and members of the Board of Supervisors who either (1) did not have Shasta County service as a County officer or employee prior to assuming elected office or (2) had a separation in excess of seven (7) days between prior Shasta County service as a County officer or employee and the assuming of elected office:

(a) Eligibility for medical and dental insurance shall begin the first of the month following assumption of office unless otherwise required by the insurance provider(s).

(b) County contributions towards medical and dental, as provided above, shall

Shasta County Personnel Rules (revised 1/2018)

commence the first of the month following six months of service in office unless otherwise required by the insurance provider(s).

Elected Officers who are otherwise eligible for insurance coverage during their first six months in office and elect such coverage shall pay the insurance premiums through payroll deductions.

(3) Except as where a separation from County service is required by Government Code section 53227 and other applicable law, for Elected Department Heads and members of the Board of Supervisors not identified in Section 39.4(A)(2) of the Personnel Rules, upon assuming elected office they shall be considered to have had no break in service for purposes of continuation of any existing medical, dental, and vision insurance and County contributions thereto.

RESOLUTION NO.

**A RESOLUTION OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA AMENDING THE
SHASTA COUNTY PERSONNEL RULES, CHAPTER 39 ELECTED DEPARTMENT
HEAD AND BOARD OF SUPERVISOR BENEFITS, SECTION 39.4 HEALTH
INSURANCE PREMIUMS**

WHEREAS, periodically the Shasta County Board of Supervisors, upon the recommendation of staff, amends the provisions of the Shasta County Personnel Rules, to update various provisions to ensure compliance with Shasta County Code, state and federal laws, to conform to actual county practice, or to address new business needs; and

WHEREAS, County staff recommends amendments to the Shasta County Personnel Rules Chapters 39 Elected Department Head and Board of Supervisor Benefits, Section 39.4 Health Insurance Premiums.

THEREFORE, BE IT RESOLVED that effective the date Ordinance No. XXX-XXX is effective, and operative on January 7, 2019, the Board of Supervisors of the County of Shasta amends the Shasta County Personnel Rules, Chapter 39, Elected Department Head and Board of Supervisor Benefits, Section 39.4 Health Insurance Premiums, as attached hereto.

BE IT FURTHER RESOLVED that all other Sections of the Shasta County Personnel Rules are to remain unchanged.

DULY PASSED AND ADOPTED this 23rd day of January, 2018 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:

LES BAUGH, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By _____
Deputy

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-5.

SUBJECT:

County Service Area (CSA) No. 3-Penalty Due Process Hearing/Appeal-Caserta

DEPARTMENT: Clerk of the Board

Supervisory District No. : 4

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-510-048 (Caserta); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 730 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 730 on August 15, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Ms. Caserta submitted a request for a hearing regarding her September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Caserta's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Her actual daily use was 289 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Caserta Customer Transaction Summary	12/18/2017	Caserta Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Caserta PW Billing Notice	12/18/2017	Caserta PW Billing Notice
Caserta Penalty Appeal	12/18/2017	Caserta Penalty Appeal
Caserta COB Hearing Notice	12/18/2017	Caserta COB Hearing Notice

CSA #3 Castella

Customer Transaction Summary

Customer Information

Account No: 0003223.0

GLENN CASERTA

PO BOX 158

CASTELLA, CA 96017

Location Information

Location No: 0003223

29367 CASTELLA LOOP

CASTELLA, CA 96017

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/31/2016	Charge	12/31/2016	160713	1295	0.00	77.62	77.62
02/08/2017	Payment				77.62	-77.62	0.00
02/28/2017	Charge	02/28/2017	161894	1181	0.00	77.62	77.62
04/05/2017	Payment				77.62	-77.62	0.00
04/30/2017	Charge	04/30/2017	163092	1198	0.00	77.62	77.62
05/11/2017	Payment				77.62	-77.62	0.00
06/30/2017	Charge	06/30/2017	165954	2862	0.00	81.72	81.72
07/07/2017	Payment				81.72	-81.72	0.00
08/31/2017	Charge	08/31/2017	170692	4738	0.00	110.42	110.42
09/27/2017	Misc - D				110.42	25.00	135.42
10/02/2017	Payment				135.42	-110.42	25.00
10/31/2017	Penalty				25.00	0.38	25.38
10/31/2017	Charge	10/31/2017	172855	2163	25.38	77.62	103.00
11/14/2017	Payment				103.00	-103.00	0.00



CSA #3 — CASTELLA WATER RATE INCREASE

PROPOSITION 218 NOTICE OF PROPOSED WATER RATE INCREASE

TO AFFECTED PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT THE SHASTA COUNTY BOARD OF SUPERVISORS WILL BE CONSIDERING A WATER RATE INCREASE IN THE FORM OF AN URGENCY ORDINANCE FOR COUNTY SERVICE AREA (CSA) #3 – CASTELLA WATER. THIS RATE INCREASE IS TO COVER INCREASED EXPENSES IN THE PRODUCTION, TREATMENT AND DELIVERY OF WATER TO PROPERTIES WITHIN THE CSA. THIS NOTICE IS GIVEN IN ACCORDANCE WITH PROPOSITION 218 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION.

THE PROPOSED RATES ARE LISTED BELOW:

CURRENT BI-MONTHLY BILL

	Existing
Base Rate (0-20,000 Gallons)	\$77.62
Rate Per 1,000 Gallons (over 20,000, less than 50,000 Gallons)	\$2.05
Rate Per 1,000 Gallons (over 50,000)	\$1.65

EFFECTIVE DATE: 11/1/2017 BI-MONTHLY BILL

	Proposed – Year 1
Base Rate (0-16,000 Gallons)	\$94.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2018 BI-MONTHLY BILL

	Proposed - Year 2
Base Rate (0-16,000 Gallons)	\$98.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2019 BI-MONTHLY BILL

	Proposed – Year 3
Base Rate (0-16,000 Gallons)	\$101.75
Rate Per 100 Gallons (over 16,000)	\$0.42

EFFECTIVE DATE: 11/1/2020 BI-MONTHLY BILL

	Proposed – Year 4
Base Rate (0-16,000 Gallons)	\$104.75
Rate Per 100 Gallons (over 16,000)	\$0.42

THE PROPOSED BASE AMOUNT WOULD DECREASE FROM 20,000 GALLONS TO 16,000 GALLONS. A DETAILED ACCOUNTING SHOWING THE BASIS OF THE FEES MAY BE VIEWED AND OBTAINED AT THE SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS AT 1855 PLACER STREET, REDDING, CALIFORNIA.

A PUBLIC HEARING IS SCHEDULED ON OCTOBER 3, 2017, IN THE SHASTA COUNTY BOARD OF SUPERVISORS CHAMBERS, LOCATED AT 1450 COURT STREET, ROOM 263, REDDING, CALIFORNIA, AT 9:00 A.M. OR AS SOON THEREAFTER AS MAY BE HEARD, TO CONSIDER THE PROPOSED WATER RATE INCREASE AND ANY PROTESTS.

Protest Information:

The Shasta County Board of Supervisors will consider the proposed water service rate increase at a public hearing at 9:00 a.m., or as soon thereafter as can be heard, on October 3, 2017, at the Board of Supervisors Chambers located at 1450 Court Street, Room 263, Redding, California. Under State law, if you are the owner of record of, or a tenant at, a parcel or parcels subject to the proposed rate changes, you may submit a protest against the proposed rate changes by filing a written protest with the Clerk of the Board at or before the time set for the public hearing. Only one protest per parcel will be counted. If there is no majority protest the Board will consider and may adopt the increased water service rate. A majority protest exists if written protests against the proposed rate increase are presented by a majority of the affected parcels.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest, sufficient to identify the parcel(s). If the party signing the protest is not shown on the last equalized assessment role of Shasta County as the owner of the parcel(s), the protest must contain or be accompanied by written evidence that such party is the owner of the parcel(s) or is a tenant on the parcel(s). Written protests regarding the proposed rate changes may be mailed to: County of Shasta, Clerk of the Board, 1450 Court Street, Suite 308B, Redding, California 96001. Written protests may also be personally delivered to the Clerk of the Board at this address. To be valid, a protest must be in writing and received by the Clerk of the Board at or before the time of the protest hearing.



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010003

August 16, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that due to the impending financial inability to provide potable water, water usage restrictions and a connection moratorium have been implemented in County Service Area No. 3 - Castella Water (CSA No. 3).

Operational costs have exceeded revenues for several years. A four-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 3 is approaching insolvency which will eliminate the ability to provide water to CSA No. 3. On August 15, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 3 costs more than the incremental revenue received. Consequently, the more water that the customers use, the closer to insolvency CSA No. 3 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 730

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA 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
IN COUNTY SERVICE AREA NO. 3-CASTELLA WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, due to the impending financial inability to provide potable water, a water shortage emergency condition prevails in County Service Area No. 3-Castella Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 3-Castella Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 3-Castella Valley Water provides potable water to approximately 80 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 3-Castella Valley Water has a fund balance of approximately \$5,000; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 3-Castella Water operations have not been successful; and

WHEREAS, County Service Area No. 3-Castella Water proposed a rate increase on July 25, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, section 6 of the California Constitution, the water users in County Service Area No. 3-Castella Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 3-Castella Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 3-Castella Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 730

August 15, 2017

Page 2 of 7

WHEREAS, County Service Area No. 3-Castella Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code section 350 shall prevail; and

Ordinance No. 730

August 15, 2017

Page 3 of 7

WHEREAS, California Water Code sections 375 et seq. empowers the County of Shasta through County Service Area No. 3-Castella Water as the supplier of water to County Service Area No. 3-Castella Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code section 352 and Government Code section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on August 15, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 3-Castella Water:

SECTION 1. Immediate Effect

Ordinance No. 730

August 15, 2017

Page 4 of 7

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code section 376, the County of Shasta shall publish, in accordance with Government Code section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of pending fiscal insolvency within the CSA, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 3-Castella Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 3-Castella Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 3-Castella Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 3-Castella Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 3-Castella Water.

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a

Ordinance No. 730

August 15, 2017

Page 5 of 7

variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.

- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.
- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

Ordinance No. 730

August 15, 2017

Page 6 of 7

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code section 377, the provisions of Water Code section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to article XI, section 7 of the California Constitution and California Water Code sections 350 et seq, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 730
August 15, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and Water Code section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 15th day of August, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

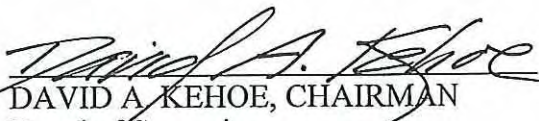
AYES: Supervisors Rickert, Morgan, Baugh, Kehoe, and Moty

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None


DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By



Deputy

THIS INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST AUG 15 2017

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
BY: 



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

GLENNA CASERTA
PO BOX 158
CASTELLA CA 96017

Subject: CSA #3-Castella Water Usage Penalty, Account #0003223.0

Dear GLENNA CASERTA:

On August 15, 2017, the Board of Supervisors adopted Ordinance No. 730. This Ordinance limited customer use to 30.08 cubic feet per day (or as approved by variance). In the September/October billing period, your household used 2163 cubic feet which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Shasta County
Dept. of Public Works
1855 Placer St.
Redding, CA 96001

December 3, 2017

Glenna Caserta phone number:
P.O. Box 158 530 235-4357
Castella, CA 96017
CSA Act # 0003223.0

Re: Water Usage Penalty

Patrick J. Minturn, Director,

This is my written appeal to the usage penalty
of \$100.00.

Thank you,
Glenna Caserta
glenna Caserta

RECEIVED

DEC 07 2017

CLERK OF THE BOARD



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Glenna Caserta
POB 158
Castella, CA 96017

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 3 Penalty Appeal Hearing

Dear Ms. Caserta:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 3 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 3 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-6.

SUBJECT:

County Service Area (CSA) No. 3-Penalty Due Process Hearing/Appeal-Fairhurst/Mitchell

DEPARTMENT: Clerk of the Board

Supervisory District No. : 4

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-610-005 (Fairhurst/Mitchell); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 730 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 730 on August 15, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Samra Fairhurst and Bernice Mitchell submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Fairhurst/Mitchell's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 571 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Fairhurst/Mitchell Customer Transaction Summary	12/18/2017	Fairhurst/Mitchell Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Fairhurst/Mitchell PW Billing Notice	12/18/2017	Fairhurst/Mitchell PW Billing Notice
Fairhurst/Mitchell Penalty Appeal	12/18/2017	Fairhurst/Mitchell Penalty Appeal
Fairhurst/Mitchell COB Hearing Notice	12/18/2017	Fairhurst/Mitchell COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0003208.0
 BERNICE MITCHELL
 PO BOX 5
 CASTELLA, CA 96017

Location Information

Location No: 0003208
 29315 RIVERSIDE ROAD
 CASTELLA, CA 96017

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/12/2016	Payment				62.62	-77.62	-15.00
12/31/2016	Charge	12/31/2016	186176	2674	-15.00	77.62	62.62
02/23/2017	Misc - D				62.62	15.00	77.62
02/28/2017	Penalty				77.62	1.39	79.01
02/28/2017	Charge	02/28/2017	190502		79.01	77.62	156.63
02/28/2017	Adjustment				156.63	-1.39	155.24
03/01/2017	Payment				155.24	-155.24	0.00
04/30/2017	Charge	04/30/2017	194376	3874	0.00	96.07	96.07
06/06/2017	Payment				96.07	-96.07	0.00
06/30/2017	Charge	06/30/2017	198416	4040	0.00	100.17	100.17
07/26/2017	Payment				100.17	-100.17	0.00
08/31/2017	Charge	08/31/2017	207197	8781	0.00	165.52	165.52
09/21/2017	Payment				165.52	-165.52	0.00
10/31/2017	Charge	10/31/2017	211468	4271	0.00	102.22	102.22
11/30/2017	Misc - D				102.22	25.00	127.22
12/04/2017	Payment				127.22	-127.22	0.00



CSA #3 — CASTELLA WATER RATE INCREASE

PROPOSITION 218 NOTICE OF PROPOSED WATER RATE INCREASE

TO AFFECTED PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT THE SHASTA COUNTY BOARD OF SUPERVISORS WILL BE CONSIDERING A WATER RATE INCREASE IN THE FORM OF AN URGENCY ORDINANCE FOR COUNTY SERVICE AREA (CSA) #3 – CASTELLA WATER. THIS RATE INCREASE IS TO COVER INCREASED EXPENSES IN THE PRODUCTION, TREATMENT AND DELIVERY OF WATER TO PROPERTIES WITHIN THE CSA. THIS NOTICE IS GIVEN IN ACCORDANCE WITH PROPOSITION 218 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION.

THE PROPOSED RATES ARE LISTED BELOW:

CURRENT BI-MONTHLY BILL

	Existing
Base Rate (0-20,000 Gallons)	\$77.62
Rate Per 1,000 Gallons (over 20,000, less than 50,000 Gallons)	\$2.05
Rate Per 1,000 Gallons (over 50,000)	\$1.65

EFFECTIVE DATE: 11/1/2017 BI-MONTHLY BILL

	Proposed – Year 1
Base Rate (0-16,000 Gallons)	\$94.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2018 BI-MONTHLY BILL

	Proposed - Year 2
Base Rate (0-16,000 Gallons)	\$98.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2019 BI-MONTHLY BILL

	Proposed – Year 3
Base Rate (0-16,000 Gallons)	\$101.75
Rate Per 100 Gallons (over 16,000)	\$0.42

EFFECTIVE DATE: 11/1/2020 BI-MONTHLY BILL

	Proposed – Year 4
Base Rate (0-16,000 Gallons)	\$104.75
Rate Per 100 Gallons (over 16,000)	\$0.42

THE PROPOSED BASE AMOUNT WOULD DECREASE FROM 20,000 GALLONS TO 16,000 GALLONS. A DETAILED ACCOUNTING SHOWING THE BASIS OF THE FEES MAY BE VIEWED AND OBTAINED AT THE SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS AT 1855 PLACER STREET, REDDING, CALIFORNIA.

A PUBLIC HEARING IS SCHEDULED ON OCTOBER 3, 2017, IN THE SHASTA COUNTY BOARD OF SUPERVISORS CHAMBERS, LOCATED AT 1450 COURT STREET, ROOM 263, REDDING, CALIFORNIA, AT 9:00 A.M. OR AS SOON THEREAFTER AS MAY BE HEARD, TO CONSIDER THE PROPOSED WATER RATE INCREASE AND ANY PROTESTS.

Protest Information:

The Shasta County Board of Supervisors will consider the proposed water service rate increase at a public hearing at 9:00 a.m., or as soon thereafter as can be heard, on October 3, 2017, at the Board of Supervisors Chambers located at 1450 Court Street, Room 263, Redding, California. Under State law, if you are the owner of record of, or a tenant at, a parcel or parcels subject to the proposed rate changes, you may submit a protest against the proposed rate changes by filing a written protest with the Clerk of the Board at or before the time set for the public hearing. Only one protest per parcel will be counted. If there is no majority protest the Board will consider and may adopt the increased water service rate. A majority protest exists if written protests against the proposed rate increase are presented by a majority of the affected parcels.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest, sufficient to identify the parcel(s). If the party signing the protest is not shown on the last equalized assessment role of Shasta County as the owner of the parcel(s), the protest must contain or be accompanied by written evidence that such party is the owner of the parcel(s) or is a tenant on the parcel(s). Written protests regarding the proposed rate changes may be mailed to: County of Shasta, Clerk of the Board, 1450 Court Street, Suite 308B, Redding, California 96001. Written protests may also be personally delivered to the Clerk of the Board at this address. To be valid, a protest must be in writing and received by the Clerk of the Board at or before the time of the protest hearing.



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010003

August 16, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that due to the impending financial inability to provide potable water, water usage restrictions and a connection moratorium have been implemented in County Service Area No. 3 - Castella Water (CSA No. 3).

Operational costs have exceeded revenues for several years. A four-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 3 is approaching insolvency which will eliminate the ability to provide water to CSA No. 3. On August 15, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 3 costs more than the incremental revenue received. Consequently, the more water that the customers use, the closer to insolvency CSA No. 3 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 730

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA 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
IN COUNTY SERVICE AREA NO. 3-CASTELLA WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, due to the impending financial inability to provide potable water, a water shortage emergency condition prevails in County Service Area No. 3-Castella Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 3-Castella Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 3-Castella Valley Water provides potable water to approximately 80 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 3-Castella Valley Water has a fund balance of approximately \$5,000; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 3-Castella Water operations have not been successful; and

WHEREAS, County Service Area No. 3-Castella Water proposed a rate increase on July 25, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, section 6 of the California Constitution, the water users in County Service Area No. 3-Castella Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 3-Castella Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 3-Castella Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 730

August 15, 2017

Page 2 of 7

WHEREAS, County Service Area No. 3-Castella Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code section 350 shall prevail; and

Ordinance No. 730

August 15, 2017

Page 3 of 7

WHEREAS, California Water Code sections 375 et seq. empowers the County of Shasta through County Service Area No. 3-Castella Water as the supplier of water to County Service Area No. 3-Castella Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code section 352 and Government Code section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on August 15, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 3-Castella Water:

SECTION 1. Immediate Effect

Ordinance No. 730

August 15, 2017

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This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code section 376, the County of Shasta shall publish, in accordance with Government Code section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of pending fiscal insolvency within the CSA, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 3-Castella Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 3-Castella Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 3-Castella Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 3-Castella Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 3-Castella Water.

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a

Ordinance No. 730

August 15, 2017

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variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.

- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.
- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

Ordinance No. 730

August 15, 2017

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-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code section 377, the provisions of Water Code section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to article XI, section 7 of the California Constitution and California Water Code sections 350 et seq, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 730
August 15, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and Water Code section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 15th day of August, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

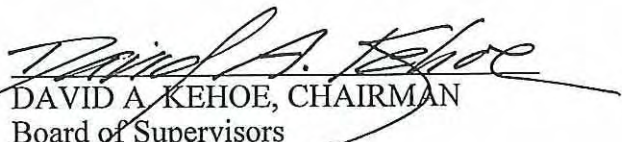
AYES: Supervisors Rickert, Morgan, Baugh, Kehoe, and Moty

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None


DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By



Deputy

THIS INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST AUG 15 2017

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
BY: 



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

BERNICE MITCHELL
PO BOX 5
CASTELLA CA 96017

Subject: CSA #3-Castella Water Usage Penalty, Account #0003208.0

Dear BERNICE MITCHELL:

On August 15, 2017, the Board of Supervisors adopted Ordinance No. 730. This Ordinance limited customer use to 30.08 cubic feet per day (or as approved by variance). In the September/October billing period, your household used 4271 cubic feet which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

RECEIVED

DEC 06 2017

CLERK OF THE BOARD

Damra Fairhurst
29315 Riverside Rd.
P.O. Box 5
Castella, CA 96017
CSA #3

ack #0003208.0

To the Clerk of the Board,
I am writing to you in regards to
a \$100⁰⁰ fine I received for overusage
of water. Unfortunately this was
caused by a leak in an outside
faucet. All of my plumbing is over
45 years old. I had this faucet re-
placed however, and the leak is
fixed.

I receive \$664⁰⁰ per month from
SS and this fine would be an
unbearable burden on me. Sort
of like the cost of water delivery
is for your organization. I want
you to know that although you
proposed a rate increase to which
I felt opposed I did not oppose
it. However I feel your display
of power was quite exaggerated.
Most of the people in Castella
are not rich. It was quite unfriendly.
Today people every where are struggling
to get by.

Please don't fine me..

Sincerely

Damra Fairhurst



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Samra Fairhurst
Bernice Mitchell
POB 5
Castella, CA 96017

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 3 Penalty Appeal Hearing

Dear Samra Fairhurst and Bernice Mitchell:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 3 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 3 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the typed name.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018
CATEGORY: Scheduled Hearings - General Government-7.
SUBJECT:

County Service Area (CSA) No. 3-Penalty Due Process Hearing/Appeal-Kotab

DEPARTMENT: Clerk of the Board

Supervisory District No. : 4

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-540-019 (Kotab); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 730 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 730 on August 15, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

- \$100 for the first violation, and
- \$150 for the second violation, and
- \$200 for the third and any subsequent violation, and
- \$1,000 for extraordinary situations where all of the following has occurred:
 - The residential user had actual knowledge of the requirements found to be violated, and
 - the conduct was intentional, and
 - the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Kotab submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Kotab's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). His actual daily use was 318 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Kotab Customer Transaction Summary	12/18/2017	Kotab Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Kotab PW Billing Notice	12/18/2017	Kotab PW Billing Notice
Kotab Penalty Appeal	12/18/2017	Kotab Penalty Appeal
Kotab COB Hearing Notice	12/18/2017	Kotab COB Hearing Notice

CSA #3 Castella

Customer Transaction Summary

Customer Information

Account No: 0003132.1

DOMINIC KOTAB

935 CHAPMAN ST

SAN JOSE, CA 95126-1434

Location Information

Location No: 0003132

29215 EASTSIDE STREET

CASTELLA, CA 96017

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/23/2016	Payment				160.57	-160.57	0.00
12/31/2016	Charge	12/31/2016	175214	4272	0.00	102.22	102.22
01/09/2017	Payment				102.22	-102.22	0.00
02/28/2017	Charge	02/28/2017	175214		0.00	77.62	77.62
03/06/2017	Payment				77.62	-77.62	0.00
04/30/2017	Charge	04/30/2017	175624	410	0.00	77.62	77.62
05/10/2017	Payment				77.62	-77.62	0.00
06/30/2017	Charge	06/30/2017	181529	5905	0.00	128.87	128.87
07/20/2017	Payment				128.87	-128.87	0.00
08/31/2017	Charge	08/31/2017	194457	12928	0.00	216.67	216.67
09/25/2017	Payment				216.67	-216.67	0.00
10/31/2017	Charge	10/31/2017	196834	2377	0.00	77.62	77.62
11/15/2017	Payment				77.62	-77.62	0.00



CSA #3 — CASTELLA WATER RATE INCREASE

PROPOSITION 218 NOTICE OF PROPOSED WATER RATE INCREASE

TO AFFECTED PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT THE SHASTA COUNTY BOARD OF SUPERVISORS WILL BE CONSIDERING A WATER RATE INCREASE IN THE FORM OF AN URGENCY ORDINANCE FOR COUNTY SERVICE AREA (CSA) #3 – CASTELLA WATER. THIS RATE INCREASE IS TO COVER INCREASED EXPENSES IN THE PRODUCTION, TREATMENT AND DELIVERY OF WATER TO PROPERTIES WITHIN THE CSA. THIS NOTICE IS GIVEN IN ACCORDANCE WITH PROPOSITION 218 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION.

THE PROPOSED RATES ARE LISTED BELOW:

CURRENT BI-MONTHLY BILL

	Existing
Base Rate (0-20,000 Gallons)	\$77.62
Rate Per 1,000 Gallons (over 20,000, less than 50,000 Gallons)	\$2.05
Rate Per 1,000 Gallons (over 50,000)	\$1.65

EFFECTIVE DATE: 11/1/2017 BI-MONTHLY BILL

	Proposed – Year 1
Base Rate (0-16,000 Gallons)	\$94.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2018 BI-MONTHLY BILL

	Proposed - Year 2
Base Rate (0-16,000 Gallons)	\$98.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2019 BI-MONTHLY BILL

	Proposed – Year 3
Base Rate (0-16,000 Gallons)	\$101.75
Rate Per 100 Gallons (over 16,000)	\$0.42

EFFECTIVE DATE: 11/1/2020 BI-MONTHLY BILL

	Proposed – Year 4
Base Rate (0-16,000 Gallons)	\$104.75
Rate Per 100 Gallons (over 16,000)	\$0.42

THE PROPOSED BASE AMOUNT WOULD DECREASE FROM 20,000 GALLONS TO 16,000 GALLONS. A DETAILED ACCOUNTING SHOWING THE BASIS OF THE FEES MAY BE VIEWED AND OBTAINED AT THE SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS AT 1855 PLACER STREET, REDDING, CALIFORNIA.

A PUBLIC HEARING IS SCHEDULED ON OCTOBER 3, 2017, IN THE SHASTA COUNTY BOARD OF SUPERVISORS CHAMBERS, LOCATED AT 1450 COURT STREET, ROOM 263, REDDING, CALIFORNIA, AT 9:00 A.M. OR AS SOON THEREAFTER AS MAY BE HEARD, TO CONSIDER THE PROPOSED WATER RATE INCREASE AND ANY PROTESTS.

Protest Information:

The Shasta County Board of Supervisors will consider the proposed water service rate increase at a public hearing at 9:00 a.m., or as soon thereafter as can be heard, on October 3, 2017, at the Board of Supervisors Chambers located at 1450 Court Street, Room 263, Redding, California. Under State law, if you are the owner of record of, or a tenant at, a parcel or parcels subject to the proposed rate changes, you may submit a protest against the proposed rate changes by filing a written protest with the Clerk of the Board at or before the time set for the public hearing. Only one protest per parcel will be counted. If there is no majority protest the Board will consider and may adopt the increased water service rate. A majority protest exists if written protests against the proposed rate increase are presented by a majority of the affected parcels.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest, sufficient to identify the parcel(s). If the party signing the protest is not shown on the last equalized assessment role of Shasta County as the owner of the parcel(s), the protest must contain or be accompanied by written evidence that such party is the owner of the parcel(s) or is a tenant on the parcel(s). Written protests regarding the proposed rate changes may be mailed to: County of Shasta, Clerk of the Board, 1450 Court Street, Suite 308B, Redding, California 96001. Written protests may also be personally delivered to the Clerk of the Board at this address. To be valid, a protest must be in writing and received by the Clerk of the Board at or before the time of the protest hearing.



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010003

August 16, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that due to the impending financial inability to provide potable water, water usage restrictions and a connection moratorium have been implemented in County Service Area No. 3 - Castella Water (CSA No. 3).

Operational costs have exceeded revenues for several years. A four-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 3 is approaching insolvency which will eliminate the ability to provide water to CSA No. 3. On August 15, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 3 costs more than the incremental revenue received. Consequently, the more water that the customers use, the closer to insolvency CSA No. 3 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 730

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA 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
IN COUNTY SERVICE AREA NO. 3-CASTELLA WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, due to the impending financial inability to provide potable water, a water shortage emergency condition prevails in County Service Area No. 3-Castella Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 3-Castella Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 3-Castella Valley Water provides potable water to approximately 80 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 3-Castella Valley Water has a fund balance of approximately \$5,000; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 3-Castella Water operations have not been successful; and

WHEREAS, County Service Area No. 3-Castella Water proposed a rate increase on July 25, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, section 6 of the California Constitution, the water users in County Service Area No. 3-Castella Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 3-Castella Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 3-Castella Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 730

August 15, 2017

Page 2 of 7

WHEREAS, County Service Area No. 3-Castella Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code section 350 shall prevail; and

Ordinance No. 730

August 15, 2017

Page 3 of 7

WHEREAS, California Water Code sections 375 et seq. empowers the County of Shasta through County Service Area No. 3-Castella Water as the supplier of water to County Service Area No. 3-Castella Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code section 352 and Government Code section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on August 15, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 3-Castella Water:

SECTION 1. Immediate Effect

Ordinance No. 730

August 15, 2017

Page 4 of 7

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code section 376, the County of Shasta shall publish, in accordance with Government Code section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of pending fiscal insolvency within the CSA, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 3-Castella Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 3-Castella Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 3-Castella Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 3-Castella Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 3-Castella Water.

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a

Ordinance No. 730

August 15, 2017

Page 5 of 7

variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.

- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.
- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

Ordinance No. 730

August 15, 2017

Page 6 of 7

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code section 377, the provisions of Water Code section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to article XI, section 7 of the California Constitution and California Water Code sections 350 et seq, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 730
August 15, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and Water Code section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 15th day of August, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

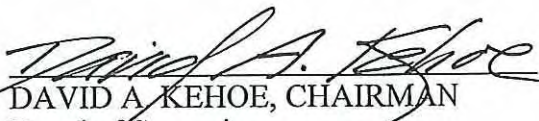
AYES: Supervisors Rickert, Morgan, Baugh, Kehoe, and Moty

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None


DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By



Deputy

THIS INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST AUG 15 2017

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
BY: 



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

DOMINIC KOTAB
935 CHAPMAN ST
SAN JOSE CA 95126

Subject: CSA #3-Castella Water Usage Penalty, Account #0003132.1

Dear DOMINIC KOTAB:

On August 15, 2017, the Board of Supervisors adopted Ordinance No. 730. This Ordinance limited customer use to 30.08 cubic feet per day (or as approved by variance). In the September/October billing period, your household used 2377 cubic feet which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Nov. 11, 2017

RECEIVED

NOV 15 2017

CLERK OF THE BOARD

Shasta County Board of Supervisors
1450 Court St., Suite 308B
Redding, CA 96001-1673

RE: Appeal of CSA #3-Castella Water Usage Penalty (Account 0003132.1)

Dear Esteemed Supervisors:

We are in receipt of your letter mailed Nov. 6, 2017 (Exhibit B) referring to our water bill for Sept/Oct, and applying a usage penalty for exceeding the usage ceiling set by Ordinance No. 730. We wish to appeal the penalty, and ask for withdrawal thereof due to an unknown leak in our plumbing system. As evidence, I refer to Exhibit A, which was enclosed with our water bill for the July/Aug bill. The notice in Exhibit A informed us that our water meter recorded water running continuously for 7 days. We do not live in Castella, so did not notice the leak. Nonetheless, upon receipt of the notice, we immediately had a neighbor turn our water off at the meter. The usage shown on the Sept/Oct bill appears to be primarily due to water leaking during the time period between the July/Aug meter reading and our receipt of the water bill and notice of Exhibit A. The good news is that our immediate remedial action appears to have stopped the water leakage, as evidenced by receipt of no further notice as in Exhibit A. The water has remained turned off since that time, and we plan to sound the water system over Thanksgiving to repair the leak.

Therefore, we ask that you excuse our apparent excess usage, which was entirely unintentional. We also ask that you consider our efforts to quickly stop further water usage immediately upon being informed of the leak when deciding on our prayer for relief.

Sincerely,



Dominic Kotab
Account 0003132.1

Exhibit A

This notification is to inform you that we are utilizing new technology which allows us to identify customers that may have a leak by alerting us to meters that have recorded water running continuously for 7 consecutive days or more. According to our report, your property meets this condition. We strongly encourage you to check your house and/or property to see if you have water running or a leak within your private plumbing system and on your side of the meter. You may want to shut off all water and see if the flow indicator on the meter comes to a complete stop. If you cannot get the flow indicator on the meter to completely stop, you have a leak. Additional information on finding a leak can be located on our web site at http://www.co.shasta.ca.us/index/pw_index/operations/csas.aspx. If you have additional questions regarding this notification you can call us here at the office from 8:00 am to 5:00 pm Monday through Friday. Please do not call after hours, as this issue has been identified on your side of the meter and is your responsibility.

Shasta County Department of Public Works CSA Division – phone 530-225-5571



Shasta County

Exhibit B

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

DOMINIC KOTAB
935 CHAPMAN ST
SAN JOSE CA 95126

Subject: CSA #3-Castella Water Usage Penalty, Account #0003132.1

Dear DOMINIC KOTAB:

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You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

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Department of Public Works – CSA Division
CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A handwritten signature in black ink, appearing to read "Ken Cristobal", is written over a horizontal line.

Ken Cristobal

Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Dominic Kotab
935 Chapman Street
San Jose, CA 95126

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 3 Penalty Appeal Hearing

Dear Mr. Kotab:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 3 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 3 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-8.

SUBJECT:

County Service Area (CSA) No. 3-Penalty Due Process Hearing/Appeal-Martin

DEPARTMENT: Clerk of the Board

Supervisory District No. : 4

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-510-043 (Martin); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 730 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 730 on August 15, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Martin submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Martin's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). His actual daily use was 238 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Martin Customer Transaction Summary	12/18/2017	Martin Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Martin PW Billing Notice	12/18/2017	Martin PW Billing Notice
Martin Penalty Appeal	12/18/2017	Martin Penalty Appeal
Martin COB Hearing Notice	12/18/2017	Martin COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0003200.2

CHARLES MARTIN

150 LESTER LN

LOS GATOS, CA 95032

Location Information

Location No: 0003200

29400 CASTELLA LOOP

CASTELLA, CA 96017

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/30/2016	Payment				-0.93	-77.62	-78.55
12/31/2016	Charge	12/31/2016	127251	55	-78.55	77.62	-0.93
01/31/2017	Payment				-0.93	-77.62	-78.55
02/28/2017	Charge	02/28/2017	127366	115	-78.55	77.62	-0.93
03/31/2017	Payment				-0.93	-77.62	-78.55
04/30/2017	Charge	04/30/2017	127413	47	-78.55	77.62	-0.93
05/30/2017	Payment				-0.93	-77.62	-78.55
06/30/2017	Charge	06/30/2017	128922	1509	-78.55	77.62	-0.93
07/31/2017	Payment				-0.93	-77.62	-78.55
08/31/2017	Charge	08/31/2017	132849	3927	-78.55	98.12	19.57
10/02/2017	Payment				19.57	-77.62	-58.05
10/02/2017	Payment				-58.05	-40.00	-98.05
10/31/2017	Charge	10/31/2017	134632	1783	-98.05	77.62	-20.43
12/05/2017	Payment				-20.43	-77.62	-98.05



CSA #3 — CASTELLA WATER RATE INCREASE

PROPOSITION 218 NOTICE OF PROPOSED WATER RATE INCREASE

TO AFFECTED PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT THE SHASTA COUNTY BOARD OF SUPERVISORS WILL BE CONSIDERING A WATER RATE INCREASE IN THE FORM OF AN URGENCY ORDINANCE FOR COUNTY SERVICE AREA (CSA) #3 – CASTELLA WATER. THIS RATE INCREASE IS TO COVER INCREASED EXPENSES IN THE PRODUCTION, TREATMENT AND DELIVERY OF WATER TO PROPERTIES WITHIN THE CSA. THIS NOTICE IS GIVEN IN ACCORDANCE WITH PROPOSITION 218 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION.

THE PROPOSED RATES ARE LISTED BELOW:

CURRENT BI-MONTHLY BILL

	Existing
Base Rate (0-20,000 Gallons)	\$77.62
Rate Per 1,000 Gallons (over 20,000, less than 50,000 Gallons)	\$2.05
Rate Per 1,000 Gallons (over 50,000)	\$1.65

EFFECTIVE DATE: 11/1/2017 BI-MONTHLY BILL

	Proposed – Year 1
Base Rate (0-16,000 Gallons)	\$94.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2018 BI-MONTHLY BILL

	Proposed - Year 2
Base Rate (0-16,000 Gallons)	\$98.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2019 BI-MONTHLY BILL

	Proposed – Year 3
Base Rate (0-16,000 Gallons)	\$101.75
Rate Per 100 Gallons (over 16,000)	\$0.42

EFFECTIVE DATE: 11/1/2020 BI-MONTHLY BILL

	Proposed – Year 4
Base Rate (0-16,000 Gallons)	\$104.75
Rate Per 100 Gallons (over 16,000)	\$0.42

THE PROPOSED BASE AMOUNT WOULD DECREASE FROM 20,000 GALLONS TO 16,000 GALLONS. A DETAILED ACCOUNTING SHOWING THE BASIS OF THE FEES MAY BE VIEWED AND OBTAINED AT THE SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS AT 1855 PLACER STREET, REDDING, CALIFORNIA.

A PUBLIC HEARING IS SCHEDULED ON OCTOBER 3, 2017, IN THE SHASTA COUNTY BOARD OF SUPERVISORS CHAMBERS, LOCATED AT 1450 COURT STREET, ROOM 263, REDDING, CALIFORNIA, AT 9:00 A.M. OR AS SOON THEREAFTER AS MAY BE HEARD, TO CONSIDER THE PROPOSED WATER RATE INCREASE AND ANY PROTESTS.

Protest Information:

The Shasta County Board of Supervisors will consider the proposed water service rate increase at a public hearing at 9:00 a.m., or as soon thereafter as can be heard, on October 3, 2017, at the Board of Supervisors Chambers located at 1450 Court Street, Room 263, Redding, California. Under State law, if you are the owner of record of, or a tenant at, a parcel or parcels subject to the proposed rate changes, you may submit a protest against the proposed rate changes by filing a written protest with the Clerk of the Board at or before the time set for the public hearing. Only one protest per parcel will be counted. If there is no majority protest the Board will consider and may adopt the increased water service rate. A majority protest exists if written protests against the proposed rate increase are presented by a majority of the affected parcels.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest, sufficient to identify the parcel(s). If the party signing the protest is not shown on the last equalized assessment role of Shasta County as the owner of the parcel(s), the protest must contain or be accompanied by written evidence that such party is the owner of the parcel(s) or is a tenant on the parcel(s). Written protests regarding the proposed rate changes may be mailed to: County of Shasta, Clerk of the Board, 1450 Court Street, Suite 308B, Redding, California 96001. Written protests may also be personally delivered to the Clerk of the Board at this address. To be valid, a protest must be in writing and received by the Clerk of the Board at or before the time of the protest hearing.



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010003

August 16, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that due to the impending financial inability to provide potable water, water usage restrictions and a connection moratorium have been implemented in County Service Area No. 3 - Castella Water (CSA No. 3).

Operational costs have exceeded revenues for several years. A four-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 3 is approaching insolvency which will eliminate the ability to provide water to CSA No. 3. On August 15, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 3 costs more than the incremental revenue received. Consequently, the more water that the customers use, the closer to insolvency CSA No. 3 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 730

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA 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
IN COUNTY SERVICE AREA NO. 3-CASTELLA WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, due to the impending financial inability to provide potable water, a water shortage emergency condition prevails in County Service Area No. 3-Castella Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 3-Castella Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 3-Castella Valley Water provides potable water to approximately 80 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 3-Castella Valley Water has a fund balance of approximately \$5,000; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 3-Castella Water operations have not been successful; and

WHEREAS, County Service Area No. 3-Castella Water proposed a rate increase on July 25, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, section 6 of the California Constitution, the water users in County Service Area No. 3-Castella Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 3-Castella Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 3-Castella Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 730

August 15, 2017

Page 2 of 7

WHEREAS, County Service Area No. 3-Castella Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code section 350 shall prevail; and

Ordinance No. 730

August 15, 2017

Page 3 of 7

WHEREAS, California Water Code sections 375 et seq. empowers the County of Shasta through County Service Area No. 3-Castella Water as the supplier of water to County Service Area No. 3-Castella Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code section 352 and Government Code section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on August 15, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 3-Castella Water:

SECTION 1. Immediate Effect

Ordinance No. 730

August 15, 2017

Page 4 of 7

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code section 376, the County of Shasta shall publish, in accordance with Government Code section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of pending fiscal insolvency within the CSA, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 3-Castella Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 3-Castella Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 3-Castella Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 3-Castella Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 3-Castella Water.

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a

Ordinance No. 730

August 15, 2017

Page 5 of 7

variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.

- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.
- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

Ordinance No. 730

August 15, 2017

Page 6 of 7

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code section 377, the provisions of Water Code section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to article XI, section 7 of the California Constitution and California Water Code sections 350 et seq, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 730

August 15, 2017

Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and Water Code section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 15th day of August, 2017 by the Board of Supervisors of the County of Shasta by the following vote:


AYES: Supervisors Rickert, Morgan, Baugh, Kehoe, and Moty

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None


DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES

Clerk of the Board of Supervisors

By



Deputy

THIS INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST AUG 15 2017

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
BY: 



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

CHARLES MARTIN
150 LESTER LN
LOS GATOS CA 95032

Subject: CSA #3-Castella Water Usage Penalty, Account #0003200.2

Dear CHARLES MARTIN:

On August 15, 2017, the Board of Supervisors adopted Ordinance No. 730. This Ordinance limited customer use to 30.08 cubic feet per day (or as approved by variance). In the September/October billing period, your household used 1783 cubic feet which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

CSA#3

RECEIVED

DEC 04 2017

CLERK OF THE BOARD

Appeal to Water Usage Penalty Acct #0003200.2

I don't understand the calculation that says I have an over usage of water.

I am allowed 30.08 cubic feet per day

The Sept/Oct billing period is Sept 1 to Oct 30 which is 61 days

Therefore my allocation should be $30.08 \times 61 = 1834.88$ cubic feet

I used 1783 cubic feet which is under my allocation.

Thank You

Charles Martin

150 Lester Lane

Los Gatos CA





Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

CHARLES MARTIN
150 LESTER LN
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CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By 
Ken Cristobal
Deputy Director – Administration

KDC/ldr

Sept 30 day
Oct 31 day
61 days -
30.08
1834.88



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Charles Martin
150 Lester Lane
Los Gatos, CA 95032

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 3 Penalty Appeal Hearing

Dear Mr. Martin:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 3 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 3 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over a circular stamp.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-9.

SUBJECT:

County Service Area (CSA) No. 3-Penalty Due Process Hearing/Appeal-Ramirez

DEPARTMENT: Clerk of the Board

Supervisory District No. : 4

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 730, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 3-Castella Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 014-510-039 (Ramirez); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 730 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 730 on August 15, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Ramirez's submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Ramirez's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 1,445 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Ramirez Customer Transaction Summary	12/18/2017	Ramirez Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Ramirez PW Billing Notice	12/18/2017	Ramirez PW Billing Notice
Ramirez Penalty Appeal	12/18/2017	Ramirez Penalty Appeal
Ramirez COB Hearing Notice	12/18/2017	Ramirez COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0003188.1

VICTOR RAMIREZ

2069 NORTH AVE

NAPA, CA 94558

Location Information

Location No: 0003188

29377 WATERVIEW LANE

CASTELLA, CA 96017

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/31/2016	Charge	12/31/2016	163973	12524	0.00	211.72	211.72
01/13/2017	Payment				211.72	-211.72	0.00
02/28/2017	Charge	02/28/2017	165044	1071	0.00	77.62	77.62
03/08/2017	Payment				77.62	-77.62	0.00
04/30/2017	Charge	04/30/2017	165109	65	0.00	77.62	77.62
05/30/2017	Payment				77.62	-77.62	0.00
06/30/2017	Charge	06/30/2017	206763	41654	0.00	569.77	569.77
07/21/2017	Payment				569.77	-569.77	0.00
08/31/2017	Charge	08/31/2017	215285	8522	0.00	162.22	162.22
09/27/2017	Misc - D				162.22	25.00	187.22
10/10/2017	Payment				187.22	-162.22	25.00
10/31/2017	Penalty				25.00	0.38	25.38
10/31/2017	Charge	10/31/2017	226106	10821	25.38	190.27	215.65
11/30/2017	Payment				215.65	-215.65	0.00



CSA #3 — CASTELLA WATER RATE INCREASE

PROPOSITION 218 NOTICE OF PROPOSED WATER RATE INCREASE

TO AFFECTED PROPERTY OWNER(S):

YOU ARE HEREBY NOTIFIED THAT THE SHASTA COUNTY BOARD OF SUPERVISORS WILL BE CONSIDERING A WATER RATE INCREASE IN THE FORM OF AN URGENCY ORDINANCE FOR COUNTY SERVICE AREA (CSA) #3 – CASTELLA WATER. THIS RATE INCREASE IS TO COVER INCREASED EXPENSES IN THE PRODUCTION, TREATMENT AND DELIVERY OF WATER TO PROPERTIES WITHIN THE CSA. THIS NOTICE IS GIVEN IN ACCORDANCE WITH PROPOSITION 218 AND ARTICLE XIID OF THE CALIFORNIA CONSTITUTION.

THE PROPOSED RATES ARE LISTED BELOW:

CURRENT BI-MONTHLY BILL

	Existing
Base Rate (0-20,000 Gallons)	\$77.62
Rate Per 1,000 Gallons (over 20,000, less than 50,000 Gallons)	\$2.05
Rate Per 1,000 Gallons (over 50,000)	\$1.65

EFFECTIVE DATE: 11/1/2017 BI-MONTHLY BILL

	Proposed – Year 1
Base Rate (0-16,000 Gallons)	\$94.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2018 BI-MONTHLY BILL

	Proposed - Year 2
Base Rate (0-16,000 Gallons)	\$98.75
Rate Per 100 Gallons (over 16,000)	\$0.41

EFFECTIVE DATE: 11/1/2019 BI-MONTHLY BILL

	Proposed – Year 3
Base Rate (0-16,000 Gallons)	\$101.75
Rate Per 100 Gallons (over 16,000)	\$0.42

EFFECTIVE DATE: 11/1/2020 BI-MONTHLY BILL

	Proposed – Year 4
Base Rate (0-16,000 Gallons)	\$104.75
Rate Per 100 Gallons (over 16,000)	\$0.42

THE PROPOSED BASE AMOUNT WOULD DECREASE FROM 20,000 GALLONS TO 16,000 GALLONS. A DETAILED ACCOUNTING SHOWING THE BASIS OF THE FEES MAY BE VIEWED AND OBTAINED AT THE SHASTA COUNTY DEPARTMENT OF PUBLIC WORKS AT 1855 PLACER STREET, REDDING, CALIFORNIA.

A PUBLIC HEARING IS SCHEDULED ON OCTOBER 3, 2017, IN THE SHASTA COUNTY BOARD OF SUPERVISORS CHAMBERS, LOCATED AT 1450 COURT STREET, ROOM 263, REDDING, CALIFORNIA, AT 9:00 A.M. OR AS SOON THEREAFTER AS MAY BE HEARD, TO CONSIDER THE PROPOSED WATER RATE INCREASE AND ANY PROTESTS.

Protest Information:

The Shasta County Board of Supervisors will consider the proposed water service rate increase at a public hearing at 9:00 a.m., or as soon thereafter as can be heard, on October 3, 2017, at the Board of Supervisors Chambers located at 1450 Court Street, Room 263, Redding, California. Under State law, if you are the owner of record of, or a tenant at, a parcel or parcels subject to the proposed rate changes, you may submit a protest against the proposed rate changes by filing a written protest with the Clerk of the Board at or before the time set for the public hearing. Only one protest per parcel will be counted. If there is no majority protest the Board will consider and may adopt the increased water service rate. A majority protest exists if written protests against the proposed rate increase are presented by a majority of the affected parcels.

A written protest must contain a description of the parcel or parcels in which the party signing the protest has an interest, sufficient to identify the parcel(s). If the party signing the protest is not shown on the last equalized assessment role of Shasta County as the owner of the parcel(s), the protest must contain or be accompanied by written evidence that such party is the owner of the parcel(s) or is a tenant on the parcel(s). Written protests regarding the proposed rate changes may be mailed to: County of Shasta, Clerk of the Board, 1450 Court Street, Suite 308B, Redding, California 96001. Written protests may also be personally delivered to the Clerk of the Board at this address. To be valid, a protest must be in writing and received by the Clerk of the Board at or before the time of the protest hearing.



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010003

August 16, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that due to the impending financial inability to provide potable water, water usage restrictions and a connection moratorium have been implemented in County Service Area No. 3 - Castella Water (CSA No. 3).

Operational costs have exceeded revenues for several years. A four-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 3 is approaching insolvency which will eliminate the ability to provide water to CSA No. 3. On August 15, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 3 costs more than the incremental revenue received. Consequently, the more water that the customers use, the closer to insolvency CSA No. 3 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 730

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA 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
IN COUNTY SERVICE AREA NO. 3-CASTELLA WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, due to the impending financial inability to provide potable water, a water shortage emergency condition prevails in County Service Area No. 3-Castella Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 3-Castella Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 3-Castella Valley Water provides potable water to approximately 80 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 3-Castella Valley Water has a fund balance of approximately \$5,000; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 3-Castella Water operations have not been successful; and

WHEREAS, County Service Area No. 3-Castella Water proposed a rate increase on July 25, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, section 6 of the California Constitution, the water users in County Service Area No. 3-Castella Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 3-Castella Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 3-Castella Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 730

August 15, 2017

Page 2 of 7

WHEREAS, County Service Area No. 3-Castella Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, article X, section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code section 350 shall prevail; and

Ordinance No. 730

August 15, 2017

Page 3 of 7

WHEREAS, California Water Code sections 375 et seq. empowers the County of Shasta through County Service Area No. 3-Castella Water as the supplier of water to County Service Area No. 3-Castella Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code section 352 and Government Code section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on August 15, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 3-Castella Water:

SECTION 1. Immediate Effect

Ordinance No. 730

August 15, 2017

Page 4 of 7

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code section 376, the County of Shasta shall publish, in accordance with Government Code section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of pending fiscal insolvency within the CSA, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 3-Castella Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 3-Castella Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 3-Castella Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 3-Castella Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 3-Castella Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 3-Castella Water.

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a

Ordinance No. 730

August 15, 2017

Page 5 of 7

variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.

- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.
- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

Ordinance No. 730

August 15, 2017

Page 6 of 7

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code section 377, the provisions of Water Code section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to article XI, section 7 of the California Constitution and California Water Code sections 350 et seq, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code section 21000, et. seq.)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 730
August 15, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code sections 25123 and 25131 and Water Code section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 15th day of August, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

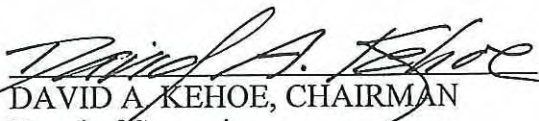
AYES: Supervisors Rickert, Morgan, Baugh, Kehoe, and Moty

NOES: None

ABSENT: None

ABSTAIN: None

RECUSE: None


DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:
LAWRENCE G. LEES
Clerk of the Board of Supervisors

By



Deputy

THIS INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST AUG 15 2017

CLERK OF THE BOARD
Supervisors of the County of Shasta, State of California
BY: 



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

VICTOR RAMIREZ
2069 NORTH AVE
NAPA CA 94558

Subject: CSA #3-Castella Water Usage Penalty, Account #0003188.1

Dear VICTOR RAMIREZ:

On August 15, 2017, the Board of Supervisors adopted Ordinance No. 730. This Ordinance limited customer use to 30.08 cubic feet per day (or as approved by variance). In the September/October billing period, your household used 10821 cubic feet which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

RECEIVED

NOV 30 2017

CLERK OF THE BOARD

November 28, 2017

Clerk of the Board of Supervisors
1450 Court St., Suite 308B
Redding, CA 96001-1673

Subject: CSA#3 account #0003188.1, Water Usage Penalty

Dear Clerk of the Board:

Per a recent letter from Mr. Patrick J. Minturn (copy enclosed), this letter is to appeal a water usage penalty for our recent household usage over the allotment.

We have lived part time in Castella since 2005. For the first time since then we have experienced this year unsuspected and unavoidable water leaks due to plumbing breaks.

Sometime in the latter part of October, my wife and I returned to our Castella home one evening after being away for a week. We noticed slightly low water pressure in the house. I decided to look around with a flashlight to rule out a possible water problem. To my dismay I found a very large leak where a 1/2 in. side branch off the PVC main water line had cracked. I turned off the main inflow valve and proceeded to cap the broken pipe at night by flashlight illumination.

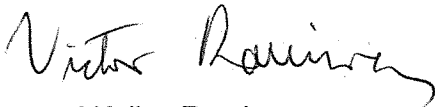
I then dreadfully expected a spike in our next water bill. The Sept-Oct bill was indeed higher and painfully we have mailed payment. The Notice of a \$100 penalty adds insult to injury.

Please consider this appeal to rescind it. Our exceeded water allotment was not due to irresponsible waste, but to an unavoidable, unexpected plumbing break due to years of the pipes' exposure to extreme weather, very hot summers and freezing winters.

The water pressure has always been adjusted to be around 45-50 psi, all of our irrigation valve boxes have been filled with insulation and the unused pipes drained for the winter. It is otherwise not feasible to predict or prevent these kinds of leaks. We will nevertheless will be more vigilant for possible future leaks.

We greatly appreciate your attention to this appeal.

Sincerely,



Victor and Kelley Ramirez
29377 Waterview Lane, Castella, CA 96017
2069 North Ave., Napa, CA 94558
(707)479-4441



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 6, 2017

CSA 010003

VICTOR RAMIREZ
2069 NORTH AVE
NAPA CA 94558

Subject: CSA #3-Castella Water Usage Penalty, Account #0003188.1

Dear VICTOR RAMIREZ:

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You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

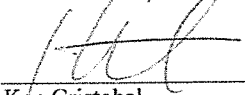
If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #3-Castella Water
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By 
Ken Cristobal
Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Victor Ramirez
2069 North Avenue
Napa, CA 94558

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 3 Penalty Appeal Hearing

Dear Mr. Ramirez:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 3 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 3 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-10.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Bellinger

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-140-031 (Bellinger); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Bellinger's submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Bellinger's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 324 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Bellinger Customer Transaction Summary	12/18/2017	Bellinger Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Bellinger PW Billing Notice	12/18/2017	Bellinger PW Billing Notice
Bellinger Penalty Appeal	12/18/2017	Bellinger Penalty Appeal
Bellinger COB Hearing Notice	12/18/2017	Bellinger COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006146.2

ROBERT BELLINGER

14814 RAVINE ROAD

REDDING, CA 96003

Location Information

Location No: 0006146

14814 RAVINE ROAD

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/22/2016	Payment				76.84	-76.84	0.00
12/31/2016	Charge	12/31/2016	956230	5170	0.00	41.31	41.31
02/06/2017	Payment				41.31	-41.31	0.00
02/28/2017	Charge	02/28/2017	959720	3490	0.00	37.40	37.40
03/30/2017	Payment				37.40	-37.40	0.00
04/30/2017	Charge	04/30/2017	963510	3790	0.00	38.09	38.09
06/14/2017	Payment				38.09	-38.09	0.00
06/30/2017	Charge	06/30/2017	997910	34400	0.00	86.07	86.07
07/27/2017	Payment				86.07	-86.07	0.00
08/31/2017	Charge	08/31/2017	1042800	44890	0.00	99.72	99.72
09/06/2017	Misc - ORD				99.72	100.00	199.72
09/20/2017	Payment				199.72	-99.72	100.00
10/31/2017	Penalty				100.00	1.50	101.50
10/31/2017	Charge	10/31/2017	62570	19770	101.50	67.09	168.59
11/22/2017	Payment				168.59	-100.00	68.59
11/30/2017	Misc - D				68.59	25.00	93.59
12/13/2017	Misc - D				93.59	25.00	118.59

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

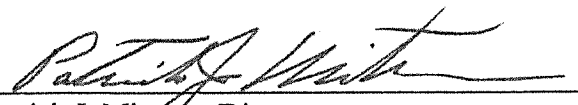
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

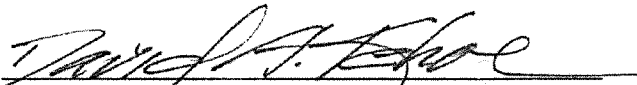
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

ROBERT BELLINGER
14814 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006146.2

Dear ROBERT BELLINGER:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 19770 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

RECEIVED

NOV 20 2017

CLERK J. H. H.

**Robert & Dorothea Bellinger
14814 Ravine Road
Redding, Ca 96003
(530) 275-0516**

November 16, 2017

**Clerk of the Board
1450 Court Street, Suite 308B
Redding, Ca 96001-1673**

**Re: Robert Bellinger account #0006146.2
CSA # 6 Jones Valley Water Usage**

To Whom It May Concern:

I have received two (2) penalties for my water usage, and first was \$100 and 2nd was \$150. Given that I am a senior on Social Security, I do not see how we can pay these penalties. I will be contacting Mary Rickerts our Supervisor and I'm going to ask for a special meeting to address these outrages charges. My water bill also went up and you penalized us.

Please review these charges and because we a senior citizens on fixed incomes, we are unable to pay these high penalties, I hope we can come to an agreement.

**Sincerely,
Robert Bellinger**



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Robert and Dorothea Bellinger
14814 Ravine Road
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Bellinger:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the typed name.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-11.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Carrico

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-150-010, (Carrico); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Carrico's submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Carrico's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 427 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Carrico Customer Transaction Summary	12/18/2017	Carrico Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Carrico PW Billing Notice	12/18/2017	Carrico PW Billing Notice
Carrico Penalty Appeal	12/18/2017	Carrico Penalty Appeal
Carrico COB Hearing Notice	12/18/2017	Carrico COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006375.1

FRANK CARRICO

14813 RAVINE ROAD

REDDING, CA 96003-

Location Information

Location No: 0006375

14813 RAVINE ROAD

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/06/2016	Payment				38.96	-38.96	0.00
12/31/2016	Charge	12/31/2016	866890	12100	0.00	57.08	57.08
01/13/2017	Payment				57.08	-57.08	0.00
02/28/2017	Charge	02/28/2017	877750	10860	0.00	54.42	54.42
03/14/2017	Payment				54.42	-54.42	0.00
04/30/2017	Charge	04/30/2017	890270	12520	0.00	57.73	57.73
06/02/2017	Payment				57.73	-57.73	0.00
06/30/2017	Charge	06/30/2017	911930	21660	0.00	69.56	69.56
07/13/2017	Payment				69.56	-69.56	0.00
08/31/2017	Charge	08/31/2017	1028200	116270	0.00	192.54	192.54
09/06/2017	Misc - ORD				192.54	100.00	292.54
10/02/2017	Payment				292.54	-192.54	100.00
10/31/2017	Penalty				100.00	1.50	101.50
10/31/2017	Charge	10/31/2017	54270	26070	101.50	75.28	176.78
12/04/2017	Payment				176.78	-100.00	76.78
12/13/2017	Misc - D				76.78	25.00	101.78

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

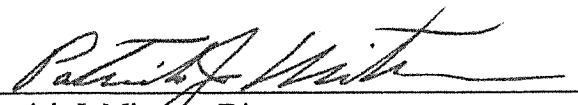
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

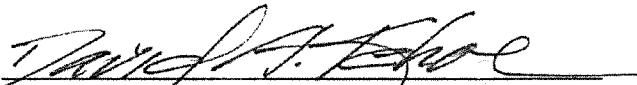
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

FRANK CARRICO
14813 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006375.1

Dear FRANK CARRICO:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 26070 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Patricia A. Carrico

14813 Ravine Rd.
Redding, CA 96003
(530)275-5568
frankcarrico2@gmail.com
Acct: 0006375.1

November 7, 2017

To the Shasta County Board of Supervisors,

I am contacting you in order to appeal my water Usage Penalty Fee.

My husband and I are disabled, elderly veterans on a fixed income. We have no lawn, don't wash our vehicles and our water usage is generally quite low, but we somehow developed a leak in the far corner of the property. When your agent graciously pointed this out to us in early September, we had our son-in-law fix it THAT VERY DAY, then waited with baited breath for a large bill and even larger fine (a fine which the public had neither approved nor voted in I am given to understand, but I digress) that we knew was on its way. I won't bore you with the details on how we found the money to pay this even-larger-than-we-thought-bill/fine, but suffice to say we did, and put the matter behind us.

Until last night when I read I was being penalized again for that same leak. A penalty larger than the last. The woman on the phone (who *was* actually quite pleasant and helpful) explained how fair this all was to be double fined, and that may be, but coming up with another couple hundred dollars this month would definitely create a financial hardship on us.

RECEIVED
NOV 13 2017
CLERK OF THE BOARD

We are still recovering from last month's massive bill and fine, not to mention the cost of fixing the leak in the first place. Is there any way you could see fit to waive this second fine? I don't dispute the water charges, but I did fix the leak immediately and promptly paid the *one* fine I knew I had coming. I have since been much more mindful of our water consumption, and any help you could offer would be greatly appreciated. We thank you for your attention in this matter.

Eagerly Awaiting Your Reply,

A handwritten signature in cursive script that reads "Patricia Carrico". The ink is dark and the handwriting is fluid, with a large initial 'P' and a long, sweeping 'C'.

Patricia A. Carrico

ENCL: Copy of recent Water Usage Penalty Letter



Shasta County

RECEIVED

NOV 13 2017

CLERK OF THE BOARD

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

FRANK CARRICO
14813 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006375.1

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If you prefer not to appeal, please remit payment to:

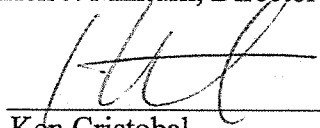
Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

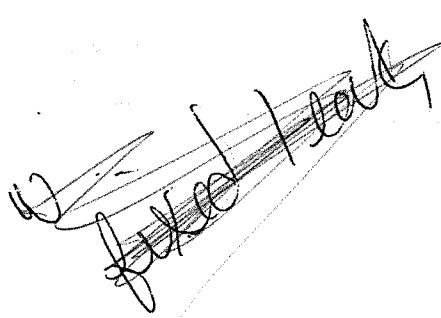
Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal
Deputy Director – Administration

KDC/ldr





SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Patricia and Frank Carrico
14813 Ravine Road
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Carrico:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-12.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Carter

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-080-010, (Carter); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Carter submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Carter's maximum daily allowed use (including any approved variance) was 300 gallons per day (gpd). Their actual daily use was 324 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Carter Customer Transaction Summary	12/14/2017	Carter Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Carter Variance Request Approved	12/14/2017	Carter Variance Request Approved
Carter PW Billing Notice	12/14/2017	Carter PW Billing Notice
Carter Penalty Appeal	12/14/2017	Carter Penalty Appeal
Carter COB Hearing Notice	12/14/2017	Carter COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006992.0
 RONALD CARTER
 13570 EAST VALLEY TRAIL
 REDDING, CA 96003-

Location Information

Location No: 0006992
 13570 EAST VALLEY TRAIL
 REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/29/2016	Misc - D				68.52	15.00	83.52
12/29/2016	Adjustment				83.52	-15.00	68.52
12/31/2016	Charge	12/31/2016	40393	16460	68.52	62.80	131.32
01/06/2017	Payment				131.32	-68.52	62.80
02/15/2017	Payment				62.80	-62.80	0.00
02/28/2017	Charge	02/28/2017	41915	15220	0.00	61.24	61.24
04/21/2017	Payment				61.24	-61.24	0.00
04/30/2017	Charge	04/30/2017	43366	14510	0.00	60.33	60.33
06/21/2017	Misc - D				60.33	15.00	75.33
06/30/2017	Penalty				75.33	1.13	76.46
06/30/2017	Charge	06/30/2017	45978	26120	76.46	75.41	151.87
07/07/2017	Payment				151.87	-60.33	91.54
08/17/2017	Misc - D				91.54	15.00	106.54
08/18/2017	Payment				106.54	-91.54	15.00
08/29/2017	Return Chk				15.00	91.54	106.54
08/29/2017	Misc - RET				106.54	12.00	118.54
08/31/2017	Penalty				118.54	1.78	120.32
08/31/2017	Charge	08/31/2017	47403	14250	120.32	59.94	180.26
09/08/2017	Payment				180.26	-91.54	88.72
09/28/2017	Payment				88.72	-88.72	0.00
10/31/2017	Charge	10/31/2017	49378	19750	0.00	67.09	67.09
11/28/2017	Payment				67.09	-68.59	-1.50



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

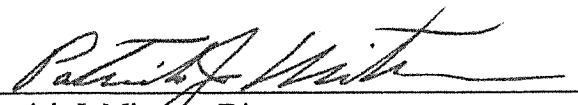
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

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WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

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WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

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The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

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SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

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June 27, 2017
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- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

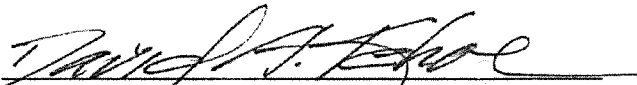
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SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

October 9, 2017

Ronald Carter
13570 East Valley Trail
Redding, CA 96003

Subject: Variance Request; Account No. 0009662.0

Dear Ronald Carter:

This is in response to your application for a variance from the requirements of Ordinance No. 719. We appreciate your attention to the Ordinance. After careful review, your application for a variance has been approved for a new total maximum of 300 gallons per day. This was deemed to be necessary and sufficient to ensure the continued availability of water for human consumption, sanitation, and fire protection.

You have the right to appeal this decision. Relevant portions of the Ordinance describing the limited time to appeal and the process to appeal this decision are included on the back of this letter.

If you have any questions, please give me a call at 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr

SECTION 5. Water Use Limitations

- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

URGENCY WATER REGULATIONS ORDINANCE No. 719 **VARIANCE REQUEST EVALUATION FORM**

Control No. 45

Date Received: 9/28/2017

Respond By: 10/28/2017

Occupants Claimed: 4

Bedrooms: 3

Septic Tank Capacity? Unk

Consistency? Yes

Consistency? N/A

Average Daily Use, July-August 2016: 415 gpd

Average Daily Use, November-December 2016: 274 gpd

WUE measures reported: No lawn watering Reasonable? No

Medical: N/A Reasonable? N/A

Other: N/A Reasonable? N/A

Grant Variance? Yes

4 x 75 = 300

Other Quantity:

Total: 300 gpd

Account No. _____

Notes:

**Urgency Water Regulations Ordinance No. 719
Variance Request**

RECEIVED
SEP 28 2017

Control #: 45

Date Received: PUBLIC WORKS

Section I: Customer Information

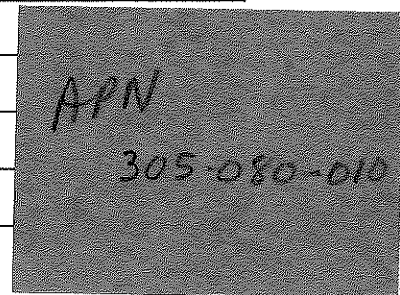
Name (Last, First MI): CARTER Rowald

Account #: 0006992 APN:

Service Address: 13570 EAST LAILEY TRAIL

Mailing Address: Same

Phone #: (530) 351 2690 Email:



Section II: Property Information

1. Total number of occupants: 5

2. Total irrigated landscape area: 0 acres. 3. Size of fountain (if present): 0

4. Total size of pool(s) / spa(s) (if present): 0 gallons.

5. Reason for requested variance¹: *Attach additional pages if necessary.*

~~est~~ making diligent efforts to comply
we do not water our grass - its all dead
minimal plants

6. Proposed alternative that accommodates your needs while achieving water reduction.

If none, explain:

I certify under penalty of perjury that all the information provided is truthful and correct. I understand that this form is required to be submitted to the County of Shasta, and that all information provided is subject to verification by the County. The County may request additional information and/or inspection of the interior and exterior of the premises.

Customer Signature: [Signature]

Date: 9/28/17

Send this form to: County of Shasta, Dept. of Public Works, 1855 Placer Street, Redding, CA 96001, Attention: Variance. Variance requests will be processed within 30 days of receipt. Customers will be notified of determination by mail. For questions call (530) 225-5661.

¹ Relevant portions of the Ordinance are included on the back of this form. Please read and include any applicable factors in your Variance Request.

RCarter 59 Page 423 of 746 John. Carr 351 2690
Ron Carr

SECTION 5. Water Use Limitations

- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.

- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Customer Transaction Summary

Customer Information

Account No: 0006992.0
RONALD CARTER
13570 EAST VALLEY TRAIL
REDDING, CA 96003-

Location Information

Location No: 0006992
13570 EAST VALLEY TRAIL
REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
02/28/2013	F Charge	02/28/2013			0.00	10.00	10.00
04/30/2013	Penalty				10.00	0.15	10.15
04/30/2013	Charge	04/30/2013			10.15	10.00	20.15
05/29/2013	Lien Fee				20.15	0.00	20.15
06/30/2013	Penalty				20.15	0.30	20.45
06/30/2013	Charge	06/30/2013			20.45	10.00	30.45
09/09/2013	Tax Lien				30.45	-20.15	10.30
09/09/2013	Adjustment				10.30	0.01	10.31
02/14/2014	Adjustment				10.31	-22.83	-12.52
02/28/2014	Penalty				-12.52	0.15	-12.37
02/28/2014	Charge	02/28/2014	741	7410	-12.37	46.60	34.23
04/22/2014	Payment				34.23	-34.23	0.00
04/30/2014	Charge	04/30/2014	2632	18910	0.00	66.05	66.05
06/24/2014	Payment				66.05	-66.05	0.00
06/30/2014	Charge	06/30/2014	5645	30130	0.00	80.61	80.61
08/31/2014	Charge	08/31/2014	7655	20100	80.61	67.48	148.09
09/04/2014	Payment				148.09	-80.61	67.48
10/27/2014	Payment				67.48	-67.48	0.00
10/31/2014	Charge	10/31/2014	11228	35730	0.00	87.89	87.89
12/19/2014	Misc - D				87.89	15.00	102.89
12/31/2014	Payment				102.89	-87.89	15.00
12/31/2014	Charge	12/31/2014	13888	26600	15.00	75.93	90.93
02/19/2015	Misc - D				90.93	15.00	105.93
02/19/2015	Adjustment				105.93	-15.00	90.93
02/28/2015	Penalty				90.93	1.36	92.29
02/28/2015	Charge	02/28/2015	16086	21980	92.29	69.95	162.24
03/10/2015	Payment				162.24	-92.29	69.95
04/01/2015	Payment				69.95	-69.95	0.00
04/30/2015	Charge	04/30/2015	17253	11670	0.00	56.26	56.26
06/23/2015	Payment				56.26	-56.26	0.00
06/30/2015	Charge	06/30/2015	21628	43750	0.00	98.29	98.29
08/18/2015	Payment				98.29	-98.29	0.00
08/31/2015	Charge	08/31/2015	23522	18940	0.00	66.05	66.05
09/25/2015	Payment				66.05	-66.05	0.00
10/31/2015	Charge	10/31/2015	25404	18820	0.00	84.74	84.74
12/31/2015	Penalty				84.74	1.27	86.01
12/31/2015	Charge	12/31/2015	27627	22230	86.01	70.34	156.35
02/17/2016	Payment				156.35	-156.35	0.00
02/29/2016	Charge	02/29/2016	30198	25710	0.00	74.89	74.89
04/14/2016	Misc - D				74.89	15.00	89.89
04/30/2016	Penalty				89.89	1.35	91.24
04/30/2016	Charge	04/30/2016	31738	15400	91.24	61.37	152.61
06/09/2016	Payment				152.61	-137.61	15.00
06/30/2016	Penalty				15.00	0.23	15.23
06/30/2016	Charge	06/30/2016	34169	24310	15.23	73.07	88.30
08/31/2016	Penalty				88.30	1.32	89.62

Customer Transaction Summary

Customer Information

Account No: 0006992.0
RONALD CARTER
13570 EAST VALLEY TRAIL
REDDING, CA 96003-

Location Information

Location No: 0006992
13570 EAST VALLEY TRAIL
REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
08/31/2016	Charge	08/31/2016	36658	24890	89.62	73.72	163.34
09/20/2016	Payment				163.34	-88.30	75.04
10/31/2016	Charge	10/31/2016	38747	20890	75.04	68.52	143.56
11/08/2016	Payment				143.56	-75.04	68.52
12/29/2016	Misc - D				68.52	15.00	83.52
12/29/2016	Adjustment				83.52	-15.00	68.52
12/31/2016	Charge	12/31/2016	40393	16460	68.52	62.80	131.32
01/06/2017	Payment				131.32	-68.52	62.80
02/15/2017	Payment				62.80	-62.80	0.00
02/28/2017	Charge	02/28/2017	41915	15220	0.00	61.24	61.24
04/21/2017	Payment				61.24	-61.24	0.00
04/30/2017	Charge	04/30/2017	43366	14510	0.00	60.33	60.33
06/21/2017	Misc - D				60.33	15.00	75.33
06/30/2017	Penalty				75.33	1.13	76.46
06/30/2017	Charge	06/30/2017	45978	26120	76.46	75.41	151.87
07/07/2017	Payment				151.87	-60.33	91.54
08/17/2017	Misc - D				91.54	15.00	106.54
08/18/2017	Payment				106.54	-91.54	15.00
08/29/2017	Return Chk				15.00	91.54	106.54
08/29/2017	Misc - RET				106.54	12.00	118.54
08/31/2017	Penalty				118.54	1.78	120.32
08/31/2017	Charge	08/31/2017	47403	14250	120.32	59.94	180.26
09/08/2017	Payment				180.26	-91.54	88.72

Customer Transaction Summary

Customer Information

Account No: 0006722.0
RONALD CARTER
13570 EAST VALLEY TRAIL
REDDING, CA 96003

Location Information

Location No: 0006722
13585 EAST VALLEY TRAIL
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
09/08/2010	Adjustment				0.00	83.64	83.64
12/30/2010	Misc - D				83.64	15.00	98.64
12/31/2010	Charge	12/31/2010	2318330	41920	98.64	90.00	188.64
01/07/2011	Payment				188.64	-83.64	105.00
02/15/2011	Payment				105.00	-100.00	5.00
02/22/2011	Penalty				5.00	0.08	5.08
02/28/2011	Charge	02/28/2011	2342610	24280	5.08	70.72	75.80
04/30/2011	Charge	04/30/2011	2365010	22400	75.80	68.44	144.24
05/09/2011	Payment				144.24	-75.80	68.44
06/29/2011	Payment				68.44	-68.44	0.00
06/30/2011	Charge	06/30/2011	2405950	40940	0.00	90.76	90.76
08/18/2011	Misc - D				90.76	15.00	105.76
08/31/2011	Penalty				105.76	0.23	105.99
08/31/2011	Charge	08/31/2011	2447430	41480	105.99	91.36	197.35
09/01/2011	Payment				197.35	-90.76	106.59
10/19/2011	Misc - D				106.59	15.00	121.59
10/31/2011	Penalty				121.59	1.82	123.41
10/31/2011	Charge	10/31/2011	2475910	28480	123.41	75.76	199.17
11/09/2011	Payment				199.17	-106.59	92.58
12/15/2011	Payment				92.58	-92.58	0.00
12/31/2011	Charge	12/31/2011	2492880	16970	0.00	61.96	61.96
02/15/2012	Payment				61.96	-61.96	0.00
02/29/2012	Charge	02/29/2012	2508900	16020	0.00	62.28	62.28
04/19/2012	Payment				62.28	-62.28	0.00
04/23/2012	Misc - D				0.00	15.00	15.00
04/30/2012	Penalty				15.00	0.23	15.23
04/30/2012	Charge	04/30/2012	2533570	24670	15.23	73.46	88.69
06/08/2012	Misc - D				88.69	15.00	103.69
06/08/2012	Adjustment				103.69	-15.00	88.69
06/14/2012	Payment				88.69	-88.69	0.00
06/30/2012	Penalty				0.00	0.23	0.23
06/30/2012	Charge	06/30/2012	2580530	46960	0.23	102.45	102.68
06/30/2012	Adjustment				102.68	-0.23	102.45
08/21/2012	Payment				102.45	-102.45	0.00
08/31/2012	Charge	08/31/2012	2614300	33770	0.00	85.29	85.29
10/18/2012	Payment				85.29	-85.29	0.00
10/31/2012	Charge	10/31/2012	2646090	31790	0.00	82.69	82.69
12/20/2012	Payment				82.69	-82.69	0.00
12/31/2012	Charge	12/31/2012	2661940	15850	0.00	62.02	62.02
02/11/2013	Misc - D				62.02	15.00	77.02
02/21/2013	Payment				77.02	-62.02	15.00
02/28/2013	Penalty				15.00	0.23	15.23
02/28/2013	Charge	02/28/2013	2680950	19010	15.23	66.18	81.41
04/26/2013	Payment				81.41	-81.41	0.00
04/30/2013	Charge	04/30/2013	2703330	22380	0.00	70.47	70.47
06/25/2013	Payment				70.47	-70.47	0.00

Customer Transaction Summary

Customer Information

Account No: 0006722.0
RONALD CARTER
13570 EAST VALLEY TRAIL
REDDING, CA 96003

Location Information

Location No: 0006722
13585 EAST VALLEY TRAIL
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
06/30/2013	Charge	06/30/2013	2751900	48570	0.00	104.53	104.53
08/22/2013	Payment				104.53	-104.53	0.00
08/31/2013	Charge	08/31/2013	2751900		0.00	33.95	33.95
10/24/2013	Payment				33.95	-33.95	0.00
10/31/2013	Charge	10/31/2013	2751900		0.00	33.95	33.95
12/23/2013	Misc - D				33.95	15.00	48.95
12/31/2013	Penalty				48.95	0.73	49.68
12/31/2013	Charge	12/31/2013	2751900		49.68	33.95	83.63
01/08/2014	Payment				83.63	-33.95	49.68
02/18/2014	Misc - D				49.68	15.00	64.68
02/28/2014	Payment				64.68	-49.68	15.00
02/28/2014	Penalty				15.00	0.23	15.23
02/28/2014	Charge	02/28/2014	2968990	44380	15.23	99.07	114.30
04/22/2014	Payment				114.30	-114.30	0.00
04/30/2014	Charge	04/30/2014	2969890	900	0.00	33.95	33.95
06/24/2014	Payment				33.95	-33.95	0.00
06/30/2014	Charge	06/30/2014	2971830	1940	0.00	33.95	33.95
08/31/2014	Charge	08/31/2014	2991110	704	33.95	33.95	67.90
09/04/2014	Payment				67.90	-33.95	33.95
10/27/2014	Payment				33.95	-33.95	0.00
10/31/2014	Charge	10/31/2014	2992350	1240	0.00	33.95	33.95
12/31/2014	Payment				33.95	-33.95	0.00
12/31/2014	Charge	12/31/2014	2993280	930	0.00	33.95	33.95
02/28/2015	Penalty				33.95	0.51	34.46
02/28/2015	Charge	02/28/2015	3002120	8840	34.46	49.82	84.28
04/01/2015	Payment				84.28	-84.28	0.00
04/30/2015	Charge	04/30/2015	3017470	15350	0.00	61.37	61.37
06/23/2015	Payment				61.37	-61.37	0.00
06/30/2015	Charge	06/30/2015	3018640	1170	0.00	33.95	33.95
08/18/2015	Payment				33.95	-33.95	0.00
08/31/2015	Charge	08/31/2015	3020790	2150	0.00	34.41	34.41
09/25/2015	Payment				34.41	-34.41	0.00
10/31/2015	Charge	10/31/2015	3022370	1580	0.00	35.53	35.53
12/31/2015	Penalty				35.53	0.53	36.06
12/31/2015	Charge	12/31/2015	3023270	900	36.06	33.95	70.01
02/19/2016	Misc - D				70.01	15.00	85.01
02/29/2016	Penalty				85.01	1.28	86.29
02/29/2016	Charge	02/29/2016	3027070	3800	86.29	38.09	124.38
03/29/2016	Payment				124.38	-124.38	0.00
04/30/2016	Charge	04/30/2016	3027830	760	0.00	33.95	33.95
06/09/2016	Payment				33.95	-33.95	0.00
06/30/2016	Charge	06/30/2016	3037400	9570	0.00	51.43	51.43
08/31/2016	Penalty				51.43	0.77	52.20
08/31/2016	Charge	08/31/2016	3039060	1660	52.20	33.95	86.15
09/20/2016	Payment				86.15	-51.43	34.72
10/31/2016	Charge	10/31/2016	3040620	1560	34.72	33.95	68.67

Customer Transaction Summary

Customer Information

Account No: 0006722.0
RONALD CARTER
13570 EAST VALLEY TRAIL
REDDING, CA 96003

Location Information

Location No: 0006722
13585 EAST VALLEY TRAIL
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/08/2016	Payment				68.67	-34.72	33.95
12/29/2016	Misc - D				33.95	15.00	48.95
12/29/2016	Adjustment				48.95	-15.00	33.95
12/31/2016	Charge	12/31/2016	3040940	320	33.95	33.95	67.90
01/06/2017	Payment				67.90	-33.95	33.95
02/15/2017	Payment				33.95	-33.95	0.00
02/28/2017	Charge	02/28/2017	3041130	190	0.00	33.95	33.95
04/21/2017	Payment				33.95	-33.95	0.00
04/30/2017	Charge	04/30/2017	3044810	3680	0.00	37.86	37.86
06/21/2017	Misc - D				37.86	15.00	52.86
06/30/2017	Penalty				52.86	0.79	53.65
06/30/2017	Charge	06/30/2017	3059240	14430	53.65	60.20	113.85
07/07/2017	Payment				113.85	-37.86	75.99
08/17/2017	Misc - D				75.99	15.00	90.99
08/18/2017	Payment				90.99	-75.99	15.00
08/29/2017	Return Chk				15.00	75.99	90.99
08/29/2017	Misc - RET				90.99	12.00	102.99
08/31/2017	Penalty				102.99	1.54	104.53
08/31/2017	Charge	08/31/2017	3088950	29710	104.53	80.09	184.62
09/06/2017	Misc - ORD				184.62	100.00	284.62
09/08/2017	Payment				284.62	-75.99	208.63



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

RONALD CARTER
13570 E VALLEY TRL
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006992.0

Dear RONALD CARTER:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 19750 gallons which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Dec 1, 2017

Acct 0006992.2
(530) 351-2744

This is in response to letter re: water usage penalty

I am Appealing this penalty , We asked for a varience so that we had ample water for our family.

We do not even water our lawns, they were brown the whole summer.

We just use water for our family's needs.

To begin with we feel this penalty is extreme. We don't mind paying for the water that we use even at a higher rate than we have now. But first of all there is no drought, second we are paying thru our property taxes every year for the water system , and third this is not fair.

We understand that this fee has been lifted and is no longer in force .

Please waive this fee.

Thank you ,

The Carter family

RECEIVED

DEC 05 2017

CLERK OF THE BOARD



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

RONALD CARTER
13570 E VALLEY TRL
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006992.0

Dear RONALD CARTER:

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If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

300

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal

Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Ronald Carter
13570 East Valley Trail
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. Carter:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the typed name and title.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-13.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Daniel

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-130-007 (Daniel); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Daniel submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Daniel's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). His actual daily use was 430 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Daniel Customer Transaction Summary	12/18/2017	Daniel Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Daniel Variance Denied	12/18/2017	Daniel Variance Denied
Daniel PW Billing Notice	12/18/2017	Daniel PW Billing Notice
Daniel Penalty Appeal	12/18/2017	Daniel Penalty Appeal
Daniel COB Hearing Notice	12/18/2017	Daniel COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006376.2

WILLIAM DANIEL

14635 RAVINE RD

REDDING, CA 96003-

Location Information

Location No: 0006376

14635 RAVINE ROAD

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/31/2016	Charge	12/31/2016	594120	1720	-9.09	33.95	24.86
01/31/2017	Payment				24.86	-80.00	-55.14
02/28/2017	Charge	02/28/2017	595010	890	-55.14	33.95	-21.19
04/30/2017	Charge	04/30/2017	599520	4510	-21.19	39.93	18.74
05/30/2017	Payment				18.74	-100.00	-81.26
06/30/2017	Charge	06/30/2017	611380	11860	-81.26	56.72	-24.54
08/31/2017	Charge	08/31/2017	636720	25340	-24.54	74.37	49.83
09/06/2017	Misc - ORD				49.83	100.00	149.83
09/06/2017	Adjustment				149.83	-100.00	49.83
09/06/2017	Misc - ORD				49.83	100.00	149.83
09/14/2017	Payment				149.83	-120.83	29.00
10/04/2017	Misc - D				29.00	25.00	54.00
10/04/2017	Adjustment				54.00	-25.00	29.00
10/31/2017	Charge	10/31/2017	662520	25800	29.00	74.89	103.89
11/17/2017	Payment				103.89	-40.00	63.89



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

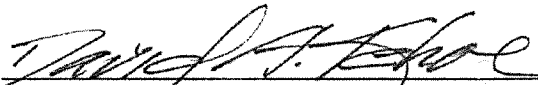
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

September 22, 2017

William Daniel
14635 Ravine Road
Redding, CA 96003

Subject: Variance Request; Account No. 0006376.2

Dear William Daniel:

This is in response to your application for a variance from the requirements of Ordinance No. 719. We appreciate your attention to the Ordinance. After careful review, your application for a variance has been denied. This was deemed necessary in order to ensure the continued availability of water for human consumption, sanitation, and fire protection.

You have the right to appeal this decision. Relevant portions of the Ordinance describing the limited time to appeal and the process to appeal this decision are included on the back of this letter.

If you have any questions, please give me a call at 225-5661.

Sincerely,

A handwritten signature in blue ink, which appears to read "Patrick J. Minturn", is written over a horizontal line.

Patrick J. Minturn, Director

PJM/ldr

SECTION 5. Water Use Limitations

- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

URGENCY WATER REGULATIONS ORDINANCE No. 719 **VARIANCE REQUEST EVALUATION FORM**

Control No. 41

Date Received: 9/21/2017

Respond By: 10/21/2017

Occupants Claimed: 2

Bedrooms: 2

Septic Tank Capacity? N/A

Consistency? Yes

Consistency? N/A

Average Daily Use, July-August 2016: 797 gpd

Average Daily Use, November-December 2016: 29 gpd

WUE measures reported: None

Reasonable? No

Medical: --

Reasonable? N/A

Other: Garden

Reasonable? No

Grant Variance? No

3 x 75 = 225

Other Quantity:

Total: 225 gpd

Account No. 0006376.2

Notes:

RECEIVED

SEP 21 2017

PUBLIC WORKS

Urgency Water Regulations Ordinance No. 719 Variance Request

Control #: 41Date Received: 9/19/17

Section I: Customer Information

Name (Last, First MI): Daniel, William R

Account #: _____ APN: _____

Service Address: 14635 Ravine Rd Redding, CA 96003Mailing Address: SamePhone #: (530) 349-1026 Email: _____

#00063762

AP#

304-060-052

Section II: Property Information

- Total number of occupants: 2
- Total irrigated landscape area: 1/2 acres.
- Size of fountain (if present): _____
- Total size of pool(s) / spa(s) (if present): N/A gallons.
- Reason for requested variance¹: *Attach additional pages if necessary.*

The people of Jones Valley should not be punished by the Board of Supervisors on a tax that did not pass. Furthermore there is not a state of emergency so how could the Board

- Proposed alternative that accommodates your needs while achieving water reduction.

If none, explain: READ

I certify under penalty of perjury that all the information provided is truthful and correct. I understand that this form is required to be submitted to the County of Shasta, and that all information provided is subject to verification by the County. ~~_____ may request a hearing.~~

Customer Signature: Will Clark Date: 9/19/17

Send this form to: County of Shasta, Dept. of Public Works, 1855 Placer Street, Redding, CA 96001, Attention: Variance. Variance requests will be processed within 30 days of receipt. Customers will be notified of determination by mail. For questions call (530) 225-5661.

¹ Relevant portions of the Ordinance are included on the back of this form. Please read and include any applicable factors in your Variance Request.

Even implement such restrictions of 225 Gallons a day. This is impossible to even adhere to the

Restrictions given only 2 people reside, a large dog and a small vegetable garden. Coming from a family with a biology background I consider myself an environmentalist but such extreme water restrictions passed by board of supervisors is frivolous! It is not my problem or the citizens of Shasta county to float the bill for new ~~filters~~ filters and associated costs of CSA#6. A solution for the county would be to become more fiscally responsible. As a serious health concern I feel it's important to have a safe drinking water supply without stiff penalties. I would hate for this to come to national attention as what is happening in CSA#6 is unlawful and unconstitutional.

Sincerely,

William R. Daniel III

PS: California had near record rain fall 16/17

Customer Transaction Summary

Customer Information

Account No: 0006376.2

WILLIAM DANIEL

14635 RAVINE RD

REDDING, CA 96003-

Location Information

Location No: 0006376

14635 RAVINE ROAD

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/31/2013	F Charge	12/31/2013	393290		0.00	10.19	10.19
01/30/2014	Payment				10.19	-10.19	0.00
02/28/2014	Charge	02/28/2014	393290		0.00	33.95	33.95
04/14/2014	Payment				33.95	-50.00	-16.05
04/30/2014	Charge	04/30/2014	394520	1230	-16.05	33.95	17.90
06/18/2014	Payment				17.90	-20.00	-2.10
06/30/2014	Charge	06/30/2014	406440	11920	-2.10	56.95	54.85
08/27/2014	Payment				54.85	-100.00	-45.15
08/31/2014	Charge	08/31/2014	418680	12240	-45.15	57.34	12.19
09/23/2014	Payment				12.19	-54.19	-42.00
10/31/2014	Charge	10/31/2014	448760	30080	-42.00	80.48	38.48
11/13/2014	Payment				38.48	-60.00	-21.52
12/31/2014	Charge	12/31/2014	458060	9300	-21.52	50.74	29.22
02/09/2015	Payment				29.22	-60.22	-31.00
02/28/2015	Charge	02/28/2015	458060		-31.00	33.95	2.95
03/13/2015	Payment				2.95	-60.95	-58.00
04/30/2015	Charge	04/30/2015	458060		-58.00	33.95	-24.05
06/30/2015	Charge	06/30/2015	464370	6310	-24.05	44.07	20.02
08/04/2015	Payment				20.02	-70.00	-49.98
08/31/2015	Charge	08/31/2015	478670	14300	-49.98	59.94	9.96
10/23/2015	Payment				9.96	-50.00	-40.04
10/31/2015	Charge	10/31/2015	488040	9370	-40.04	60.34	20.30
12/31/2015	Penalty				20.30	0.30	20.60
12/31/2015	Charge	12/31/2015	494050	6010	20.60	43.38	63.98
01/14/2016	Payment				63.98	-120.00	-56.02
02/29/2016	Charge	02/29/2016	498470	4420	-56.02	39.70	-16.32
04/30/2016	Charge	04/30/2016	501960	3490	-16.32	37.40	21.08
05/17/2016	Payment				21.08	-71.10	-50.02
06/30/2016	Charge	06/30/2016	533600	31640	-50.02	82.56	32.54
08/02/2016	Payment				32.54	-200.00	-167.46
08/31/2016	Charge	08/31/2016	581390	47790	-167.46	103.49	-63.97
10/31/2016	Charge	10/31/2016	592400	11010	-63.97	54.88	-9.09
12/31/2016	Charge	12/31/2016	594120	1720	-9.09	33.95	24.86
01/31/2017	Payment				24.86	-80.00	-55.14
02/28/2017	Charge	02/28/2017	595010	890	-55.14	33.95	-21.19
04/30/2017	Charge	04/30/2017	599520	4510	-21.19	39.93	18.74
05/30/2017	Payment				18.74	-100.00	-81.26
06/30/2017	Charge	06/30/2017	611380	11860	-81.26	56.72	-24.54
08/31/2017	Charge	08/31/2017	636720	25340	-24.54	74.37	49.83
09/06/2017	Misc - ORD				49.83	100.00	149.83
09/14/2017	Payment				149.83	-120.83	29.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Rely Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

WILLIAM DANIEL
14635 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006376.2

Dear WILLIAM DANIEL:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 25800 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

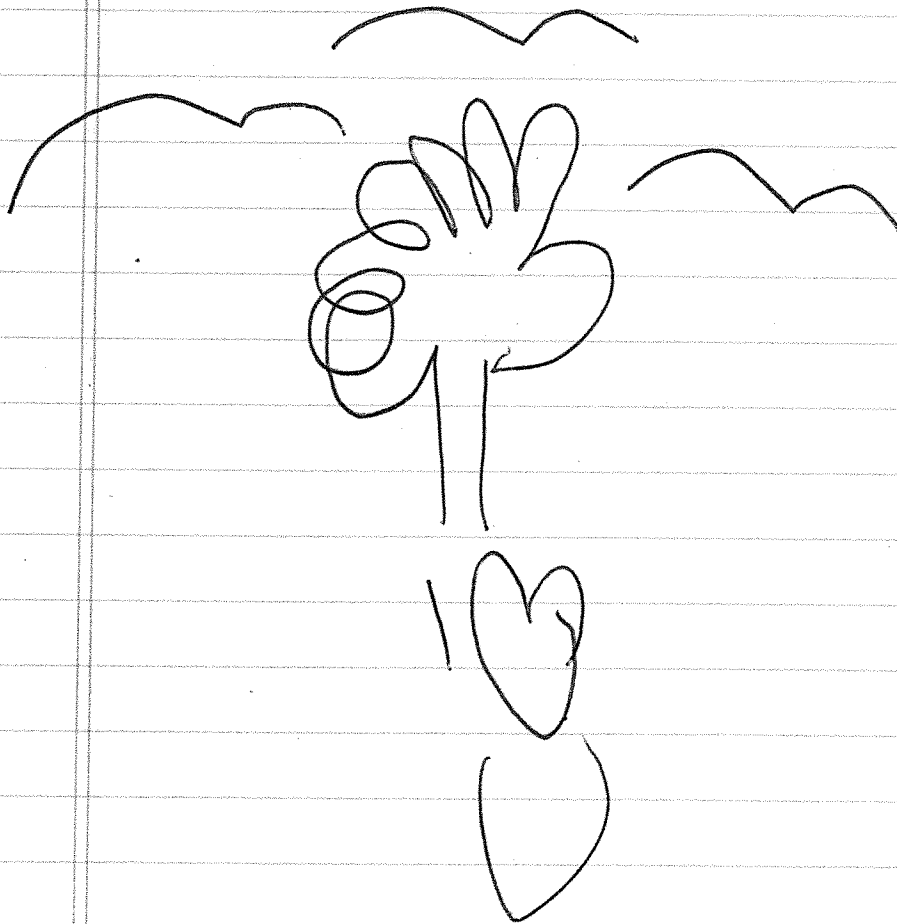
KDC/ldr

NOV 13 2017

CLERK OF THE BOARD

November 8, 2017
ACCOUNT 0006376.2
Remit Payment in the amount of
a second \$150 fine. There are
no intentions of payment and
wish BOS would conduct themselves
in an adult manner than throwing
a temper tantrum on a bill not
passed

God Bless America
William R. Dore III





SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

William R. Daniel III
14635 Ravine Road
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. Daniel:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-14.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Eilts

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-240-007 (Eilts); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) find that: (a) the residential user had actual knowledge of the requirements found to be violated; (b) the conduct was intentional; and (c) the amount of water was substantial; (5) impose, modify, or not impose the civil penalty; and (6) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. “Substantial” is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: “You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer’s written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.”

The Eilts submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Eilt's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 2,437 gpd. The penalty imposed was \$1,000.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Eilts Customer Transaction Summary	12/15/2017	Eilts Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Eilts PW Billing Notice	12/15/2017	Eilts PW Billing Notice
Eilts Penalty Appeal	12/15/2017	Eilts Penalty Appeal
Eilts COB Hearing Notice	1/10/2018	Eilts COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006847.0

GLEN EILTS

P.O. BOX 493295

REDDING, CA 96049-

Location Information

Location No: 0006847

22453 JONES VALLEY TRAIL

REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/23/2016	Payment				107.47	-107.47	0.00
12/31/2016	Charge	12/31/2016	147305	12150	0.00	57.21	57.21
02/17/2017	Payment				57.21	-57.21	0.00
02/28/2017	Charge	02/28/2017	148354	10490	0.00	53.50	53.50
03/31/2017	Payment				53.50	-100.00	-46.50
04/12/2017	Payment				-46.50	-100.00	-146.50
04/30/2017	Charge	04/30/2017	152470	41160	-146.50	94.91	-51.59
06/30/2017	Charge	06/30/2017	167658	151880	-51.59	238.82	187.23
08/16/2017	Payment				187.23	-287.23	-100.00
08/31/2017	Charge	08/31/2017	199828	321700	-100.00	459.56	359.56
09/06/2017	Misc - ORD				359.56	1000.00	1359.56
10/02/2017	Payment				1359.56	-359.56	1000.00
10/31/2017	Penalty				1000.00	15.00	1015.00
10/31/2017	Charge	10/31/2017	214696	148680	1015.00	234.66	1249.66
11/13/2017	Payment				1249.66	-249.66	1000.00
11/30/2017	Misc - D				1000.00	25.00	1025.00
12/11/2017	Payment				1025.00	-1000.00	25.00
12/13/2017	Misc - D				25.00	25.00	50.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

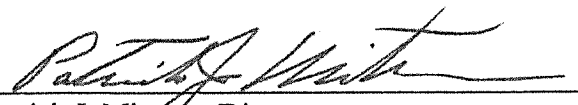
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

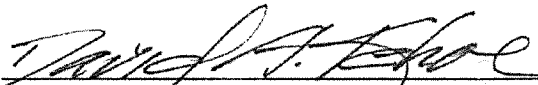
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

GLEN EILTS
PO BOX 493295
REDDING CA 96049

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006847.0

Dear GLEN EILTS:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 148680 gallons which exceeded your allotment by more than tenfold. A usage penalty of \$1,000 has been applied per the extraordinary usage provisions of the Ordinance.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal
Deputy Director – Administration

KDC/ldr

Glen Eilts , Dana Eilts

22453 Jones Valley Trail Redding ca96003

PO Box 493295

Redding, CA 96049

Phone - 530-941-4558 Fax- 530-222-3656

EMAIL--gedrywall@aol.com

11-6-2017

To Shasta County Dept Of Public Works, Patrick Minturn Director

We as homeowners Would like to appeal our water Penilty to the board of Suppervissors , .

Account #0006847 CSA #6 Jones Valley Water Dist .,

Durring summer we had a cracked water line to our horses that was unnoticed due to dry conditions above normal and as soon as our meter was read, we went looking and fixed the problem. We don't think its right to penalize us for this accident in water usage .which was not intentionl at all.

Sincerely,
Glen Eilts, Dana Eilts

|

Glen Eilts

Dana Eilts

RECEIVED

NOV 17 2017

CLERK OF THE BOARD

RECEIVED

NOV 13 2017

PUBLIC WORKS



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Glen and Dana Eilts
POB 493295
Redding, CA 96049

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Eilts:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the typed name and title.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-15.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Garcia

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-260-003 (Garcia); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Garcia submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Garcia's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 1,617 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Garcia Customer Summary Transaction	12/19/2017	Garcia Customer Summary Transaction
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Garcia PW Billing Notice	12/20/2017	Garcia PW Billing Notice
Garcia Penalty Appeal	12/19/2017	Garcia Penalty Appeal
Garcia COB Hearing Notice	12/20/2017	Garcia COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006860.0
 JOHN GARCIA
 23465 ELK TRAIL EAST
 REDDING, CA 96003-

Location Information

Location No: 0006860
 23465 ELK TRAIL EAST
 REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/18/2016	Payment				148.21	-148.21	0.00
12/31/2016	Charge	12/31/2016	110227	9240	0.00	50.74	50.74
01/17/2017	Payment				50.74	-50.74	0.00
02/28/2017	Charge	02/28/2017	111015	7880	0.00	47.52	47.52
03/17/2017	Payment				47.52	-47.52	0.00
04/30/2017	Charge	04/30/2017	112213	11980	0.00	56.95	56.95
05/18/2017	Payment				56.95	-56.95	0.00
06/30/2017	Charge	06/30/2017	120131	79180	0.00	144.31	144.31
07/17/2017	Payment				144.31	-144.31	0.00
08/31/2017	Charge	08/31/2017	131951	118200	0.00	195.01	195.01
09/06/2017	Misc - ORD				195.01	100.00	295.01
09/06/2017	Adjustment				295.01	-100.00	195.01
09/06/2017	Misc - ORD				195.01	100.00	295.01
09/14/2017	Payment				295.01	-195.01	100.00
10/31/2017	Charge	10/31/2017	141815	98640	100.00	169.66	269.66
11/22/2017	Payment				269.66	-100.00	169.66
11/22/2017	Payment				169.66	-169.66	0.00

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

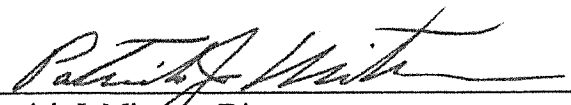
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6—Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6—Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6—Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6—Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6—Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6—Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6—Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6—Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6—Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6—Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

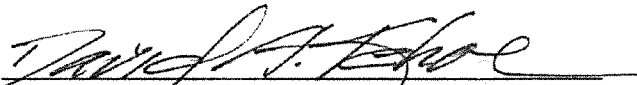
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

JOHN GARCIA
23465 ELK TRL EAST
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006860.0

Dear JOHN GARCIA:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 98640 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

November 19, 2017

Shasta County Department of Public Works
Clerk of the Board
1450 Court Street, Suite 308B
Redding, CA 96001-1673

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006860.0

I am appealing the \$150.00 fine (usage penalty) imposed on me for several reasons. You are limiting our water usage because you say there is a water shortage. (Look at the lake!)

There is a brand new water system installed in the Elk Trail East and West subdivisions, yet you fine us because you say you need to fix it. We have several fruit trees, chickens and other pets, as well as other landscaping (trees, plants, etc.) to make our home and property more fire-safe. We voted for our water project and are paying for the system as well as the amount of water we use, but now you have placed extreme limits on the usage and are fining us for using it. How many of you on the Board have the same water limits?

Set the date and time for my hearing!

Sincerely,



John L. Garcia, Property Owner

P.S. The letter you sent states the written appeal must be received by the Clerk of the Board "within 30 days of the date of the Usage Penalty." You need to clarify what you mean by the "date of the Usage Penalty", (i.e., date of the notice of penalty sent to me, the water billing date, etc.)

RECEIVED
NOV 27 2017
CLERK OF THE BOARD



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

JOHN GARCIA
23465 ELK TRL EAST
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006860.0

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If you prefer not to appeal, please remit payment to:

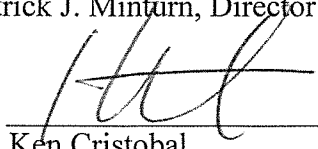
Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal

Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

John L. Garcia
23465 Elk Trail East
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. Garcia:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

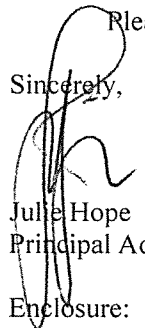
The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-16.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Gardner

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-060-021 (Gardner); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Gardner's submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Gardner's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 803 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Gardner Customer Transaction Summary	12/18/2017	Gardner Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Gardner PW Billing Notice	12/18/2017	Gardner PW Billing Notice
Gardner Penalty Appeal	12/18/2017	Gardner Penalty Appeal
Gardner COB Hearing Notice	12/18/2017	Gardner COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006108.2
 ROBERT GARDNER
 22202 SUNSHINE WAY
 REDDING, CA 96003-

Location Information

Location No: 0006108
 22202 SUNSHINE WAY
 JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
06/30/2017	F Charge	06/30/2017	592950	15900	0.00	44.48	44.48
07/13/2017	Payment				44.48	-50.00	-5.52
08/31/2017	Charge	08/31/2017	684640	91690	-5.52	160.56	155.04
09/06/2017	Misc - ORD				155.04	100.00	255.04
09/08/2017	Payment				255.04	-60.00	195.04
10/04/2017	Misc - D				195.04	25.00	220.04
10/31/2017	Penalty				220.04	3.30	223.34
10/31/2017	Charge	10/31/2017	730430	45790	223.34	100.89	324.23
11/30/2017	Misc - D				324.23	25.00	349.23
12/07/2017	Payment				349.23	-160.00	189.23
12/13/2017	Misc - D				189.23	25.00	214.23

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

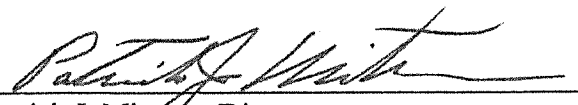
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

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WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6--Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

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WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

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June 27, 2017
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The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

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June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

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June 27, 2017
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- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

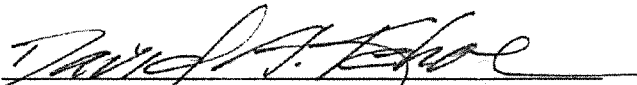
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

ROBERT GARDNER
22202 SUNSHINE WAY
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006108.2

Dear ROBERT GARDNER:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 45790 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

December 4th, 2017
Acct#0006108.2
Robert & Chyla Gardner
22202 Sunshine Way, Redding Ca 96003
CSA #6 Jones Valley Water Usage Penalty

RECEIVED
DEC 07 2017
CLERK OF THE BOARD

To whom it concerns,

I Chyla Gardner would like to appeal the current usage penalty fee of \$150 billed to my water bill for Sept/Oct billing cycle. The usage shows by the difference of the last two billing cycles that there was a leak in our sprinkler systems. The meter reading is over half less than the last billing cycle.

Please review the statement regarding the meter readings. We have taken the proper steps to resolve the leak(s) on our property.

Thank You



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Robert and Chyla Gardner
POB 193
Bella Vista, CA 96008

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Gardner:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-17.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Hale

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-130-012 (Hale); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Hale's submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Hale's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 231 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Hale Customer Transaction Summary	12/18/2017	Hale Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Hale PW Billing Notice	12/18/2017	Hale PW Billing Notice
Hale Penalty Appeal	12/18/2017	Hale Penalty Appeal
Hale COB Hearing Notice	12/18/2017	Hale COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006169.0

LAURENCE HALE

14650 RAVINE ROAD

REDDING, CA 96003-

Location Information

Location No: 0006169

14650 RAVINE ROAD

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/09/2016	Payment				68.39	-70.00	-1.61
12/31/2016	Charge	12/31/2016	138560	18350	-1.61	65.27	63.66
02/03/2017	Payment				63.66	-65.27	-1.61
02/28/2017	Charge	02/28/2017	167790	29230	-1.61	79.44	77.83
04/03/2017	Payment				77.83	-77.83	0.00
04/30/2017	Charge	04/30/2017	175680	7890	0.00	47.52	47.52
05/25/2017	Payment				47.52	-77.83	-30.31
06/30/2017	Charge	06/30/2017	203060	27380	-30.31	76.97	46.66
08/09/2017	Payment				46.66	-120.00	-73.34
08/31/2017	Charge	08/31/2017	224220	21160	-73.34	68.91	-4.43
09/06/2017	Misc - ORD				-4.43	100.00	95.57
10/31/2017	Penalty				95.57	1.43	97.00
10/31/2017	Charge	10/31/2017	238330	14110	97.00	59.81	156.81
11/21/2017	Payment				156.81	-61.24	95.57
11/30/2017	Misc - D				95.57	25.00	120.57
12/07/2017	Payment				120.57	-100.00	20.57



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

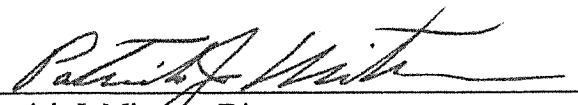
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

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June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

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- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

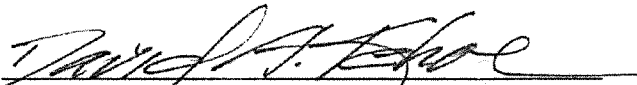
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

LAURENCE HALE
14650 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006169.0

Dear LAURENCE HALE:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 14110 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

November 24, 2017

SHASTA COUNTY BOARD OF SUPERVISORS
1450 COURT STREET SUITE 308B
REDDING CA 96001-1673

NOV 28 2017
CLERK OF THE BOARD

THIS LETTER IS TO APPEAL THE EFFECT OF ORDINANCE NO.719. THIS ORDINANCE LIMITS

WATER USE TO 225 GALLONS PER DAY PER CUSTOMER.

WE HAVE A SPECIAL NEEDS 13YR OLD, WHO HAS AUTISM. HE REQUIRES TWO TO THREE BATHS

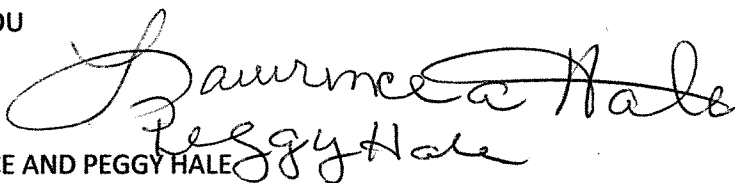
PER DAY, FOR JUST BASIC SANITATION. IN ADDITION TO THAT THERE IS NEED FOR EXTRA

LAUNDRY, ALSO BASIC SANITATION.

THIS PENALTY IS CAUSING A SEVERE HARDSHIP FOR OUR FAMILY. WE HAVE NO

CONTROL OVER THIS NEED .

THANK YOU

A handwritten signature in cursive script, appearing to read "Lawrence and Peggy Hale". The signature is written in dark ink and is positioned above the printed name of the signatories.

LAWRENCE AND PEGGY HALE
14650 RAVINE RD.
REDDING CA 96003



Far Northern Regional Center

Providing services and supports that allow persons with developmental disabilities to live productive and valued lives.

Laura Larson
Executive Director

11/20/2017

RE: Erick Hale
DOB: 10/14/2004

To Whom it May Conern:

This letter is to serve as written verification of disability for Erick Hale. Erick is eligible for services from Far Northern Regional Center (FNRC).

Erick is eligible for FNRC services based on a diagnosis of Autism. Erick has been a client since September/2010.

Should you require additional information, please contact me at (530) 222-4791.

Sincerely,

Lai Saelee
Service Coordinator

cc: File

www.farnorthernrc.org

☐ REDDING MAIN OFFICE: P. O. Box 492418 Redding, CA 96049-2418 1900 Churn Creek Rd. Suite 319 Redding, CA 96002-0277 (530) 222-4791 Fax (530) 222-8908

☐ CHICO OFFICE: 1377 East Lassen Ave. Chico, CA 95973-7824 (530) 895-8633 FAX (530) 332-1497

☐ REGIONAL OFFICES in: Lake Almanor, Mount Shasta and Yreka



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Laurence and Peggy Hale
14650 Ravine Road
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Hale:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-18.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Hightower

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-110-030 (Hightower); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Ms. Hightower submitted a request for a hearing regarding her September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Hightower's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 531 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Hightower Customer Transaction Summary	12/19/2017	Hightower Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Hightower PW Billing Notice	12/19/2017	Hightower PW Billing Notice
Hightower Penalty Appeal	12/19/2017	Hightower Penalty Appeal
Hightower COB Hearing Notice	12/19/2017	Hightower COB Hearing Notice

CSA #6 Jones Valley

Customer Transaction Summary

Customer Information

Account No: 0006261.0
 SHIRLEY HIGHTOWER
 22114 MEADOW VISTA
 REDDING, CA 96003

Location Information

Location No: 0006261
 22114 MEADOW VISTA
 JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/18/2016	Payment				94.39	-94.39	0.00
12/31/2016	Charge	12/31/2016	976300	2910	0.00	36.25	36.25
01/23/2017	Payment				36.25	-36.25	0.00
02/28/2017	Charge	02/28/2017	978530	2230	0.00	34.64	34.64
03/27/2017	Payment				34.64	-34.64	0.00
04/30/2017	Charge	04/30/2017	981980	3450	0.00	37.40	37.40
05/22/2017	Payment				37.40	-37.40	0.00
06/30/2017	Charge	06/30/2017	1027020	45040	0.00	99.98	99.98
08/07/2017	Payment				99.98	-99.88	0.10
08/31/2017	Charge	08/31/2017	111590	84570	0.10	151.33	151.43
09/06/2017	Misc - ORD				151.43	100.00	251.43
09/20/2017	Payment				251.43	-151.43	100.00
10/31/2017	Penalty				100.00	1.50	101.50
10/31/2017	Charge	10/31/2017	143460	31870	101.50	82.82	184.32
11/30/2017	Misc - D				184.32	25.00	209.32
12/07/2017	Payment				209.32	-82.82	126.50
12/13/2017	Misc - D				126.50	25.00	151.50

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).


Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

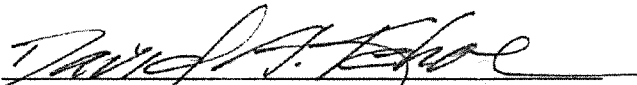
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

SHIRLEY HIGHTOWER
22114 MEADOW VISTA WAY
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006261.0

Dear SHIRLEY HIGHTOWER:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 31870 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

11-10-17

NOV 21 2017

CLERK OF THE BOARD

I am appealing this fine. I am the only person here, and there is no way I can use this amount of water. After my first fine I cut way back on watering the yard. I think it is a crime that we can not maintain what we have when there is not even a shortage on water.

Shirley Hightower



Shasta County

DEPARTMENT OF PUBLIC WORKS

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PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

SHIRLEY HIGHTOWER
22114 MEADOW VISTA WAY
REDDING CA 96003

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If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A handwritten signature in black ink, appearing to read "Ken Cristobal", is written over a horizontal line.

Ken Cristobal

Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Shirley Hightower
22114 Meadow Vista Way
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Ms. Hightower:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-19.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Jones

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-100-039 (Jones); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Ms. Jones submitted a request for a hearing regarding her September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding today's hearing for the BOS to consider their civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Jones' maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 271 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Jones PW Billing Notice	12/19/2017	Jones PW Billing Notice
Jones Customer Transaction Summary	12/19/2017	Jones Customer Transaction Summary
PW Emergency Water Restrictions Notice	12/20/2017	PW Emergency Water Restrictions Notice
Jones Penalty Appeal	12/19/2017	Jones Penalty Appeal
Jones COB Hearing Notice	12/19/2017	Jones COB Hearing Notice



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

JONI JONES
14808 MARIN DR
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006239.3

Dear JONI JONES:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 16260 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

CSA #6 Jones Valley

Customer Transaction Summary

Customer Information

Account No: 0006239.3

JONI JONES

14808 MARIN DRIVE

REDDING, CA 96003-

Location Information

Location No: 0006239

14808 MARIN DRIVE

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/12/2016	Payment				67.35	-67.35	0.00
12/31/2016	Charge	12/31/2016	1859070	4910	0.00	40.85	40.85
02/15/2017	Payment				40.85	-41.00	-0.15
02/28/2017	Charge	02/28/2017	1864720	5650	-0.15	42.46	42.31
04/25/2017	Misc - D				42.31	15.00	57.31
04/26/2017	Payment				57.31	-44.00	13.31
04/30/2017	Penalty				13.31	0.20	13.51
04/30/2017	Charge	04/30/2017	1869170	4450	13.51	39.70	53.21
06/16/2017	Payment				53.21	-57.00	-3.79
06/30/2017	Charge	06/30/2017	1872890	3720	-3.79	38.09	34.30
08/07/2017	Payment				34.30	-34.30	0.00
08/31/2017	Charge	08/31/2017	1889530	16640	0.00	63.06	63.06
09/06/2017	Misc - ORD				63.06	100.00	163.06
10/04/2017	Misc - D				163.06	25.00	188.06
10/06/2017	Payment				188.06	-65.00	123.06
10/31/2017	Penalty				123.06	1.85	124.91
10/31/2017	Charge	10/31/2017	1905790	16260	124.91	62.54	187.45
11/20/2017	Payment				187.45	-187.45	0.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

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PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

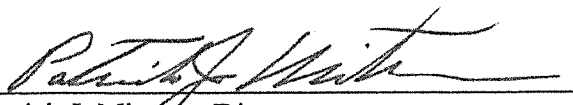
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

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June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

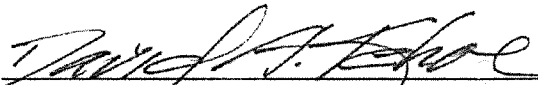
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy

RECEIVED

NOV 30 2017

11/25/17

CLERK OF THE BOARD

Shasta County Board of Supervisors
RE: Appeal of CSA #6 Jones Valley
Water Usage Penalty
Acct # 0006239.3 Toni Jones
14808 MARIN Dr Redding 96003.

I hereby am filing an appeal of
water penalty for period 9/1/17 -
10/31/17. and against any penalty
for now late fee.

I will provide papers at the
hearing.

I do not have a working computer -
I can not file on line. I do not
have a working vehicle and can
not come into town to file an
appeal. I will be forced to rent a
car to come to the hearing.

PLEASE call me
to ensure you received this
appeal (530) 410-6772

Toni Jones
(renter)



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Joni Jones
14808 Marin Drive
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Ms. Jones:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

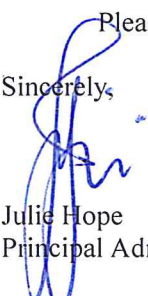
The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-20.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Marx

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-070-007 (Marx); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Marx submitted a request for a hearing regarding his July/August water bill penalty to the Clerk of the Board within the required 30-day filing period. On November 7, 2017, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on November 14, 2017 for the BOS to consider the civil penalty. At the November 14, 2017 hearing the BOS voted to reschedule Mr. Marx's hearing. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Marx's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). His actual daily use was 442 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Marx Customer Transaction Summary	12/20/2017	Marx Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Marx PW Billing Notice	12/20/2017	Marx PW Billing Notice
Marx Penalty Appeal	12/20/2017	Marx Penalty Appeal
Marx COB Hearing Notice	12/20/2017	Marx COB Hearing Notice

Customer Transaction Summary**Customer Information**

Account No: 0006124.0
RONALD MARX
22154 BACKBONE ROAD
REDDING, CA 96003

Location Information

Location No: 0006124
22154 BACKBONE ROAD
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
08/31/2017	Charge	...	3155870	27840	0.00	77.62	77.62
09/06/2017	Misc - ORD				77.62	100.00	177.62
09/25/2017	Payment				177.62	-77.62	100.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

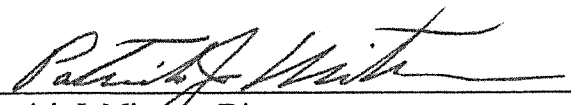
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
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-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

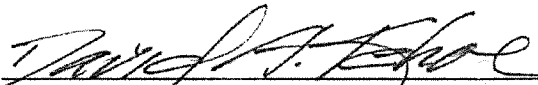
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

September 15, 2017

CSA 010006

RONALD MARX
22154 BACKBONE ROAD
REDDING, CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006124.0

Dear RONALD MARX:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the July/August billing period, your household used 27840 gallons which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Div
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

RECEIVED

OCT 12 2017

CLERK OF THE BOARD

RONALD MARX

22154 BACKBONE RD.
REDDING, CA 96003

REGARDING CSA #6

JONES VALLEY USAGE PENALTY, ACC # 0006124.0
CLERK OF THE BOARD

1450 COURT ST. Suite 308 B

REDDING, CA 96001-1673

GREETINGS:

REGARDING A NOTIFICATION ON SEPT 15, 2017
OF A \$100.- PENALTY.

I WOULD LIKE THIS PENALTY CANCELLED, DUE TO:

A. I DID NOT RECEIVE LETTER

B. OR DID NOT OPEN LETTER (I DID CHECK
MY SHREDDING BIN

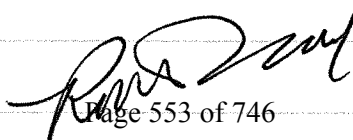
C. DISCOVERED SPRINKLER SYSTEM LEAK,
CAUSED BY DEER.

I DID RECEIVE LETTER REGARDING
7 CHANGES DATED SEPT 7, 2017

I WOULD LIKE A COPY OF MISSING LETTER
TO BE AWARE OF FUTURE FEES.

SINCERELY

RONALD MARX





SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Ronal Marx
22154 Backbone Road
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. Marx:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

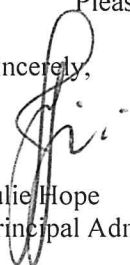
The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-21.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-McArdle

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-090-008 (McArdle); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. McArdle submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. McArdle's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). His actual daily use was 462 gpd. The penalty imposed was \$100.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
McArdle Customer Transaction Summary	12/20/2017	McArdle Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
McArdle PW Billing Notice	12/20/2017	McArdle PW Billing Notice
McArdle Penalty Appeal	12/20/2017	McArdle Penalty Appeal
McArdle COB Hearing Notice	12/20/2017	McArdle COB Hearing Notice

CSA #6 Jones Valley

Customer Transaction Summary**Customer Information**

Account No: 0006403.00

PETER MCARDLE

22210 BASIN WAY

REDDING, CA 96003-

Location Information

Location No: 0006403

22210 BASIN WAY

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
08/31/2017	F Charge	08/31/2017	139290	7300	0.00	24.64	24.64
09/19/2017	Payment				24.64	-24.64	0.00
10/31/2017	Charge	10/31/2017	167020	27730	0.00	77.49	77.49
11/14/2017	Payment				77.49	-77.49	0.00

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

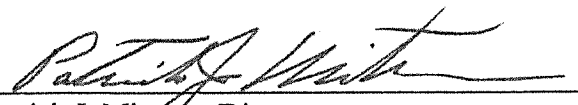
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6--Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

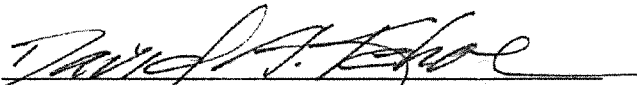
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

PETER MCARDLE
22210 BASIN WAY
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006403.00

Dear PETER MCARDLE:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 27730 gallons which exceeded your allotment. As a first violation under the Ordinance, a usage penalty of \$100 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Shasta County
Dept Public Works

CSA G.V. Valley

I RECEIVED your notice on Nov 8th
At this I wish to appeal this
fine.

We bought the home at 22210
Bassin in mid August 2017 we
moved in mid SEPT prior to
that we had everything change
to my name PG&E garbage water
ETC. At NO TIME WERE WE TOLD
OF ANY WATER RESTRICTIONS
my wife is disabled I am also
disabled we only used minimum
water. I feel the fine is
UNJUST at this time

I contacted the public works
water district and was advised
that the restrictions were lifted
and to file this appeal and NOT
PAY THE \$100.00 FINE

Thank you PETER C McARDLE



RECEIVED

NOV 13 2017

CLERK OF THE BOARD



Shasta County

RECEIVED

NOV 13 2017

CLERK OF THE BOARD

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

PETER MCARDLE
22210 BASIN WAY
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006403.00

Dear PETER MCARDLE:

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1855 Placer Street
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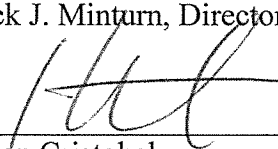
Don't Pay

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal

Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Peter McArdle
22210 Basin Way
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. McArdle:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-22.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Merryman

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-100-028 (Merryman); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Merryman submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Merryman's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). His actual daily use was 310 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Merryman Customer Transaction Summary	12/20/2017	Merryman Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Merryman PW Billing Notice	12/20/2017	Merryman PW Billing Notice
Merryman Penalty Appeal	12/20/2017	Merryman Penalty Appeal
Merryman COB Hearing Notice	12/20/2017	Merryman COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006253.0
DOUGLAS MERRYMAN
14824 RAVINE RD
REDDING, CA 96003-

Location Information

Location No: 0006253
14824 RAVINE ROAD
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/28/2016	Payment				61.76	-61.76	0.00
12/31/2016	Charge	12/31/2016	2119600	2000	0.00	33.95	33.95
01/17/2017	Payment				33.95	-33.95	0.00
02/28/2017	Charge	02/28/2017	2142660	23060	0.00	71.38	71.38
03/16/2017	Payment				71.38	-71.38	0.00
04/30/2017	Charge	04/30/2017	2154310	11650	0.00	56.26	56.26
05/22/2017	Payment				56.26	-56.26	0.00
06/30/2017	Charge	06/30/2017	2173960	19650	0.00	66.96	66.96
07/19/2017	Payment				66.96	-66.96	0.00
08/31/2017	Charge	08/31/2017	2198080	24120	0.00	72.81	72.81
09/06/2017	Misc - ORD				72.81	100.00	172.81
09/14/2017	Payment				172.81	-72.81	100.00
09/28/2017	Payment				100.00	-100.00	0.00
10/31/2017	Charge	10/31/2017	2215730	17650	0.00	64.36	64.36
11/13/2017	Payment				64.36	-64.36	0.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

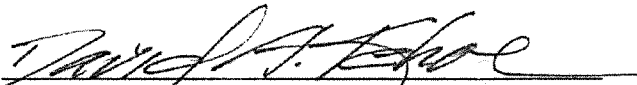
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

DOUGLAS MERRYMAN
14824 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006253.0

Dear DOUGLAS MERRYMAN:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 17650 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

RECEIVED

NOV 17 2017

CLERK OF THE BOARD

Douglas Merryman
14824 Ravine Road
Redding Ca, 96003
Account # 0006253.0

11/9/17

Dear Board of Supervisors / Clerks office:

We live in Jones Valley and are customers of the CSA # 6 water district. Yesterday we received a second penalty bill of \$150.00 for going over the ascribed usage parameter of 225 gal/day. We are writing this letter to appeal this penalty as was suggested by both your letter and a call made to the Department of Public Works office. We do not feel that the usage parameter is a fair and attainable goal. With the exception of a small vegetable garden and our chickens we do not do any outside watering. Our lawns have been brown since the onset of rationing because we do not water them. We are also very cognizant of other water usage such as the lengths of our showers and make many efforts to conserve water. We were not participants in the protest over raising water rates and did not oppose the rate increase. However, feel that the penalty process is excessive and unreasonable.

We did pay the first penalty, because our usage seemed to be higher than normal due to watering our garden and out of town visitors. However, we would like to appeal for a reversal of this second because we are continuing to follow conservation measures. We will not pay the penalty bill until we receive further notice from you. Thank you for your consideration of this matter. We look forward to hearing from you.

Sincerely

Douglas D. Merryman
Doug Merryman

RECEIVED

NOV 13 2017

PUBLIC WORKS



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

DOUGLAS MERRYMAN
14824 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006253.0

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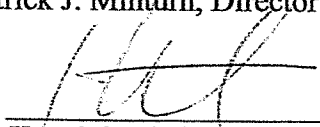
Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal

Deputy Director – Administration

KDC/ldr

Clerks Office - Board of Supervisors
225-5557



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

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January 11, 2018

Douglas Merryman
14824 Ravine Road
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

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Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-23.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Michelle/Wilson

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-050-006 (Michelle/Wilson); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Michelle/Wilson submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Michelle/Wilson's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 240 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Michelle/Wilson Customer Transaction Summary	12/20/2017	Michelle/Wilson Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Michelle/Wilson PW Billing Notice	12/20/2017	Michelle/Wilson PW Billing Notice
Michelle/Wilson Penalty Appeal	12/20/2017	Michelle/Wilson Penalty Appeal
Michelle/Wilson COB Hearing Notice	12/20/2017	Michelle/Wilson COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006720.0
 DAN WILSON
 PO BOX 1137
 BELLA VISTA, CA 96008

Location Information

Location No: 0006720
 13686 DRY CREEK ROAD
 JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/31/2016	Charge	12/31/2016	2903900	8450	0.00	48.90	48.90
01/12/2017	Payment				48.90	-50.00	-1.10
02/28/2017	Charge	02/28/2017	2909600	5700	-1.10	42.46	41.36
04/14/2017	Payment				41.36	-45.00	-3.64
04/30/2017	Charge	04/30/2017	2924420	14820	-3.64	60.72	57.08
05/25/2017	Payment				57.08	-60.00	-2.92
06/30/2017	Charge	06/30/2017	2994520	70100	-2.92	132.48	129.56
07/06/2017	Payment				129.56	-129.56	0.00
08/31/2017	Charge	08/31/2017	3021560	27040	0.00	76.58	76.58
09/06/2017	Misc - ORD				76.58	100.00	176.58
09/14/2017	Payment				176.58	-176.58	0.00
10/31/2017	Charge	10/31/2017	3036220	14660	0.00	60.46	60.46
11/27/2017	Payment				60.46	-60.46	0.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

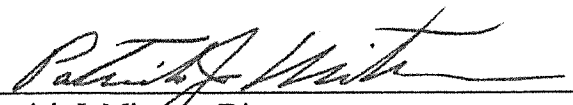
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

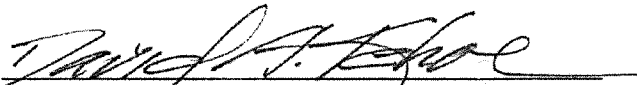
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

DAN WILSON
PO BOX 1137
BELLA VISTA CA 96008

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006720.0

Dear DAN WILSON:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 14660 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Nov/17

TO WHOM IT MAY CONCERN:

CL

I AM A RESIDENT OF JONES VALLEY,
WATER DISTRICT, I WOULD LIKE TO
APPEAL THE 2ND VIOLATION THAT I
BEEN CHARGED. I LOST \$1000,005
DOLLARS WORTH OF TREES BECAUSE
I BASICALLY QUIT WATERING, - DU
TO THE RESTRICTIONS. MY USAGE H
BEEN SUBSTANTIALLY REDUCED A
MY TREES ARE ALL DAMAGED. PLE
CONSIDER MY COMPLIANCE EVEN
THOUGH MY LOSSES ARE IRREVERSIBLE
HERE IS MY RECORD.

V. Michelle Rich
VIVIAN MICHELLE
ALVINA WILSON

MAILING ADDRESS
P.O. BOX 1137
BELLA VISTA CA. 9
(530) 275-0996

Customer Transaction Summary

Customer Information

Account No: 0006720.0
 DAN WILSON
 PO BOX 1137
 BELLA VISTA, CA 96008

Location Information

Location No: 0006720
 13686 DRY CREEK ROAD
 JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
01/12/2017	Payment				48.90	-50.00	-1.10
02/28/2017	Charge	02/28/2017	2909600	5700	-1.10	42.46	41.36
04/14/2017	Payment				41.36	-45.00	-3.64
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10/31/2017	Charge	10/31/2017	3036220	14660	0.00	60.46	60.46
11/27/2017	Payment				60.46	-60.46	0.00U



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Dan Wilson, Alvina Wilson, and Vivian Michelle
POB 1137
Bella Vista, CA 96008

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. Wilson, Ms. Wilson, and Ms. Michelle:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over a horizontal line.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-24.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Modica

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-120-002 (Modica); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Modica submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Modica's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 295 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Modica Customer Transaction Summary	12/20/2017	Modica Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Modica PW Billing Notice	12/20/2017	Modica PW Billing Notice
Modica Penalty Appeal	12/20/2017	Modica Penalty Appeal
Modica COB Hearing Notice	12/20/2017	Modica COB Hearing Notice

CSA #6 Jones Valley

Customer Transaction Summary

Customer Information

Account No: 0006143.2
 DAVID MODICA
 14771 LAMOINE DR
 REDDING, CA 96003-

Location Information

Location No: 0006143
 14771 LAMOINE DRIVE
 JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/02/2016	Payment				70.86	-70.86	0.00
12/31/2016	Charge	12/31/2016	180490	14150	0.00	59.81	59.81
02/06/2017	Payment				59.81	-59.81	0.00
02/28/2017	Charge	02/28/2017	192380	11890	0.00	56.72	56.72
04/05/2017	Payment				56.72	-56.72	0.00
04/30/2017	Charge	04/30/2017	202730	10350	0.00	53.27	53.27
05/30/2017	Payment				53.27	-53.27	0.00
06/30/2017	Charge	06/30/2017	220930	18200	0.00	65.01	65.01
07/24/2017	Payment				65.01	-65.01	0.00
08/31/2017	Charge	08/31/2017	247590	26660	0.00	76.06	76.06
09/06/2017	Misc - ORD				76.06	100.00	176.06
09/20/2017	Payment				176.06	-76.07	99.99
10/31/2017	Penalty				99.99	1.50	101.49
10/31/2017	Charge	10/31/2017	264410	16820	101.49	63.32	164.81
11/16/2017	Payment				164.81	-164.00	0.81

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

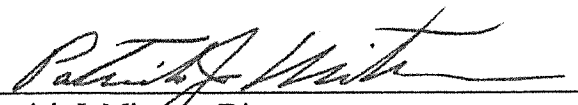
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

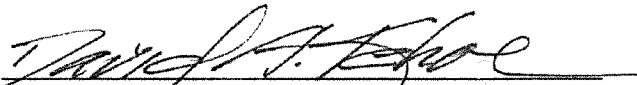
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

DAVID MODICA
14771 LAMOINE DR
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006143.2

Dear DAVID MODICA:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 16820 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

COMMUNICATIONS

DEC 05 2017

RECEIVED

NOV 16 2017

11-12-17

CLERK OF THE BOARD

To whom it may concern;

I believe that these water charges are inappropriate. There's no way we could use over 28 hundred gallons of water in 15 days. During last summer we all voted against a rate hike. We've lived here almost 2 years now. We've never gone over the allotment. Seems since the rate increase didn't pass we're supposedly ~~used~~ using too much water. We have a 600 ft little house, most the yard is gravel. We have NO leaks. We don't water anything during winter, & hardly in summer. We've never gone over before in Summer. We haven't done anything different. I'm on disability and it's a hardship to have to pay these fines, and survive.

Thank you for your time in this matter.

Sincerely

David Madson

COMMUNICATIONS-DISTRIBUTION
All Board Members ☒
Additional Copies to:

CEO/Analyst ☐

Board Members Received ☐
Personal Copies ☐
No Distribution Made ☐



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

David Modica
14771 Lamoine Drive
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. Modica:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)


The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,


Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-25.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Moran

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-060-033 (Moran); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

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\$1,000 for extraordinary situations where all of the following has occurred:

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-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Ms. Moran submitted a request for a hearing regarding her September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Moran's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 246 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Moran Customer Transaction Summary	12/20/2017	Moran Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Moran PW Billing Notice	12/20/2017	Moran PW Billing Notice
Moran Penalty Appeal	12/20/2017	Moran Penalty Appeal
Moran COB Hearing Notice	12/20/2017	Moran COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006114.1
MAY MORAN
P.O. BOX 847
BELLA VISTA, CA 96008-

Location Information

Location No: 0006114
22113 SUNSHINE WAY
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/31/2016	Penalty				118.05	1.77	119.82
12/31/2016	Charge	12/31/2016	728320	1500	119.82	33.95	153.77
12/31/2016	Adjustment				153.77	-1.77	152.00
02/09/2017	Payment				152.00	-25.00	127.00
02/28/2017	Penalty				127.00	1.91	128.91
02/28/2017	Charge	02/28/2017	729610	1290	128.91	33.95	162.86
03/08/2017	Payment				162.86	-30.00	132.86
03/08/2017	Payment				132.86	-46.20	86.66
04/10/2017	Payment				86.66	-30.00	56.66
04/20/2017	Payment				56.66	-56.66	0.00
04/30/2017	Charge	04/30/2017	732710	3100	0.00	36.48	36.48
06/02/2017	Payment				36.48	-36.48	0.00
06/30/2017	Charge	06/30/2017	745010	12300	0.00	57.34	57.34
07/13/2017	Payment				57.34	-57.34	0.00
08/31/2017	Charge	08/31/2017	784290	39280	0.00	92.44	92.44
09/06/2017	Misc - ORD				92.44	100.00	192.44
10/11/2017	Payment				192.44	-92.44	100.00
10/31/2017	Charge	10/31/2017	798580	14290	100.00	59.94	159.94
11/13/2017	Payment				159.94	-50.00	109.94

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

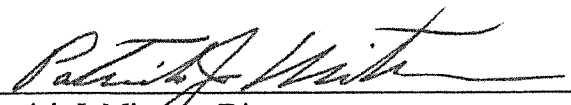
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

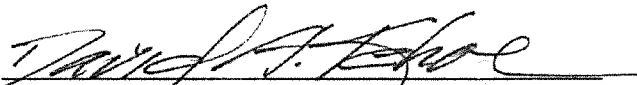
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

MAY MORAN
PO BOX 847
BELLA VISTA CA 96008

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006114.1

Dear MAY MORAN:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 14290 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Nov 28, 2017 ①

Shasta County Department CSA #
of Public Works acct. Jones Valley
#00061149

TO: Clerk of The Board

RECEIVED

NOV 30 2017

CLERK OF THE BOARD

I'm asking for a Appeal
for \$150.00 Dollars

22113 Sun Shine Way, Redding, CA 96003

I had a leak in the Toilet
water line. It has been leaking
were it could not be seen.

I called Earl's Plumbing they
thought it was fixed.

But I still saw water Leaking
my floor was wet.

I Called Half Price Plumbing,
the over flow Pump was Bad
and the water was seeping out
The Back of the Toilet
he did the repair.

Water has filled the Septic

So I had to Call Welcho Plumbing.

I'm so Overwhelmed with
Plumbing Bills, Water Bills
Land Tax's, Cal-Fire, Car Tags

(2.)

Overdraft, P.G.E., Car Ins,
Home Ins, Att Home land-line
Enterprise plumbing fixed a leak
Put in a water turn of Valve.

I am Washing my clothes at
my mom's House and Showering there.
Buy^{ing} Laundry Soap and Leave it
at my mom's to do my Laundry.

I go to 99¢ Store to get Soaps
I go to food Banks for food!
Money is very hard for me
I am in my overdraft trying
to get out of.

this has put me into my
Overdraft. I don't know where
to start I'm trying !!.

Please This Appeal would be
a Blessing write now!

I will hope that you can
see that I do need your help.

Thank you so much

May Moran



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

May Moran
POB 847
Bella Vista, CA 96008

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Ms. Moran:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-26.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Morrison

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-080-039 (Morrison); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Morrison's submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Morrison's maximum daily allowed use (including any approved variance) was 300 gallons per day (gpd). Their actual daily use was 490 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Morrison Customer Transaction Summary	12/20/2017	Morrison Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Morrison Variance Request Approved	12/20/2017	Morrison Variance Request Approved
Morrison PW Billing Notice	12/20/2017	Morrison PW Billing Notice
Morrison Penalty Appeal	12/20/2017	Morrison Penalty Appeal
Morrison COB Hearing Notice	12/20/2017	Morrison COB Hearing Notice

CSA #6 Jones Valley

Customer Transaction Summary

Customer Information

Account No: 0006583.0

GARY MORRISON

14831 LAMOINE DR

REDDING, CA 96003

Location Information

Location No: 0006583

14831 LAMOINE DRIVE

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/05/2016	Payment				102.58	-102.58	0.00
12/31/2016	Charge	12/31/2016	68630	44220	0.00	98.94	98.94
02/09/2017	Payment				98.94	-98.94	0.00
02/28/2017	Charge	02/28/2017	78540	9910	0.00	52.35	52.35
04/07/2017	Payment				52.35	-52.35	0.00
04/30/2017	Charge	04/30/2017	88310	9770	0.00	51.89	51.89
06/09/2017	Payment				51.89	-51.89	0.00
06/30/2017	Charge	06/30/2017	109980	21670	0.00	69.56	69.56
08/04/2017	Payment				69.56	-69.56	0.00
08/31/2017	Charge	08/31/2017	144770	34790	0.00	86.59	86.59
09/06/2017	Misc - ORD				86.59	100.00	186.59
09/06/2017	Adjustment				186.59	-100.00	86.59
09/29/2017	Payment				86.59	-86.59	0.00
10/31/2017	Charge	10/31/2017	174190	29420	0.00	79.70	79.70
11/27/2017	Payment				79.70	-79.70	0.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

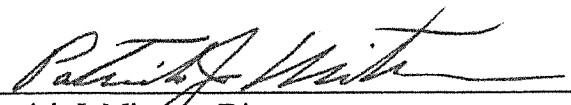
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
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WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

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June 27, 2017

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WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

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June 27, 2017
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The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
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SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
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- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

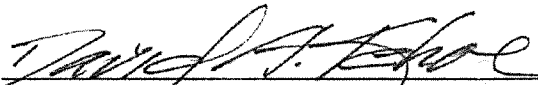
Ordinance No. 719
June 27, 2017
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SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

August 4, 2017

Gary Morrison
14831 Lamoine Dr
Redding CA 96003

Subject: Variance Request; Account No. 0006583

Dear Gary Morrison:

This is in response to your application for a variance from the requirements of Ordinance No. 719. We appreciate your attention to the Ordinance. After careful review, your application for a variance has been approved for a new total maximum of 300 gallons per day. This was deemed to be necessary and sufficient to ensure the continued availability of water for human consumption, sanitation, and fire protection.

You have the right to appeal this decision. Relevant portions of the Ordinance describing the limited time to appeal and the process to appeal this decision are included on the back of this letter.

If you have any questions, please give me a call at 225-5661.

Sincerely,

A handwritten signature in blue ink, reading "Patrick J. Minturn", is written over a horizontal line.

Patrick J. Minturn, Director

PJM/ldr

SECTION 5. Water Use Limitations

- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

URGENCY WATER REGULATIONS ORDINANCE No. 719

VARIANCE REQUEST EVALUATION FORM

Control No. 22Date Received: 7/18/2017Respond By: 8/17/2017Occupants Claimed: 4Bedrooms: 2Septic Tank Capacity? N/AConsistency? YesConsistency? YesAverage Daily Use, July-August 2016: 650 gpdAverage Daily Use, November-December 2016: 737 gpd

WUE measures reported: Bottled water. Reduce showers. Reasonable? Yes
 buckets under sinks.

Medical: No Reasonable? N/AOther: Swamp cooler. Animal. Lawn. Trees. Landscaping. Reasonable? NoGrant Variance? Yes4 x 75 = 300

Other Quantity:

Total: 300 gpdAccount No. 0006583.0

Notes:

Urgency Water Regulations Ordinance No. 719 Variance Request

RECEIVED

JUL 18 2017

Control #: 22Date Received: PUBLIC WORKS**Section I: Customer Information**Name (Last, First MI): Morrison Gary L.Account #: 0006583.0 APN: 304.080.039Service Address: 14831 Lamoine Dr. Rdg. 96003Mailing Address: SamePhone #: (530) 275-5621 Email: sawdustzone@gmail.com**Section II: Property Information**1. Total number of occupants: 42. Total irrigated landscape area: 1/2 acres.3. Size of fountain (if present): 04. Total size of pool(s) / spa(s) (if present): 0 gallons.5. Reason for requested variance¹: *Attach additional pages if necessary.*Please see attached

6. Proposed alternative that accommodates your needs while achieving water reduction.

If none, explain: See attached

I certify under penalty of perjury that all the information provided is truthful and correct. I understand that this form is required to be submitted to the County of Shasta, and that all information provided is subject to verification by the County. The County may request additional information and/or inspection of the interior and exterior of the premises.

Customer Signature: Gary L. Morrison Date: 7/17/17

Send this form to: County of Shasta, Dept. of Public Works, 1855 Placer Street, Redding, CA 96001, Attention: Variance. Variance requests will be processed within 30 days of receipt. Customers will be notified of determination by mail. For questions call (530) 225-5661.

¹ Relevant portions of the Ordinance are included on the back of this form. Please read and include any applicable factors in your Variance Request.

Reasons for requested variance:

7/17/17

We currently have four people living at our residence. Myself, my wife Leslie, her son David McBroom and his wife Beth. We took the kids in because they are experiencing a rough patch and had nowhere else to go. We are responsible for them at the moment and for at least the rest of the summer and fall. This crisis is impacting us all very much. We have a 140 lb. dog that drinks a LOT of water and must be kept cool. The evaporative cooler is our ONLY source of cooling. We run the swamp cooler 24/7 or we would DIE inside and have to move out to the yard. I don't know how many gallons that thing uses but it's a lot, I'm sure. Then we have a small lawn that I don't want to die because there is a lot of work and money tied up in it. We have many trees and landscaping that cost much money and labor and would also become a FIRE hazard were they to die.

This is also the season for grandkids and other family members to visit and stay a while thus deepening the crisis periodically. There is no way we can stay within this Spartan allotment and we can't afford fines with everything else we are paying for.

Proposed alternative that accommodates your needs while achieving water reduction:

We now buy bottled water for all drinking and cooking needs. We have stopped flushing the toilets. (if it's brown, flush it down, if it's yellow, let it mellow) We have reduced our showers to one or two per week and our noses and those around us are suffering our sacrifice. We wear our clothes two or three times before we wash them now. We never let faucets run longer than they absolutely have to anymore and we turn them on very slightly: just enough to get the job done. We don't wash our cars. We have buckets in the kitchen sink and shower to save water for the plants. In short we are not living a 1st world lifestyle anymore in our efforts to NOT be PENALIZED by fines. We need some RELIEF as these measures are wearing on us more each day.

Customer Transaction Summary

Customer Information

Account No: 0006583.0
GARY MORRISON
14831 LAMOINE DR
REDDING, CA 96003

Location Information

Location No: 0006583
14831 LAMOINE DRIVE
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/31/2010	Charge	12/31/2010	505570	44520	0.00	93.12	93.12
01/21/2011	Payment				93.12	-93.12	0.00
02/28/2011	Charge	02/28/2011	559420	53850	0.00	106.24	106.24
04/14/2011	Payment				106.24	-106.24	0.00
04/30/2011	Charge	04/30/2011	612800	53380	0.00	105.64	105.64
05/31/2011	Payment				105.64	-105.64	0.00
06/30/2011	Charge	06/30/2011	634470	21670	0.00	67.60	67.60
08/01/2011	Payment				67.60	-67.60	0.00
08/31/2011	Charge	08/31/2011	683190	48720	0.00	100.12	100.12
10/14/2011	Payment				100.12	-100.12	0.00
10/31/2011	Charge	10/31/2011	735250	52060	0.00	104.08	104.08
11/29/2011	Payment				104.08	-104.08	0.00
12/31/2011	Charge	12/31/2011	768220	32970	0.00	81.16	81.16
01/12/2012	Payment				81.16	-81.16	0.00
02/29/2012	Charge	02/29/2012	797110	28890	0.00	78.92	78.92
03/15/2012	Payment				78.92	-78.92	0.00
04/30/2012	Charge	04/30/2012	826690	29580	0.00	79.83	79.83
05/10/2012	Payment				79.83	-79.83	0.00
06/30/2012	Charge	06/30/2012	864030	37340	0.00	89.97	89.97
08/09/2012	Payment				89.97	-89.97	0.00
08/31/2012	Charge	08/31/2012	910360	46330	0.00	101.67	101.67
10/10/2012	Payment				101.67	-101.67	0.00
10/31/2012	Charge	10/31/2012	953910	43550	0.00	98.03	98.03
12/06/2012	Payment				98.03	-98.03	0.00
12/31/2012	Charge	12/31/2012	973260	19350	0.00	66.57	66.57
02/08/2013	Payment				66.57	-66.57	0.00
02/28/2013	Charge	02/28/2013	996490	23230	0.00	71.64	71.64
04/09/2013	Payment				71.64	-71.64	0.00
04/30/2013	Charge	04/30/2013	1028590	32100	0.00	83.08	83.08
06/07/2013	Payment				83.08	-83.08	0.00
06/30/2013	Charge	06/30/2013	64880	36290	0.00	88.54	88.54
08/09/2013	Payment				88.54	-88.54	0.00
08/31/2013	Charge	08/31/2013	116200	51320	0.00	108.17	108.17
10/09/2013	Payment				108.17	-108.17	0.00
10/31/2013	Charge	10/31/2013	163400	47200	0.00	102.71	102.71
12/09/2013	Payment				102.71	-102.71	0.00
12/31/2013	Charge	12/31/2013	198450	35050	0.00	86.98	86.98
02/07/2014	Payment				86.98	-86.98	0.00
02/28/2014	Charge	02/28/2014	244920	46470	0.00	101.80	101.80
04/11/2014	Payment				101.80	-101.80	0.00
04/30/2014	Charge	04/30/2014	285980	41060	0.00	94.78	94.78
06/09/2014	Payment				94.78	-94.78	0.00
06/30/2014	Charge	06/30/2014	326360	40380	0.00	93.87	93.87
08/08/2014	Payment				93.87	-93.87	0.00
08/31/2014	Charge	08/31/2014	381320	54960	0.00	112.85	112.85
10/07/2014	Payment				112.85	-112.85	0.00

Customer Transaction Summary

Customer Information

Account No: 0006583.0
GARY MORRISON
14831 LAMOINE DR
REDDING, CA 96003

Location Information

Location No: 0006583
14831 LAMOINE DRIVE
JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
10/31/2014	Charge	10/31/2014	431240	49920	0.00	106.35	106.35
12/09/2014	Payment				106.35	-106.35	0.00
12/31/2014	Charge	12/31/2014	466120	34880	0.00	86.72	86.72
02/09/2015	Payment				86.72	-86.72	0.00
02/28/2015	Charge	02/28/2015	505050	38930	0.00	92.05	92.05
04/07/2015	Payment				92.05	-92.05	0.00
04/30/2015	Charge	04/30/2015	542490	37440	0.00	90.10	90.10
05/19/2015	Payment				90.10	-90.10	0.00
06/30/2015	Charge	06/30/2015	561230	18740	0.00	65.79	65.79
07/20/2015	Payment				65.79	-65.79	0.00
08/31/2015	Charge	08/31/2015	635780	74550	0.00	138.33	138.33
10/06/2015	Payment				138.33	-138.33	0.00
10/31/2015	Charge	10/31/2015	690170	54390	0.00	166.46	166.46
12/11/2015	Payment				166.46	-166.46	0.00
12/31/2015	Charge	12/31/2015	757750	67580	0.00	129.23	129.23
02/08/2016	Payment				129.23	-129.23	0.00
02/29/2016	Charge	02/29/2016	818630	60880	0.00	120.52	120.52
04/11/2016	Payment				120.52	-120.52	0.00
04/30/2016	Charge	04/30/2016	877650	59020	0.00	118.18	118.18
06/06/2016	Payment				118.18	-118.18	0.00
06/30/2016	Charge	06/30/2016	938400	60750	0.00	120.39	120.39
07/29/2016	Payment				120.39	-120.39	0.00
08/31/2016	Charge	08/31/2016	977400	39000	0.00	92.05	92.05
10/11/2016	Payment				92.05	-92.05	0.00
10/31/2016	Charge	10/31/2016	1024410	47010	0.00	102.58	102.58
12/05/2016	Payment				102.58	-102.58	0.00
12/31/2016	Charge	12/31/2016	68630	44220	0.00	98.94	98.94
02/09/2017	Payment				98.94	-98.94	0.00
02/28/2017	Charge	02/28/2017	78540	9910	0.00	52.35	52.35
04/07/2017	Payment				52.35	-52.35	0.00
04/30/2017	Charge	04/30/2017	88310	9770	0.00	51.89	51.89
06/09/2017	Payment				51.89	-51.89	0.00
06/30/2017	Charge	06/30/2017	109980	21670	0.00	69.56	69.56



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

GARY MORRISON
14831 LAMOINE DR
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006583.0

Dear GARY MORRISON:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 29420 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

RECEIVED

DEC 07 2017

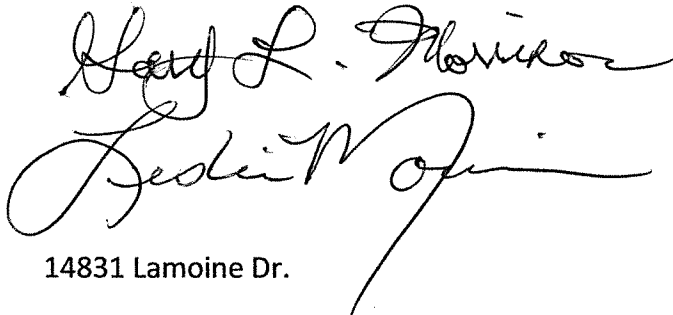
CLERK OF THE BOARD

Dear Clerk of the Board of Supervisors,

I cannot find my second fine letter. But this is my official request to appeal that 2nd \$250 fine by CSA # 6 water, before the Board of Supervisors.

Sincerely,

Gary L. Morrison & Leslie L. Morrison

The block contains two handwritten signatures in black ink. The top signature is 'Gary L. Morrison' and the bottom signature is 'Leslie L. Morrison'. Both are written in a cursive, flowing style.

14831 Lamoine Dr.

Redding, Ca 96003-7019

Ph. (530) 275-5621

Account # 0006583.0

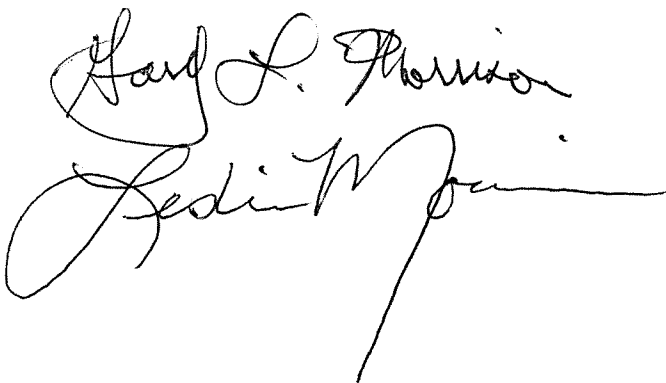
Reasons for requested variance:

We currently have four people living at our residence. Myself, my wife Leslie, her son David McBroom and his wife Beth. We took the kids in because they are experiencing a rough patch and had nowhere else to go. We are responsible for them at the moment and for at least the rest of the summer, fall and winter. This crisis is impacting us all very much. We have a 140 lb. dog that drinks a LOT of water and must be kept cool also. The evaporative cooler is our ONLY source of cooling. We run the swamp cooler 24/7 or we would DIE inside and have to move out to the yard. I don't know how many gallons that thing uses but it's a lot, I'm sure. Then we have a small lawn that I don't want to die because there is a lot of work and money tied up in it. We have many trees and landscaping that cost much money and labor and would also become a FIRE hazard were they to die.

This is also the season for grandkids and other family members to visit and stay a while thus deepening the crisis periodically. There is no way we can stay within this Spartan allotment and we can't afford fines with everything else we are paying for.

Proposed alternative that accommodates your needs while achieving water reduction:

We now buy bottled water for all drinking and cooking needs. We have stopped flushing the toilets. (if it's brown, flush it down, if it's yellow, let it mellow) We have reduced our showers to one or two per week and our noses and those around us are suffering our sacrifice. We wear our clothes two or three times before we wash them now. We never let faucets run longer than they absolutely have to anymore and we turn them on very slightly: just enough to get the job done. We don't wash our cars. We have buckets in the kitchen sink and shower to save water for the plants. In short we are not living a 1st world lifestyle anymore in our efforts to NOT be PENALIZED by fines. We need some RELIEF as these measures are wearing on us more each day.

The block contains two handwritten signatures in black ink. The top signature is 'David L. Morrison' and the bottom signature is 'Leslie Morrison'. Both are written in a cursive, flowing style.



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Gary L. and Leslie L. Morrison
14831 Lamoine Drive
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Morrison:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-27.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Penland

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-090-027 (Penland); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Penland's submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Penland's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 268 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Penland Customer Transaction Summary	12/20/2017	Penland Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Penland PW Billing Notice	12/20/2017	Penland PW Billing Notice
Penland Penalty Appeal	12/20/2017	Penland Penalty Appeal
Penland COB Hearing Notice	12/20/2017	Penland COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006241.0

RYLAN PENLAND

14822 MARIN DR

REDDING, CA 96003

Location Information

Location No: 0006241

14822 MARIN DRIVE

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/02/2016	Payment				71.38	-71.38	0.00
12/31/2016	Charge	12/31/2016	1671290	9490	0.00	51.20	51.20
02/14/2017	Payment				51.20	-51.20	0.00
02/28/2017	Charge	02/28/2017	1679560	8270	0.00	48.44	48.44
03/31/2017	Payment				48.44	-48.44	0.00
04/30/2017	Charge	04/30/2017	1692440	12880	0.00	58.12	58.12
06/05/2017	Payment				58.12	-58.12	0.00
06/30/2017	Charge	06/30/2017	1714500	22060	0.00	70.08	70.08
07/31/2017	Payment				70.08	-70.08	0.00
08/31/2017	Charge	08/31/2017	1744120	29620	0.00	79.96	79.96
09/06/2017	Misc - ORD				79.96	100.00	179.96
09/25/2017	Payment				179.96	-80.00	99.96
10/31/2017	Penalty				99.96	1.50	101.46
10/31/2017	Charge	10/31/2017	1760200	16080	101.46	62.28	163.74
11/17/2017	Payment				163.74	-100.00	63.74
12/13/2017	Misc - D				63.74	25.00	88.74



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

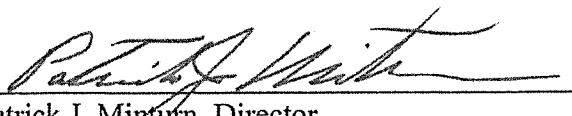
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

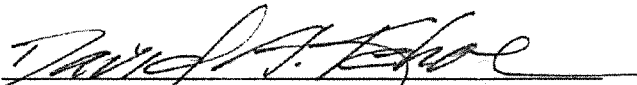
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: _____
Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

RYLAN PENLAND
14822 MARIN DR
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006241.0

Dear RYLAN PENLAND:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 16080 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

December 6, 2017

Sent Via Email to clerkoftheboard@co.shasta.ca.us

Clerk of the Board
1450 Court Street, Suite 308B
Redding, CA 96001

RE: Katrina & Rylan 14822 Marin Drive CSA Account #: 0006241.0 CSA #6

Dear Representative:

I am writing you to appeal the Jones Valley Water Violation fine that we received for the September-October 2017 billing period. We are a family of 4, two young boys and two adults. We have 3 dogs, 2 cats and chickens. We previously received the violation fine for the July-August 2017 billing period which we have paid. In order to attempt to comply the water restriction ordinance, we stopped watering grass, plants and my children stopped taking baths and had to have showers instead. My boys love their bath time and it was a huge and disappointing change for them to give up their baths. We lost two citrus trees that had been growing for 3 years due to lack of water. My husband and I put buckets in the shower while we showered and used the water to try to keep our garden plants alive. My family and I have done everything we can possibly do to stay under the water restrictions but unfortunately the 225 gallon limit is not enough to keep our family and animals going. In reviewing our September-October bill, we cut our water usage in half but it was still not enough to avoid the fine. I would hope that you will see how much we did conserve and reverse our fine.

I would like to request that you reverse the \$150 fine for violation of the Jones Valley water ordinance as the limit of water usage is not feasible for a family of our size. Thank you for your consideration in this matter.

Sincerely,



KATRINA PENLAND

RECEIVED
DEC 06 2017
CLERK OF THE BOARD



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Rylan and Katrina Penland
14822 Marin Drive
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Penland:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-28.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Snodgrass

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-100-035 (Snodgrass); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Ms. Snodgrass submitted a request for a hearing regarding her September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Snodgrass maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Her actual daily use was 467 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Snodgrass Customer Transaction Summary	12/20/2017	Snodgrass Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Snodgrass PW Billing Notice	12/20/2017	Snodgrass PW Billing Notice
Snodgrass Penalty Appeal	12/20/2017	Snodgrass Penalty Appeal
Snodgrass COB Hearing Notice	12/20/2017	Snodgrass COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006221.1

CHRIS SNODGRASS

14851 RAVINE ROAD

REDDING, CA 96003

Location Information

Location No: 0006221

14851 RAVINE ROAD

JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/27/2016	Payment				126.63	-126.63	0.00
12/31/2016	Charge	12/31/2016	3336770	10560	0.00	53.73	53.73
02/24/2017	Misc - D				53.73	15.00	68.73
02/27/2017	Payment				68.73	-53.73	15.00
02/28/2017	Penalty				15.00	0.23	15.23
02/28/2017	Charge	02/28/2017	3344430	7660	15.23	47.06	62.29
04/25/2017	Misc - D				62.29	15.00	77.29
04/25/2017	Adjustment				77.29	-15.00	62.29
04/25/2017	Payment				62.29	-62.29	0.00
04/30/2017	Charge	04/30/2017	3354700	10270	0.00	53.04	53.04
06/21/2017	Misc - D				53.04	15.00	68.04
06/26/2017	Payment				68.04	-53.04	15.00
06/30/2017	Penalty				15.00	0.23	15.23
06/30/2017	Charge	06/30/2017	3416950	62250	15.23	122.34	137.57
08/10/2017	Payment				137.57	-130.00	7.57
08/31/2017	Penalty				7.57	0.11	7.68
08/31/2017	Charge	08/31/2017	3499420	82470	7.68	148.60	156.28
09/06/2017	Misc - ORD				156.28	100.00	256.28
10/04/2017	Misc - D				256.28	25.00	281.28
10/13/2017	Payment				281.28	-156.28	125.00
10/31/2017	Penalty				125.00	1.88	126.88
10/31/2017	Charge	10/31/2017	3527930	28510	126.88	78.53	205.41
11/13/2017	Payment				205.41	-205.41	0.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

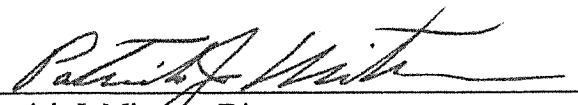
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

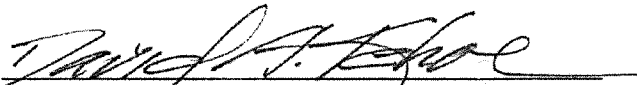
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

CHRIS SNODGRASS
14851 RAVINE RD
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006221.1

Dear CHRIS SNODGRASS:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 28510 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Clerk of the Board of Supervisors

1450 Court St. Suite 308 B

Redding, CA 96001-1673

December 5, 2017

RECEIVED
DEC 07 2017
CLERK OF THE BOARD

Dear Clerk of the Board of Supervisors

My Husband and I wish to file an appeal to the unlawful usage penalty that has been enacted against the residents of CSA 010006 in Jones Valley.

During the drought years we put in drip lines to keep our garden alive, we bought a low water use washing machine and have even bought low water use toilets to install. We do not have any children living in our home, it is only the two of us. I have a bucket in the shower to fill while the water heats up for my showers, I use it to water my potted plants. We have done everything we can to conserve water.

I spent several years on the water board in Jones Valley and was also a member of the Jones Valley Fire Department which I spent 26 years dedicating my life to this community. For the last fifteen years I served as Fire chief.

Our community has a large amount of retired residents as well as many who are lower income. My husband is disabled as are several of our neighbors.

In the deed for our residence it states that we have water rights for Shasta Lake. The residents in Southern California are not being asked to restrict their water use and yet we live one mile from Lake Shasta and are being fined ridiculous unlawful amounts.

We are filing notice that a class action lawsuit is in the process of being filed against Shasta County. We will demand the firing of Patrick Minturn as well as the Supervisor for our area. She ran on the platform that she would stand for us and yet she has shown that she does not represent us at all.

Sincerely



Janet L. Snodgrass

Jones Valley Home owner



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Chris and Janet Snodgrass
14851 Ravine Road
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Snodgrass:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over the word "Sincerely,".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-29.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Stewart

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-030-003 (Stewart); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

The Stewarts submitted a request for a hearing regarding their September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. The Stewart's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Their actual daily use was 282 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Stewart Customer Transaction Summary	12/20/2017	Stewart Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Stewart PW Billing Notice	12/20/2017	Stewart PW Billing Notice
Stewart Penalty Appeal	12/20/2017	Stewart Penalty Appeal
Stewart COB Hearing Notice	12/20/2017	Stewart COB Hearing Notice

CSA #6 Jones Valley

Customer Transaction Summary

Customer Information

Account No: 0006950.0
 CHARLES STEWART
 21636 ELK TRAIL WEST
 REDDING, CA 96003-

Location Information

Location No: 0006950
 21636 ELK TRAIL WEST
 REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
11/28/2016	Payment				60.07	-60.07	0.00
12/31/2016	Charge	12/31/2016	28240	7230	0.00	46.14	46.14
01/25/2017	Payment				46.14	-46.14	0.00
02/28/2017	Charge	02/28/2017	29231	9910	0.00	52.35	52.35
03/20/2017	Payment				52.35	-52.35	0.00
04/30/2017	Charge	04/30/2017	30686	14550	0.00	60.33	60.33
05/23/2017	Payment				60.33	-60.33	0.00
06/30/2017	Charge	06/30/2017	31982	12960	0.00	58.25	58.25
07/24/2017	Payment				58.25	-58.25	0.00
08/31/2017	Charge	08/31/2017	33645	16630	0.00	63.06	63.06
09/06/2017	Misc - ORD				63.06	100.00	163.06
09/14/2017	Payment				163.06	-63.06	100.00
10/31/2017	Penalty				100.00	1.50	101.50
10/31/2017	Charge	10/31/2017	35368	17230	101.50	63.84	165.34
11/16/2017	Payment				165.34	-165.34	0.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

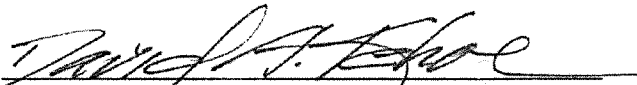
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

CHARLES STEWART
21636 ELK TRL WEST
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006950.0

Dear CHARLES STEWART:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 17230 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

RECEIVED

DEC 05 2017

CLERK OF THE BOARD

Dec 5, 2017

To Whom It May Concern:

Subject: CSA #6 Jones Valley Water Penalty
Account # 0006950.0 (Charles Stewart)
(Cherraine Stewart)

Re: 2nd usage penalty for Sept/Oct 2017
recalculate Sept 30 days Oct 31 $61 \times 225 = 13,725$

(w) I am appealing for the following reasons:
do not feel over ^{actual} (13,725) not 17,230

1st usage over (summer months) due to 5 additional
persons temporary total of 7 in household [PAID]

2nd usage penalty appealing —

Unusual summer long temps forced to use
swamp cooler longer - As we are
both home all day due to health issues
unable to conserve - Steps I have taken
to conserve are the following -
Paper plates to run dishwasher less
only flush when necessary
limit laundry - due to health cannot go to town
no longer water outside potted trees or flower

Page 1

Page 2

I feel we have done everything
to limit what we can

(per
sister)

I can not limit hot showers due
to health and it is physically
difficult for me to take laundry
to town

Also County came out to check
meter which we have not been
notified of results - spoke with
employee he stated that there may
be a problem w/meter.

Thank You for your consideration

Maria L. Lujan
Cochair School



Shasta County

RECEIVED

DEC 05 2017

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

CLERK OF THE BOARD

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

CHARLES STEWART
21636 ELK TRL WEST
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006950.0

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Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A handwritten signature in black ink, appearing to be "Ken Cristobal", is written over a horizontal line.

Ken Cristobal

Deputy Director – Administration

31
31

62

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
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TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Charles and Lorraine Stewart
21636 Elk Trail East
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. and Mrs. Stewart:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over a printed name and title.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-30.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Tryan

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 305-040-016 (Tryan); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Mr. Tryan submitted a request for a hearing regarding his September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Mr. Tryan's maximum daily allowed use (including any approved variance) was 375 gallons per day (gpd). His actual daily use was 421 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Tryan Customer Transaction Summary	12/20/2017	Tryan Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Tryan Variance Request Approved	12/20/2017	Tryan Variance Request Approved
Tryan PW Billing Notice	12/20/2017	Tryan PW Billing Notice
Tryan Penalty Appeal	12/20/2017	Tryan Penalty Appeal
Tryan COB Hearing Notice	12/20/2017	Tryan COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006962.1

DAVID TRYAN

13835 GREEN MOUNTAIN TRAIL

REDDING, CA 96003-

Location Information

Location No: 0006962

13835 GREEN MOUNTAIN TRAIL

REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/05/2016	Payment				76.58	-76.58	0.00
12/31/2016	Charge	12/31/2016	57489	12270	0.00	57.34	57.34
01/03/2017	Payment				57.34	-76.58	-19.24
01/30/2017	Payment				-19.24	-57.34	-76.58
02/28/2017	Charge	02/28/2017	58611	11220	-76.58	55.34	-21.24
04/30/2017	Charge	04/30/2017	59974	13630	-21.24	59.16	37.92
06/05/2017	Payment				37.92	-37.92	0.00
06/30/2017	Charge	06/30/2017	63267	32930	0.00	84.25	84.25
07/31/2017	Payment				84.25	-84.25	0.00
08/31/2017	Charge	08/31/2017	66765	34980	0.00	86.85	86.85
09/06/2017	Misc - ORD				86.85	100.00	186.85
09/25/2017	Payment				186.85	-86.85	100.00
10/31/2017	Penalty				100.00	1.50	101.50
10/31/2017	Charge	10/31/2017	69331	25660	101.50	74.76	176.26
11/30/2017	Misc - D				176.26	25.00	201.26
12/04/2017	Payment				201.26	-176.26	25.00
12/13/2017	Misc - D				25.00	25.00	50.00

This notice was sent on June 28, 2017, to the following CSA 6 owners and tenants:



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

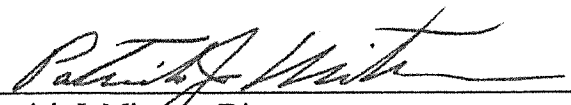
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6–Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

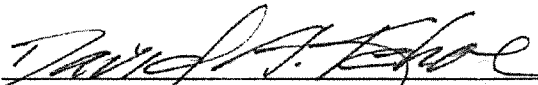
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BAROLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

August 4, 2017

David Tryan
13835 Green Mtn Trl
Redding CA 96003

Subject: Variance Request; Account No. 0006962.1

Dear David Tryan:

This is in response to your application for a variance from the requirements of Ordinance No. 719. We appreciate your attention to the Ordinance. After careful review, your application for a variance has been approved for a new total maximum of 375 gallons per day. This was deemed to be necessary and sufficient to ensure the continued availability of water for human consumption, sanitation, and fire protection.

You have the right to appeal this decision. Relevant portions of the Ordinance describing the limited time to appeal and the process to appeal this decision are included on the back of this letter.

If you have any questions, please give me a call at 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr

SECTION 5. Water Use Limitations

- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee ("Director"). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this Ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors ("BOS") by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

**URGENCY WATER REGULATIONS ORDINANCE No. 719
VARIANCE REQUEST EVALUATION FORM**

Control No. 4

Date Received: 7/6/2017

Respond By: 8/5/2017

Occupants Claimed: 5

Bedrooms: 3

Septic Tank Capacity? N/A

Consistency? Yes

Consistency? N/A

Average Daily Use, July-August 2016: 518 gpd

Average Daily Use, November-December 2016: 205 gpd

WUE measures reported: Drip irrigation Reasonable? No

Medical: Reasonable? N/A

Other: Animals, orchard, landscaping, pool. Swamp cooler. Reasonable? No

Grant Variance? Yes
5 x 75 = 375

Other Quantity:

Total: 375 gpd

Account No. 0006962.1

Notes:

**Urgency Water Regulations Ordinance No. 719
Variance Request**

**RECEIVED
JUL 06 2017**

Control #: 4

Date Received: PUBLIC WORKS

Section I: Customer Information

Name (Last, First MI): Tryan, David W

Account #: 0006962.1 APN: 305-040-016

Service Address: 13835 Green Mountain Trl Redding, CA 96003

Mailing Address: same

Phone #: (530) 223-1410 Email: dwtryan@gmail.com

Section II: Property Information

1. Total number of occupants: 5

2. Total irrigated landscape area: .1 acres. 3. Size of fountain (if present): _____

4. Total size of pool(s) / spa(s) (if present): 9000 gallons.

5. Reason for requested variance¹: Attach additional pages if necessary.

Please see attached

6. Proposed alternative that accommodates your needs while achieving water reduction.

If none, explain: 500 Gallons per month day.

I certify under penalty of perjury that all the information provided is truthful and correct. I understand that this form is required to be submitted to the County of Shasta, and that all information provided is subject to verification by the County. The County may request additional information and/or inspection of the interior and exterior of the premises.

Customer Signature: [Signature]

Date: 7/6/17

Send this form to: County of Shasta, Dept. of Public Works, 1855 Placer Street, Redding, CA 96001, Attention: Variance. Variance requests will be processed within 30 days of receipt. Customers will be notified of determination by mail. For questions call (530) 225-5661.

¹ Relevant portions of the Ordinance are included on the back of this form. Please read and include any applicable factors in your Variance Request.

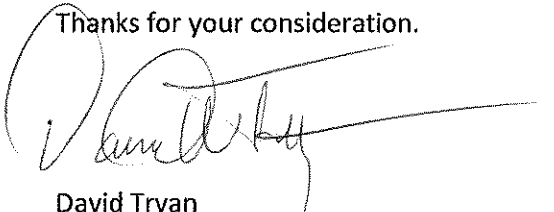
Reasons for requested variance:

- We have a total of 5 occupants at our home, our family of four plus my Father.
- We have 4 dogs and 2 cats who also have varying water needs.
- We have 4 chickens which require water, these chickens provide food for our family.
- We have 2 goats who need water in support of keeping our property FIRE-SAFE for us and our neighbors.
- We utilize an evaporative cooler during the hot months to minimize our use of electricity per PG&E and the US Dept of Energy recommendations.
- We have a small garden which we utilize for food during the spring/summer/fall months.
- We have about 15 fruit and nut trees which we utilize for food year-round.

More Reasons for requested variance:

- We do NOT have a lawn
- Most of our trees, shrubs, landscaping are drought resistant species.
- We utilize pressurized drip for our modest landscaping around the house/garden which is highly efficient, exceptionally maintained and LEAK-FREE.
- All our appliances are energy star rated and use the minimum amount of water required for dishwashing and washing clothes.
- We have a pool which is LEAK-FREE and well maintained. The only refills needed are for evaporation and splashing. Our children take less showers during the summer months when using the pool more often.
- 225 gallons for our entire household is simply not a reasonable expectation even with the water saving measures we have already taken, especially during the hot months when EVERYTHING requires more water.

Thanks for your consideration.



David Tryan

13835 Green Mountain Trl

Redding, CA 96003

Customer Transaction Summary

Customer Information

Account No: 0006962.1
DAVID TRYAN
13835 GREEN MOUNTAIN TRAIL
REDDING, CA 96003-

Location Information

Location No: 0006962
13835 GREEN MOUNTAIN TRAIL
REDDING, CA 96003-

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
04/30/2015	F Charge	04/30/2015	27582	39540	0.00	92.83	92.83
06/01/2015	Payment				92.83	-92.83	0.00
06/30/2015	Charge	06/30/2015	35381	77990	0.00	142.75	142.75
07/27/2015	Payment				142.75	-142.75	0.00
08/31/2015	Charge	08/31/2015	39675	42940	0.00	97.25	97.25
09/28/2015	Payment				97.25	-97.25	0.00
10/31/2015	Charge	10/31/2015	42535	28600	0.00	107.13	107.13
11/23/2015	Payment				107.13	-107.13	0.00
12/31/2015	Charge	12/31/2015	44085	15500	0.00	61.50	61.50
02/08/2016	Payment				61.50	-61.50	0.00
02/29/2016	Charge	02/29/2016	45202	11170	0.00	55.11	55.11
04/11/2016	Payment				55.11	-55.11	0.00
04/30/2016	Charge	04/30/2016	46785	15830	0.00	62.02	62.02
06/10/2016	Payment				62.02	-62.02	0.00
06/30/2016	Charge	06/30/2016	50447	36620	0.00	89.06	89.06
08/01/2016	Payment				89.06	-89.06	0.00
08/31/2016	Charge	08/31/2016	53552	31050	0.00	81.78	81.78
09/26/2016	Payment				81.78	-81.78	0.00
10/31/2016	Charge	10/31/2016	56262	27100	0.00	76.58	76.58
12/05/2016	Payment				76.58	-76.58	0.00
12/31/2016	Charge	12/31/2016	57489	12270	0.00	57.34	57.34
01/03/2017	Payment				57.34	-76.58	-19.24
01/30/2017	Payment				-19.24	-57.34	-76.58
02/28/2017	Charge	02/28/2017	58611	11220	-76.58	55.34	-21.24
04/30/2017	Charge	04/30/2017	59974	13630	-21.24	59.16	37.92
06/05/2017	Payment				37.92	-37.92	0.00



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

DAVID TRYAN
13835 GREEN MTN TRL
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006962.1

Dear DAVID TRYAN:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 25660 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Date: 11/22/17

To: Shasta County Board of Supervisors

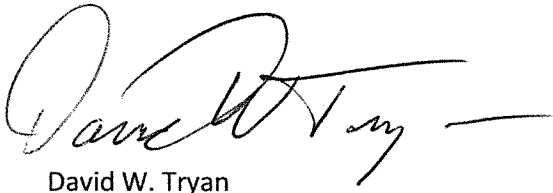
From: David W. Tryan

Regarding: CSA#6 Jones Valley Water Usage Penalty, Account#0006962.1

Amount: \$150

RECEIVED
NOV 27 2017
CLERK OF THE BOARD

I am formally protesting this water usage penalty. Please find a copy of the penalty letter included. I await word on my hearing date and time.

A handwritten signature in black ink, appearing to read "David W. Tryan", followed by a horizontal line.

David W. Tryan



Shasta County

DEPARTMENT OF PUBLIC WORKS

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REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

DAVID TRYAN
13835 GREEN MTN TRL
REDDING CA 96003

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006962.1

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On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 25660 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

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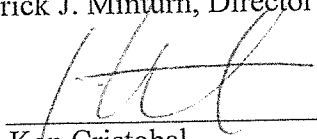
Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal

Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

David Tryan
13835 Green Mountain Trail
Redding, CA 96003

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Mr. Tryan:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-31.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Weight

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-120-003 (Weight); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. “Substantial” is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: “You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer’s written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.”

Ms. Weight submitted a request for a hearing regarding her September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Weight's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Her actual daily use was 502 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Weight Customer Transaction Summary	12/20/2017	Weight Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Weight PW Billing Notice	12/20/2017	Weight PW Billing Notice
Weight Penalty Appeal	12/20/2017	Weight Penalty Appeal
Weight COB Hearing Notice	12/20/2017	Weight COB Hearing Notice

Customer Transaction Summary

Customer Information

Account No: 0006614.1
 ELEANOR WEIGHT
 P.O. BOX 354
 BELLA VISTA, CA 96008-

Location Information

Location No: 0006614
 14774 LAMOINE DRIVE
 JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/05/2016	Payment				57.99	-57.99	0.00
12/31/2016	Charge	12/31/2016	2072080	16280	0.00	62.54	62.54
01/26/2017	Payment				62.54	-62.54	0.00
02/28/2017	Charge	02/28/2017	2080180	8100	0.00	47.98	47.98
04/05/2017	Payment				47.98	-47.98	0.00
04/30/2017	Charge	04/30/2017	2093140	12960	0.00	58.25	58.25
06/12/2017	Payment				58.25	-58.25	0.00
06/30/2017	Charge	06/30/2017	2113500	20360	0.00	67.87	67.87
08/11/2017	Payment				67.87	-68.00	-0.13
08/31/2017	Charge	08/31/2017	2147220	33720	-0.13	85.29	85.16
09/06/2017	Misc - ORD				85.16	100.00	185.16
10/04/2017	Payment				185.16	-185.16	0.00
10/04/2017	Misc - D				0.00	25.00	25.00
10/04/2017	Adjustment				25.00	-25.00	0.00
10/31/2017	Penalty				0.00	0.38	0.38
10/31/2017	Charge	10/31/2017	2175840	28620	0.38	78.66	79.04
10/31/2017	Adjustment				79.04	-0.38	78.66
11/01/2017	L Charge	11/01/2017	2175840		78.66	0.00	78.66
11/28/2017	Payment				78.66	-78.66	0.00



Shasta County

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PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6--Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

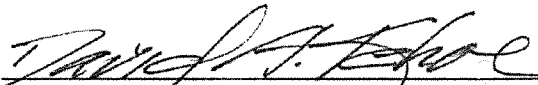
Ordinance No. 719
June 27, 2017
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES: Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES: None
ABSENT: None
ABSTAIN: None
RECUSE: None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

ELEANOR WEIGHT
PO BOX 354
BELLA VISTA CA 96008

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006614.1

Dear ELEANOR WEIGHT:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 28620 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

11-14-17

To whom it may concern,

I would like the penalty waive related to using water above allotted amount for dates 9-1-17 to 10-31-17. The household size and health issues of the occupants warrant the over use - 4 adults and 3 children.

Three of the adults in the house are involved in health care field - requiring showers and clean uniforms. The other adult has documented skin issues needing regular daily showers along with a nine year old scholar.

The toddler goes without saying.

The newborn is asthmatic and has issues with aspirating - vomiting without provocation a warning. Needs to have linens and clothing kept clean and dry.

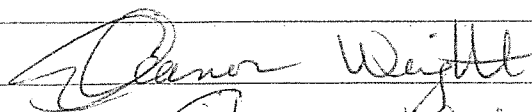
Since this bill has been made two of the adults have moved into another address resolving some of the overusage of water.

Thank you for your
Consideration

RECEIVED

NOV 14 2017

CLERK OF THE BOARD



Eleanor Wright

14774 Lamoine Dr Redding

0006614.1 acct #



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

ELEANOR WEIGHT
PO BOX 354
BELLA VISTA CA 96008

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006614.1

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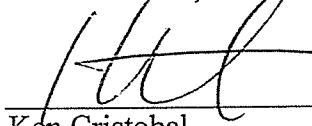
If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By 
Ken Cristobal
Deputy Director – Administration

KDC/ldr



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Eleanor Weight
POB 354
Bella Vista, CA 96008

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Ms. Weight:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope", is written over a horizontal line.

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice

REPORT TO SHASTA COUNTY BOARD OF SUPERVISORS

BOARD MEETING DATE: January 23, 2018

CATEGORY: Scheduled Hearings - General Government-32.

SUBJECT:

County Service Area (CSA) No. 6-Penalty Due Process Hearing/Appeal-Wilson

DEPARTMENT: Clerk of the Board

Supervisory District No. : 3

DEPARTMENT CONTACT: Julie Hope, Principal Administrative Analyst, (530) 225-5550

STAFF REPORT APPROVED BY: Julie Hope, Principal Administrative Analyst

Vote Required?	General Fund Impact?
Simple Majority Vote	General Fund Impact

RECOMMENDATION

Take the following actions regarding Ordinance No. 719, an Urgency Ordinance declaring a water shortage emergency and a necessity for a water conservation program and adopting a water conservation program for County Service Area No. 6-Jones Valley Water: (1) Consider the imposition of a water bill penalty for Assessor's Parcel Number 304-120-042 (Wilson); (2) conduct a public hearing pursuant to Shasta County Code sections 1.12.05 and 8.28.050 and Shasta County Administrative Policy 1-101, *Rule 8*; (3) close the public hearing; (4) impose, modify, or not impose the civil penalty; and (5) provide direction to staff.

SUMMARY

Ordinance No. 719 established penalties for excessive use. The rate payer received a civil monetary penalty and has requested a hearing regarding the penalty.

DISCUSSION

The Board adopted and enacted Ordinance No. 719 on June 27, 2017. Absent an approved variance, the maximum daily water use was limited to 225 gallons per day.

Section 5., Water Use Limitations, subsection (D) states: "Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

-The residential user had actual knowledge of the requirements found to be violated, and

-the conduct was intentional, and

-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water

Use Limitations set forth in Section 5 of this ordinance."

The penalty billing included the following language: "You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive."

Ms. Wilson submitted a request for a hearing regarding her September/October water bill penalty to the Clerk of the Board within the required 30-day filing period. On January 11, 2018, the Clerk of the Board notified the affected rate-payer via U.S. Mail regarding the hearing on January 23, 2018 for the BOS to consider the civil penalty. The BOS can consider all evidence, written or oral, presented during the hearing and make an independent (de novo) determination of the imposition of the civil penalty. Ms. Wilson's maximum daily allowed use (including any approved variance) was 225 gallons per day (gpd). Her actual daily use was 1,563 gpd. The penalty imposed was \$150.

ALTERNATIVES

The Board may choose to impose or not impose the civil penalty.

OTHER AGENCY INVOLVEMENT

County Counsel has reviewed the recommendation. The County Administrative Office has reviewed the recommendation.

FINANCING

There is potential General Fund impact dependent on the outcome of the Board's action(s).

ATTACHMENTS:

Description	Upload Date	Description
Wilson Customer Transaction Summary	12/20/2017	Wilson Customer Transaction Summary
PW Emergency Water Restriction Notice	12/20/2017	PW Emergency Water Restriction Notice
Wilson PW Billing Notice	12/20/2017	Wilson PW Billing Notice
Wilson Penalty Appeal	12/20/2017	Wilson Penalty Appeal
Wilson COB Hearing Notice	12/20/2017	Wilson COB Hearing Notice

CSA #6 Jones Valley

<h2 style="margin: 0;">Customer Transaction Summary</h2>
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Customer Information

Account No: 0006181.3
 CONNIE WILSON
 & ANDREA WILSON
 3947 RIVERVIEW DRIVE
 REDDING, CA 96002-

Location Information

Location No: 0006181
 22105 LOOP DRIVE
 JONES VALLEY, CA 96003

Date	Type	Read Date	Reading	Usage	Prior Balance	Transaction Amount	Balance
12/07/2016	Payment				88.41	-88.41	0.00
12/31/2016	Charge	12/31/2016	1033330	50310	0.00	106.87	106.87
02/24/2017	Misc - D				106.87	15.00	121.87
02/28/2017	Penalty				121.87	0.22	122.09
02/28/2017	Charge	02/28/2017	131240	97910	122.09	168.75	290.84
03/01/2017	Payment				290.84	-107.00	183.84
04/12/2017	Payment				183.84	-110.00	73.84
04/25/2017	Payment				73.84	-80.00	-6.16
04/30/2017	Charge	04/30/2017	207530	76290	-6.16	140.54	134.38
06/21/2017	Misc - D				134.38	15.00	149.38
06/22/2017	Payment				149.38	-134.38	15.00
06/30/2017	Penalty				15.00	0.23	15.23
06/30/2017	Charge	06/30/2017	284510	76980	15.23	141.45	156.68
08/10/2017	Payment				156.68	-156.68	0.00
08/31/2017	Charge	08/31/2017	361690	77180	0.00	141.71	141.71
09/06/2017	Misc - ORD				141.71	100.00	241.71
10/04/2017	Misc - D				241.71	25.00	266.71
10/09/2017	Payment				266.71	-142.00	124.71
10/31/2017	Penalty				124.71	1.87	126.58
10/31/2017	Charge	10/31/2017	457050	95360	126.58	165.37	291.95
11/30/2017	Misc - D				291.95	25.00	316.95
12/13/2017	Payment				316.95	-125.00	191.95



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

CSA 010006

June 28, 2017

Subject: Emergency Water Restrictions

Dear Customer:

Please be advised that water usage restrictions and a connection moratorium have been implemented in County Service Area No. 6 – Jones Valley Water (CSA No. 6).

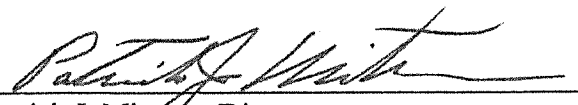
Operational costs have exceeded revenues for several years. A three-year rate increase was proposed but was rejected due to a majority protest pursuant to Proposition 218. CSA No. 6 is presently insolvent and continued insolvency will eliminate the ability to provide water to CSA No. 6. On June 27, 2017, the Board of Supervisors enacted emergency regulations to control costs (Ordinance enclosed).

Each gallon of water delivered to customers in CSA No. 6 costs more than the incremental revenue received. Consequently, the more water that the customers use, the more insolvent CSA No. 6 becomes. The current rate structure only partially recovers operating costs and does not recover depreciation costs. It is thus prudent to curtail excessive use beyond basic health and safety domestic needs while also ensuring priority of use for fire and sanitation.

The Ordinance limits water use to 225 gallons per customer per day. Penalty provisions will apply to any use in excess of this amount as detailed in the Ordinance. The Ordinance also establishes a moratorium on new water meter connections. Your compliance will be appreciated.

If you have any questions please call (530) 225-5661.

Sincerely,


Patrick J. Minturn, Director

PJM/ldr
Enclosure

ORDINANCE NO. 719

**AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS
OF THE COUNTY OF SHASTA
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
IN COUNTY SERVICE AREA NO. 6-JONES VALLEY WATER**

WHEREAS, the provision of potable water supplies for domestic use is essential to health, safety and general public welfare; and

WHEREAS, a water shortage emergency condition prevails in County Service Area No. 6-Jones Valley Water and that the ordinary demands and requirements of water consumers cannot be satisfied under the current restraints of County Service Area No. 6-Jones Valley Water without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, County Service Area No. 6-Jones Valley Water provides potable water to approximately 500 customers within its service area; and

WHEREAS, costs are incurred to provide potable water to customers; and

WHEREAS, County Service Area No. 6-Jones Valley Water is presently insolvent; and

WHEREAS, efforts to secure an adequate funding stream to support County Service Area No. 6 - Jones Valley Water operations have not been successful; and

WHEREAS, County Service Area No. 6-Jones Valley Water proposed a rate increase on May 16, 2017, which would have allowed it to continue to provide water service at the present level; and

WHEREAS, pursuant to article XIII C, Section 6 of the California Constitution, the water users in County Service Area No. 6-Jones Valley Water submitted protest ballots which constituted a majority of the users thus preventing the imposition of the new rates; and

WHEREAS, County Service Area No. 6-Jones Valley Water presently incurs incremental operational and infrastructure costs in excess of incremental revenues to provide water to customers in excess of supplies which may be deemed necessary for basic health and safety minimums; and

WHEREAS, operating County Service Area No. 6-Jones Valley Water does not have adequate revenue to provide the current level of water service thus threatening the entire future water supply; and

Ordinance No. 719
June 27, 2017
Page 2 of 7

WHEREAS, County Service Area No. 6--Jones Valley Water is not required to provide a service which is beyond its financial ability; and

WHEREAS, the County Service Area Law embodies a State policy against the subsidization of one group of taxpayers by another; and

WHEREAS, Article X, Section 2 of the California Constitution declares that waters of the State are to be put to beneficial use, that waste, unreasonable use, or unreasonable method of use of water be prevented, and that water be conserved for the public welfare; and

WHEREAS, California Water Code Section 350 provides that a public entity water supplier may declare a water shortage emergency condition exists within the area served whenever it finds and determines that the ordinary demands and requirements of water consumers cannot be satisfied without depleting the water supply to the extent that there would be insufficient water for human consumption, sanitation, and fire protection; and

WHEREAS, California Water Code Section 351 provides that except in the event of a breakage or failure of a dam, pump, pipeline or conduit causing an immediate emergency, a water shortage emergency declaration shall be made only after a public hearing at which consumers of such water supply shall have an opportunity to be heard to protest against the declaration and to present their respective needs to the public entity; and

WHEREAS, California Water Code Section 353 provides that upon declaration of a water shortage emergency, the public entity shall thereupon adopt such regulations and restrictions on the delivery and use of water as needed in the sound discretion of the public entity and conserve the water supply for the greatest public benefit with particular regard to domestic use, sanitation, and fire protection; and

WHEREAS, California Water Code Section 355 provides that the regulations and restrictions shall thereafter be and remain in full force and effect until the period of the emergency and until the emergency condition no longer exists; and

WHEREAS, California Water Code Section 356 provides that the regulations and restrictions may include the right to deny applications for new or additional service connections, and provisions for their enforcement by discontinuing service to customers willfully violating the regulations and restrictions; and

WHEREAS, California Water Code Section 357 provides that if the regulations and restrictions on delivering consumption of water adopted pursuant to California Water Code Section 350 conflict with any law establishing the rights of individual consumers to receive either specific or proportionate amounts of water supply available for distribution the service area, the regulations and restrictions adopted pursuant to California Water Code Section 350 shall prevail; and

Ordinance No. 719

June 27, 2017

Page 3 of 7

WHEREAS, California Water Code Sections 375 *et seq.* empowers the County of Shasta through County Service Area No. 6—Jones Valley Water as the supplier of water to County Service Area No. 6—Jones Valley Water to adopt and enforce a water conservation program to reduce the quantity of water used by those within its service area after holding a public hearing and making appropriate findings of necessity for the adoption of a water conservation program; and

WHEREAS, Water Code Section 377 establishes that, from and after the publication of an ordinance pursuant to Water Code Section 376, violation of the ordinance is a misdemeanor punishable by up to 30 days in county jail, or by a fine of up to \$1,000 or both; and

WHEREAS, Water Code Section 377 establishes that any person violating this ordinance may also be subject to a civil penalty in an amount not to exceed \$10,000 in accordance with and subject to that provision as it may be amended from time to time. Civil penalties shall be:

\$100 for the first violation, and

\$150 for the second violation, and

\$200 for the third and any subsequent violation, and

\$1,000 for extraordinary situations where all of the following has occurred:

- The residential user had actual knowledge of the requirements found to be violated, and
- the conduct was intentional, and
- the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance; and

WHEREAS, notice of the time and place of this hearing of this ordinance has been provided in accordance with the applicable provisions including, but not limited to, California Water Code Section 352 and Government Code Section 6061; and

WHEREAS, this ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*) (CEQA) because it can be seen with certainty that there is no possibility that it will have a significant effect on the environment as it includes regulations to protect water resources and the ability to provide water resources. Also it consists of regulations and restrictions on activities to ensure the maintenance, restoration, or enhancement of a natural resource pursuant to CEQA Guidelines 51501 (Existing Facilities), 15305 (Minor Alterations in Land Use Limitations), 15307 (Actions for Protection of Natural Resources) and 15308 (Actions for Protection of Environment), and there are no unusual circumstances under CEQA Guideline 15300.2(c); and

WHEREAS, on June 27, 2017, the County of Shasta held a public hearing to consider an ordinance adopting a water conservation program.

Ordinance No. 719
June 27, 2017
Page 4 of 7

The Board of Supervisors of the County of Shasta ordains as follows in County Service Area No. 6–Jones Valley Water:

SECTION 1. Immediate Effect

This ordinance is an urgency measure and is effective immediately upon adoption.

SECTION 2. Publication

Pursuant to Water Code Section 376, the County of Shasta shall publish, in accordance with Government Code Section 6061, this ordinance adopting a water conservation program within 10 days after its adoption.

SECTION 3. Findings of Necessity

- (A) The Board of Supervisors finds and determines that the foregoing recitals are true and correct.
- (B) The Board of Supervisors further finds that because of fiscal insolvency within the County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure the continued availability of water for human consumption, sanitation, and fire protection.
- (C) The Board of Supervisors further finds and determines that the general welfare requires that the County maximize the beneficial use of its available water resources in County Service Area No. 6–Jones Valley Water to the extent that it is capable, and that the unreasonable use, or unreasonable method of use of water shall be prevented and the conservation of water is to be extended with the view to the reasonable and beneficial use thereof in the interests of the people County Service Area No. 6–Jones Valley Water and for their public health, safety, and welfare.

SECTION 4. Application

Due to the unique circumstances involving the ability of County Service Area No. 6–Jones Valley Water to provide the current level of water service, including demand, thus threatening the availability of water in County Service Area No. 6–Jones Valley Water, it is necessary and appropriate for the Board of Supervisors to adopt, implement and enforce this water conservation program to reduce the quantity of water used within County Service Area No. 6–Jones Valley Water to ensure that there is sufficient water for human consumption, sanitation, and fire protection and for the public health, safety, and welfare of the residents of County Service Area No. 6–Jones Valley Water.

Ordinance No. 719
June 27, 2017
Page 5 of 7

SECTION 5. Water Use Limitations

- (A) No metered connection shall use in excess of 225 gallons per day unless a variance is granted in accordance with the terms of this ordinance.
- (B) A water consumer may apply for a variance from the maximum permitted water consumption provisions prescribed in Section 5.A. by submitting a written request for a variance to the Director of the Shasta County Department of Public Works or his/her designee (Director). The Director shall consider all information provided by the water consumer in determining whether a variance will be granted. The Director may, in his or her sole discretion, grant a variance from the maximum permitted water consumption provisions of Section 5 if the application of the provisions prescribed in 5.A. would constitute an extraordinary hardship. The factors which may be taken into consideration include, but are not limited to: failure to grant such a variance would cause an emergency condition adversely affecting health, sanitation, or fire safety for the public or the person or entity requesting the variance; compliance with the water conservation measures cannot be accomplished due to technical or other limitations; is necessary to avoid or mitigate a significant adverse impact on an endangered or listed protected plant, animal, or aquatic species or critical environmental feature present on the property or to maintain the traditional and natural character of a critical environmental feature; or, other limitations and alternative methods achieving the same level of reduction in water use can be implemented and are specified in the request for the variance.
- (C) If the Director grants a variance, the maximum permitted water consumption shall be as determined by the Director, and the civil penalty provisions prescribed in this ordinance shall apply to the increased maximum permitted water consumption. The Director shall inform the water consumer seeking a variance of the decision within 30 days of the Director's receipt of the request for a variance. Service of the Director's decision shall be by first-class mail addressed to the water consumer at the address given by the water consumer in the request for a variance and shall be deemed received by the water consumer five days after the date of mailing. The water consumer may appeal the Director's decision to the Shasta County Board of Supervisors (BOS) by filing an appeal. The water consumer's appeal must be received by the Clerk of the Board within 30 days of the receipt by the water consumer of the Director's decision. The Clerk of the Board shall set the matter for hearing before the BOS and shall inform the water consumer seeking a variance of the BOS's of the date, time and place of the hearing of the appeal and shall inform the water consumer seeking the variance of the BOS decision. The BOS's decision on the appeal shall be final.

Ordinance No. 719
June 27, 2017
Page 6 of 7

- (D) Any customers whose use has been found to exceed the above-prescribed maximums during a bi-monthly billing cycle shall be subject to civil monetary penalties in addition to the regular bi-monthly bill as follows:

\$100 for the first violation, and
\$150 for the second violation, and
\$200 for the third and any subsequent violation, and
\$1,000 for extraordinary situations where all of the following has occurred:
-The residential user had actual knowledge of the requirements found to be violated, and
-the conduct was intentional, and
-the amount of water involved was substantial. "Substantial" is defined as an amount equal to, or exceeding, 10 times the Water Use Limitations set forth in Section 5 of this ordinance.

- (E) The remedies provided for in this section are cumulative and not alternative.
- (F) Should there be any inconsistency or conflict with the penalty provisions of this ordinance and Water Code Section 377, the provisions of Water Code Section 377 shall control.

SECTION 6. Moratorium on New or Additional Water Service Connections

Pursuant to Article XI, Section 7 of the California Constitution and California Water Code Sections 350 *et seq*, no new or additional water services connections shall be approved or established. This provision shall apply to all applications for new or additional water service connections that have not been received by the Shasta County Department of Resource Management as of the effective date of this ordinance.

SECTION 7. California Environmental Quality Act

This ordinance is exempt from the California Environmental Quality Act (Public Resources Code Section 21000, *et. seq.*)

SECTION 8. Severability

If any section, subsection, clause, phrase or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of a court of competent jurisdiction, such decision shall not affect the validity or constitutionality of the remaining portion or portions of this ordinance. The Board of Supervisors hereby declares that it would have passed this ordinance in each section, subsection, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsections, senses, clauses, phrases or portions be declared invalid or unconstitutional.

Ordinance No. 719

June 27, 2017

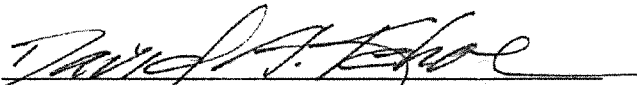
Page 7 of 7

SECTION 9. Adoption

This ordinance shall take effect and be in full force and effect immediately after its passage as an urgency ordinance pursuant to the provisions of Government Code Sections 25123 and 25131 and Water Code Section 376. The clerk shall cause this ordinance to be published as required by law.

DULY PASSED AND ADOPTED this 27th day of June, 2017 by the Board of Supervisors of the County of Shasta by the following vote:

AYES:	Supervisors Baugh, Kehoe, Moty, Rickert, and Morgan
NOES:	None
ABSENT:	None
ABSTAIN:	None
RECUSE:	None



DAVID A. KEHOE, CHAIRMAN
Board of Supervisors
County of Shasta
State of California

ATTEST:

LAWRENCE G. LEES
Clerk of the Board of Supervisors

By: 

Deputy



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
REDDING, CA 96001-1759
530.225.5661 530.225.5667 FAX
800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CSA 010006

CONNIE WILSON
3947 RIVERVIEW DR
REDDING CA 96002

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006181.3

Dear CONNIE WILSON:

On June 27, 2017, the Board of Supervisors adopted Ordinance No. 719. This Ordinance limited customer use to 225 gallons per day (or as approved by variance). In the September/October billing period, your household used 95360 gallons which exceeded your allotment. As a second violation under the Ordinance, a usage penalty of \$150 has been applied.

You may appeal the Usage Penalty to the Shasta County Board of Supervisors by filing a written appeal. The water consumer's written appeal must be received by the Clerk of the Board (1450 Court St., Suite 308B, Redding, CA 96001-1673) within 30 days of the date of the Usage Penalty. The Clerk of the Board shall set the matter for hearing before the Board of Supervisors and shall inform the water consumer of date, time and place of the hearing of the appeal and shall inform the water consumer seeking the appeal of the decision of the Board of Supervisors. The decision of the Board of Supervisors shall be final and conclusive.

If you prefer not to appeal, please remit payment to:

Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By

A blue ink signature of Ken Cristobal, written over a horizontal line.

Ken Cristobal
Deputy Director – Administration

KDC/ldr

Andrea Wilson
11205 Loop Dr
Redding, CA 96003

December 6, 2017

Shasta County Board of Supervisors
1450 Court St., Suite 308B
Redding, CA 96001

RECEIVED
DEC 07 2017
CLERK OF THE BOARD

RE: Appeal Water Use Penalty, Account #0006181.3

Dear Julie Hope and Board of Supervisors

I am in receipt of a letter dated November 7, 2017 imposing a penalty on my daughter's household for using too much water. The letter states this is the second penalty imposed, I would like you to know that I did not receive a prior notification and do not know the extent of the penalty.

My daughter lives in the home with her young son and daughter. I received the letter that informed the residence of the new regulations of water usage and potential penalties that could incur. I went to her home to inspect for leaks inside and outside to be proactive to avoid future problems. At my expense I did replace a toilet tank float and new washers in the bathroom sinks that appeared to be a potential problem. There were no other issues.

The home is a rental, Tom Loop is the landlord. The rent is deposited into his bank account at Bank of America. Since he moved to Idaho, approximately 1-1 ½ years ago, I have not had any communication with him. Last month I held back the rent due on 11/1, I made the deposit on 11/17 in hopes he would call me asking for it. I still haven't heard from him. I am not the home owner and cannot afford to make the repairs as if I were.

My daughter and granddaughter are both disabled and their only source of income is disability through SSI. The amount of income they get does not cover all living expenses. They do not get assistance for food or rental. My granddaughter has half of a heart (fontan patient) and I make trips to Stanford for her to see her team of doctors. The trips to Stanford are very expensive for gas and lodging, I am trying my best to assist and it has eaten up my savings and retirement.

They both require special living needs that are expensive and their heat is propane (expensive) their water and PG&E are expensive. The repairs needed at the rental have been out of my pocket and I have not been reimbursed.

I can barely pay for what is being used for utilities and cannot afford the added expense of the penalties.

If I would have been aware of the first penalty (don't know how much it was) I would have made contact with the billing office and requested that be appealed as well.

I am the payee for both my daughter and granddaughter, I am requesting the Board reverse as much of the penalty as possible to help the financial hardship they both face. If at all possible I'm also requesting a payment plan to catch up on their water bill. Apparently the previous penalty was added to their bill and that is why I find the amount to be so high and unable to pay. Do to their health conditions they cannot go without water and heat.

Please contact me at 3947 Riverview Dr., Redding CA 96001 (Andrea's billing address) or call me at work at 530-229-5401.

Warm Regards
Connie Wilson



Shasta County

DEPARTMENT OF PUBLIC WORKS

1855 PLACER STREET
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800.479.8022 California Relay Service at 700 or 800.735.2922

PATRICK J. MINTURN, DIRECTOR
C. TROY BARTOLOMEI, DEPUTY
SCOTT G. WAHL, DEPUTY

November 7, 2017

CONNIE WILSON
3947 RIVERVIEW DR
REDDING CA 96002

Subject: CSA #6 Jones Valley Water Usage Penalty, Account #0006181.3

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Department of Public Works – CSA Division
CSA #6 Jones Valley
1855 Placer Street
Redding, CA 96001

If you have any questions, please call (530) 225-5571.

Sincerely,

Patrick J. Minturn, Director

By


Ken Cristobal

Deputy Director – Administration

KDC/ldr

*No previous letter
of penalty intent
was received.*

*this letter is
the only one.*



SHASTA COUNTY

CLERK OF THE BOARD OF SUPERVISORS
A DIVISION OF THE ADMINISTRATIVE OFFICE
LAWRENCE G. LEES, CEO/CLERK OF THE BOARD

1450 COURT STREET, SUITE 308B
REDDING, CALIFORNIA 96001
VOICE (530) 225-5550
TOLL FREE IN NORTH STATE (800) 479-8009
FAX (530) 225-5189
www.co.shasta.ca.us
clerkoftheboard@co.shasta.ca.us

January 11, 2018

Connie Wilson
3947 Riverview Drive
Redding, CA 96002

Re: **NOTICE OF HEARING – APPEAL OF IMPOSITION OF WATER PENALTY**
Board of Supervisors January 23, 2018 Meeting and CSA No. 6 Penalty Appeal Hearing

Dear Ms. Wilson:

This letter will serve as notice of the setting of the hearing date of your County Service Area (CSA) No. 6 water bills penalty due process appeal hearing. Your hearing will be held as follows:

Date: January 23, 2018
Time: 9:00 a.m., or as soon thereafter as may be heard
Location: County of Shasta Administration Building
1450 Court Street, Redding, California, Room 263 (Board Chambers)

The Board will hold a public hearing on this matter. After the County presents its evidence regarding your water use and civil penalty, you will be allocated five minutes to address the Board in support of your position regarding the imposition of your water bill penalty. You may bring and present copies of written materials. Please bring 10 copies of each document you plan to present to the Board and deliver them to the Clerk of the Board before the meeting or during the hearing. At the conclusion of the hearing, the decision of the Board shall be final and conclusive. The Clerk of the Board will mail you a copy of the Board's final decision.

Please be advised that failure to appear at the hearing or to raise any issue before the Board of Supervisors may result in you waiving your appeal rights or the waiver of your right to have the Board of Supervisors consider a particular issue.

Please be advised that only bottled water is allowed in the Board Chambers; no food or other drink. The staff report to the Board regarding the CSA 6 penalty appeals will be available on the internet at (https://www.co.shasta.ca.us/index/bos_index/bos_agenda/current-agenda) and at the Clerk of the Board no later than 5:00 p.m. on January 19, 2018.

Please do not hesitate to contact me if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Julie Hope".

Julie Hope
Principal Administrative Analyst/Deputy Clerk of the Board

Enclosure: Staff Report, Public Works Billing Notice, Public Works Emergency Water Restrictions Notice