

**SHASTA COUNTY BOARD OF SUPERVISORS**

Tuesday, January 4, 2000

**REGULAR MEETING**

9:05 a.m.: Chairman Hawes 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 Fust
- District No. 3 - Supervisor Hawes
- District No. 4 - Supervisor Wilson
- District No. 5 - Supervisor Clarke

- County Administrative Officer - Doug Latimer
- County Counsel - Karen Jahr
- Clerk of the Board - Carolyn Taylor

**INVOCATION**

Invocation was given by Sheriff Jim Pope and Pastor Scott Brule, Front Line Assembly of God.

**PLEDGE OF ALLEGIANCE**

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

**1999 CHAIRMAN’S YEAR IN REVIEW**

Chairman Hawes presented a general review of some of the significant accomplishments made in Shasta County Government during 1999.

**ELECTION OF 2000 CHAIRMAN**

Clerk of the Board Carolyn Taylor called for nominations for the position of Chairman of the Board for the year 2000. Supervisor Clarke nominated Supervisor Fust and the nomination was seconded by Supervisor Wilson. No other nominations were made and the nominations were closed. Mrs. Taylor declared Supervisor Fust elected to the position of 2000 Chairman.

**ELECTION OF 2000 VICE CHAIRMAN**

Clerk of the Board Carolyn Taylor called for nominations for the position of Vice Chairman of the Board for the year 2000. Supervisor Hawes nominated Supervisor Wilson and the nomination was seconded by Supervisor Kehoe. No other nominations were made and the nominations were closed. Mrs. Taylor declared Supervisor Wilson elected to the position of Vice Chairman for the year 2000.

9:20 a.m.: The Board of Supervisors recessed.

9:24 a.m.: The Board of Supervisors reconvened. Chairman Fust presided.

### **PRESENTATION OF PLAQUE TO 1999 CHAIRMAN**

Chairman Fust presented a plaque to Supervisor Hawes in recognition of his dedicated service to Shasta County as Chairman of the Board of Supervisors during 1999.

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

At the request of a member of the public, Sally Riley, the request to approve the award of individual bids for asphalt concrete patching mix, aggregate base, cinder sanding aggregate, and related road repair materials in the estimated annual amount of \$753,500, was pulled from the Consent Calendar for clarification. Ms. Riley expressed concern that the cost of the materials and crew costs could cause a project to exceed the \$25,000 limit which requires a project to proceed through the bidding process. Public Works Director Ron Hill reviewed the request and responded to Ms. Riley's concerns. He explained that his staff reviews each project individually and if it is determined that it would exceed the \$25,000 maximum, the project would be put out to bid. Mr. Hill then responded to questions from Members of the Board regarding quality control of the materials used in these types of projects.

### **CONSENT CALENDAR**

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

Approved and authorized the Chairman to sign a letter designating the Shasta Senior Nutrition Programs, Inc., as the official County Food Bank for the period of January 1, 2000 to January 1, 2003. (Administrative Office)

Adopted Resolution No. 2000-1 which accepts a Livable Communities Grant from the Environmental Systems Research Institute, Inc., valued at approximately \$7,000 for ArcView GIS software and accessories. (Agricultural Commissioner)

(See Resolution Book No. 41)

Approved the revised Fiscal Year 1999-2000 Countywide Tax Rate, Unitary Debt Service Rate, and tax rates for bond sinking funds, state school building loan payments, and voter approved debt. (Auditor-Controller)

Approved the minutes of the meeting held on December 28, 1999, as submitted. (Clerk of the Board)

Adopted Resolution No. 2000-2 which amends "Exhibit A, Designated Positions" of the County of Shasta Conflict of Interest Code. (County Counsel)

(See Resolution Book No. 41)

Approved the award of individual bids for asphalt concrete patching mix, aggregate base, cinder sanding aggregate, and related road repair materials in the estimated annual amount of \$753,500 to Tulles & Heller, Inc., Crystal Creek Aggregate, JF Shea Co., Inc., Packway Materials, Mountain Gate Limestone, Black Butte Cinders, and Westside Aggregate, all of which are located in Shasta County. (Purchasing)

Approved and authorized the Chairman to sign a lease agreement with Mark Peterson, Administrator for the Selma I. Larson Estate, for the use of office space located at 1422 Tehama Street in the monthly amount of \$1,750 by the Alcohol and Drug Programs Prevention Services component and the CalWORKs Behavioral Health Team. (Mental Health - Alcohol and Drug Programs)

Approved and authorized the Chairman to sign a renewal agreement with the California Department of Health Services in the amount of \$1,804,745 for the provision of Women, Infants, and Children (WIC) Program services during the three-year period of October 1, 1999 to September 30, 2002. (Public Health)

## REGULAR CALENDAR

### BOARD MATTERS

#### REPORT: YEAR 2000 TRANSITION

Chief Technology Officer Charlie Haase presented an overview of the preparation and process for the Y2K transition of the County's computer systems. He reported that the process went smoothly and only minor problems were detected and corrected. Mr. Haase praised his staff and other County personnel and departments for their work and cooperation.

#### JANUARY 2000 EMPLOYEE OF THE MONTH

##### SERGEANT DAVID DEAN

##### RESOLUTION NO. 2000-3

At the recommendation of Sheriff Jim Pope and by motion made, seconded (Wilson/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-3 which recognizes Sergeant Dave Dean as Shasta County's January 2000 Employee of the Month.

(See Resolution Book No. 41)

#### PROCLAMATION: NONPROFITS DAY

##### JANUARY 14, 2000

At the request of Janice Cunningham, President of the Association of Nonprofit Professionals, and by motion made seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates January 14, 2000 as "Celebrating Nonprofits Day" in Shasta County.

#### PROCLAMATION: PREVENT A LITTER MONTH AND SPAY DAY USA

At the request of Animal Regulation Supervisor Myra Morris, and representatives of the Haven Human Society Jeannie Chestnut and Sandy Shelby and by motion made, seconded (Hawes/Kehoe) and unanimously carried, the Board of Supervisors adopted a proclamation which designates February 2000 as "Prevent A Litter Month" and February 29, 2000 as "Spay Day USA" in Shasta County.

10:01 a.m.: The Board of Supervisors recessed to perform the opening of a time capsule which was buried on December 30, 1976 in celebration of this Nation's 200<sup>th</sup> anniversary, in accordance with Resolution No. 76-353.

10:22 a.m.: The Board of Supervisors reconvened.

**GENERAL GOVERNMENT****ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS****LEGISLATIVE UPDATE/SUPERVISORS' REPORTS**

County Administrative Officer Doug Latimer stated that the County's legislative lobbyist was in the process of preparing a listing of legislation to be acted upon in the near future which Mr. Latimer will bring to the Board. Mr. Latimer also explained that his staff was developing a new procedure for tracking legislation to be implemented in the near future.

Members of the Board commented on their pleasurable experiences during their years of service on the Board.

**AUDITOR-CONTROLLER****COUNTY CLAIMS**

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors authorized the issuance of warrants totaling \$240,138.76 for County operating funds and special districts, as submitted by Auditor-Controller Rick Graham.

**SUPPORT SERVICES - PERSONNEL DIVISION**

**MEMORANDUM OF UNDERSTANDING**  
**DEPUTY SHERIFFS' ASSOCIATION**  
**RESOLUTION NO. 2000-4**  
**SALARY RESOLUTION NO. 1087**

At the recommendation of Principal Personnel Analyst Joann Davis and Paul Heckman, President of the Deputy Sheriffs' Association, and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-4 which approves a comprehensive Memorandum of Understanding (MOU) with the Deputy Sheriffs' Association (DSA) during the period of November 1, 1999 to October 31, 2002, and adopted Salary Resolution No. 1087 which implements the salary adjustments for all DSA represented employees provided in the comprehensive MOU, namely 3 percent on January 2, 2000, a new 5 percent salary merit step (F step) in all classification ranges on December 31, 2000, and 3 percent on December 2, 2001.

(See Resolution Book No. 41)

(See Salary Resolution Book)

**MEMORANDUM OF UNDERSTANDING**  
**PROFESSIONAL PEACE OFFICERS ASSOCIATION**  
**RESOLUTION NO. 2000-5**  
**SALARY RESOLUTION NO. 1088**

At the request of Principal Personnel Analyst Joann Davis, Dave Harvey of the Professional Peace Officers Association, and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-5 which approves a comprehensive Memorandum of Understanding (MOU) with the Professional Peace Officers Association (PPOA) during the period of January 1, 2000 through December 31, 2002, and adopted Salary Resolution No. 1088 which implements the salary adjustments for all PPOA represented employees provided in the comprehensive MOU, namely 3 percent on January 2, 2000 and 3 percent on December 31, 2001.

(See Resolution Book No. 41)

(See Salary Resolution Book)

MEMORANDUM OF UNDERSTANDING  
PERS GROUP HEALTH PLANS FOR ELECTED OFFICIALS  
RESOLUTION NO. 2000-6

At the request of Principal Personnel Analyst Joann Davis and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-6 which increases the County's contribution toward the premium for PERS Group Health Plans for elected officials for Employee Only to \$184.56, Employee Plus One to \$292.47, and Employee Plus Family to \$356.50, effective with the pay check of January 21, 2000, and continues the County's contribution rate toward the Delta Dental premium for Employee Only at \$15.21, Employee Plus One at \$24.77, and Employee Plus Family at \$32.61.

(See Resolution Book No. 41)

10:41 a.m.: The Board of Supervisors recessed and convened as the Board of Directors of County Service Area No. 1 - Fire Protection.

**SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR**

**COUNTY SERVICE AREA NO. 1 - FIRE PROTECTION**

**FIRE WARDEN**

**LETTER OF UNDERSTANDING**  
**SHASTA CASCADE HAZARDOUS MATERIALS RESPONSE TEAM**

Assistant Fire Chief Wayne Dunham and Division Chief Bill Britton presented the staff report explaining the request to approve and authorize the Chairman to sign a letter of understanding which aligns the six Northern California Counties of Lassen, Modoc, Shasta, Siskiyou, Tehama, and Trinity into the Shasta Cascade Hazardous Materials Response Team upon signature by those jurisdictions.

Supervisor Clarke, referred to the fact that while the California Department of Forestry is the lead agency, there is also a Program Manager. She questioned the line of authority, particularly if the Program Manager is from another county, and the problems that could arise. It was explained by Mr. Britton that he had already been elected to serve as the Program Manager and did not anticipate any problems.

Supervisor Kehoe asked if the document being requested for approval was to be considered a "fiscal" document and, if it was, shouldn't the document be more structured. He expressed his belief that the document was "somewhat deficient." Mr. Britton explained that it was a fiscal document, it had been prepared with the assistance of County Counsel staff, and had already been signed by several of the other counties. County Counsel Karen Jahr, responding to questions, expressed that it was her opinion that there were adequate safe guards contained within the document and reviewed them with the Members of the Board. It was explained that while there was no specific provision for an individual audit of this program, audits would be accomplished as part of the routine audit process of County Service Area (CSA) No. 1 - Fire Protection.

Mr. Britton stated that he was in the process of preparing a policies and procedures document which would outline the entire process. He expressed his belief that this document, when completed, would clear up many of the Board's concerns. Mr. Britton indicated he would provide the Members of the Board with copies of this document when it is finalized.

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Directors of CSA No. 1 - Fire Protection, approved and authorized the Chairman to sign a letter of understanding which aligns the six Northern California Counties of Lassen, Modoc, Shasta, Siskiyou, Tehama, and Trinity into the Shasta Cascade Hazardous Materials Response Team upon signature by those jurisdictions.

**AGREEMENT: STATE DEPARTMENT OF TOXIC SUBSTANCES CONTROL**

Chairman Fust explained that this matter would require action by both the Board of Directors of County Service Area (CSA) No. 1 - Fire Protection and the Board of Supervisors. Therefore, for discussion purposes, both recommendations would be considered together before taking separate actions.

Division Chief Bill Britton presented the staff report and explained that the effective dates had been amended to December 15, 1999 to December 15, 2000.

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Directors of CSA No. 1 - Fire Protection approved and authorized the Chairman to sign a Senate Bill 274 standard agreement with the State Department of Toxic Substances Control in the amount of \$140,000 for the purchase of hazardous materials response equipment for the Shasta Cascade Hazardous Materials Team during the period of December 15, 1999 to December 15, 2000.

11:20 a.m.: The Board of Directors of County Service Area No. 1 - Fire Protection adjourned and the Board of Supervisors reconvened.

### **OTHER DEPARTMENTS**

#### **FIRE WARDEN**

#### **SHASTA CASCADE HAZARDOUS MATERIALS RESPONSE TEAM BUDGET AMENDMENT**

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved a budget amendment which recognizes revenue and increases appropriations in the amount of \$140,000 as part of the Senate Bill 274 standard agreement with the State Department of Toxic Substances Control for the purchase of hazardous materials response equipment for the Shasta Cascade Hazardous Materials Team during the period of December 15, 1999 to December 15, 2000.

### **CLOSED SESSION ANNOUNCEMENT**

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

1. Confer with counsel to discuss existing litigation entitled Barner vs. County of Shasta, pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with its Labor Negotiator, County Administrative Officer Doug Latimer, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-Management Association, Deputy Sheriff's Association, Sheriffs Administrative Association, Professional Peace Officers' Association, Unrepresented Employees, United Public Employees of California, and Trades and Crafts, pursuant to Government Code Section 54957.6.
3. Conduct public employee performance evaluations of the County Administrative Officer and County Counsel, pursuant to Government Code Section 54957.

11:21 a.m.: The Board of Supervisors recessed to Closed Session.

1:15 p.m.: The Board of Supervisors recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:33 p.m.: The Board of Supervisors reconvened in Open Session with all Members, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Pamela English present.

### **AFTERNOON CALENDAR**

### **CLOSED SESSION ANNOUNCEMENT**

Chairman Fust announced that the Board of Supervisors would reconvene in Closed Session following the Afternoon Calendar.

### **SCHEDULED HEARINGS**

#### **RESOURCE MANAGEMENT - PLANNING DIVISION**

APPEAL: USE PERMIT 99-24 AND VARIANCE 99-3,  
GARY MITCHELL, PALO CEDRO AREA  
(APPELLANTS: EMILIE REEDY AND JACKIE PARK-BURRIS)  
RESOLUTION NO. 2000-7

This was the time set to conduct a public hearing and consider an appeal of the Planning Commission's approval of Use Permit 99-24 and Variance 99-03, Gary Mitchell (Appellants: Emilie Reedy and Jackie Park-Burris), which allows the following:

1. A mini-storage business and two commercial-light industrial buildings each having approximately 3,250 square feet of warehouse area and 1,000 square feet of office area.
2. A 4-foot side-yard setback along a portion of the southerly boundary rather than the 15-foot side-yard setback requirement adjacent to a residential area.
3. An exception to allow the use of a masonry block building rather than a 6-foot zone wall for a portion of the area adjoining a residential area.

Senior Planner Marcelino Gonzalez presented the staff report and displayed slides of the project area and building plans. He recommended that the Board of Supervisors deny the appeal and uphold the Planning Commission's approval of the use permit and variance. Mr. Gonzalez responded to the appealed items—traffic related issues, hours of operation, lack of an on-site person, disagreement with the resolution of approval and project conditions, the initial study, allowance of the setback variance, and alleged improper legal notice. Mr. Gonzalez, Public Works Director Ron Hill, and Resource Management Director Russ Mull responded to questions from the Board Members on these issues. The affidavit of publication and notice of hearing are on file.

The public hearing was opened, at which time the Chairman took comments from the applicant (Gary Mitchell) and the proponents of his project (Brian Burke, Donald Doss, Robert Milton, Lana Chapin, Lon Tatom, and John Parks), as well as the appellants (Emilie Reedy and Jackie Park-Burris) and those opposed to the project and/or concerned with certain aspects of the project (i.e., water drainage/flooding, fire access in terms of Gilbert Drive, hours of operation through coded system, type of business uses allowed under current zoning, and traffic impacts) (Connie Pepple, John Carr, Joyce and Homer Park, Linda Palmer, Kelcey Chandler, Julie Kelley, and Bruce Farrell). Superintendent/Principal David Hutt of the Junction School District responded to questions of the traffic impacts to Deschutes and the effects such impacts have had on the safety of the students, as well as the school district's efforts to protect the students.

At this time Ron Hill, Russ Mull, Marcelino Gonzalez, and Assistant Resource Management Director Jim Cook addressed the concerns brought up earlier in the hearing.

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

Following further discussion and clarification of the issues of concern and changes made to conditions on this project with the concurrence of staff and the applicant and by motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-7 denying the appeal and upholding the Planning Commission's approval of Use Permit 99-24 and Variance 99-03, Gary Mitchell, Palo Cedro area, with conditions, as amended to address the concerns expressed during the public hearing:

1. Additional language under the Caltrans Advisory Note on page C-8 of the Statement of Conditions: ". . . Deschutes Road/Highway 44 interchange, *and/or the construction, expansion, or signalization of Gilbert Drive.*"
2. Two additional conditions under the SCFD/CDF conditions on page C-6 of the Statement of Conditions: "*Gilbert Drive between the property and Deschutes Road shall be maintained in an all-weather condition for emergency access,*" and "*The Gilbert Drive access shall be limited to emergency ingress and egress until such time as improvements are made to bring the road to County standards, at which time the access may be changed to secondary or primary with the concurrence of the Planning Director.*"
3. One additional condition under the Planning Conditions on page C-5 of the State of Conditions: "*The hours of operation shall be consistent with hours of daylight.*"  
(See Resolution Book No. 41)

### **PUBLIC WORKS**

#### CRAIG LANE PERMANENT ROAD DIVISION HAPPY VALLEY AREA RESOLUTION NOS. 2000-8 AND 2000-9

This was the time set to conduct a public hearing and consider the formation of the Craig Lane Permanent Road Division located off of Oak Street in the Happy Valley area and the setting of a parcel charge in the amount of \$334. Public Works Director Ron Hill presented the staff report and recommended approval. The affidavit of publication and notice of hearing are on file.

The public hearing was opened, at which time no one spoke for or against the proposal, and the hearing was closed.

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors took the following actions approving the formation and activation of the Craig Lane Permanent Road Division:

1. Received the County Surveyor's report on the correct boundary description (in the form of a map).
2. Adopted Resolution No. 2000-8 which forms the division.
3. Instructed the Director of Public Works to perform maintenance, as needed.
4. Adopted Resolution No. 2000-9 which overrules ballot protests and confirms the parcel charge report for Fiscal Year 2000-01.

(See Resolution Book No. 41)

#### OAK TREE LANE PERMANENT ROAD DIVISION BELLA VISTA AREA RESOLUTION NOS. 2000-10 AND 2000-11

This was the time set to conduct a public hearing and consider the formation of the Oak Tree Lane Permanent Road Division located on the east side of Deschutes Road south of the Bella Vista area. Public Works Director Ron Hill presented the staff report and recommended approval. The affidavit of publication and notice of hearing are on file.

The public hearing was opened, at which time Lloyd Dietrich asked what advantage there would be to the surrounding property owners if this permanent road division is approved without a parcel charge attached to it. It was explained to him that by taking this action, the residents would be allowed to request another ballot vote in the future without going through the entire process again, should they wish to reconsider the parcel charge for road maintenance. No other comments were received for or against this proposal, and the hearing was closed.

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors took the following actions approving the formation of the Oak Tree Lane Permanent Road Division:

1. Received the County Surveyor's report on the correct boundary description (in the form of a map).
2. Adopted Resolution No. 2000-10 which forms the division.
3. Adopted Resolution No. 2000-11 which acknowledges a majority protest denying the imposition of a parcel charge for road maintenance.

(See Resolution Book No. 41)

3:47 p.m.: The Board of Supervisors recessed to continued Closed Session.

5:30 p.m.: The Board of Supervisors recessed from Closed Session.

5:35 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Kehoe, Fust, and Hawes, County Counsel Karen Jahr, and Administrative Board Clerk Pamela English present.

#### **REPORT OF CLOSED SESSION ACTIONS**

County Counsel Karen Jahr announced that the Board of Supervisors met in Closed Session to discuss existing litigation, labor negotiations, and public employee performance evaluations, however, no reportable actions were taken.

3:37 p.m.: The Board of Supervisors adjourned.

\_\_\_\_\_  
Chairman

ATTEST:

CAROLYN TAYLOR  
Clerk of the Board of Supervisors

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