

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 27, 2001

REGULAR MEETING

9:00 a.m.: Chairman Wilson 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 County Administrative Officer Doug Latimer.

PLEDGE OF ALLEGIANCE

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

ITEMS PULLED FROM CONSENT CALENDAR

At the recommendation of County Administrative Officer Doug Latimer and by consensus, the Members of the Board of Supervisors pulled and continued for one week the request to approve and authorize the Chairman to sign an agreement with the Shasta County Economic Development Corporation in an amount not to exceed \$11,000 for a Targeted Bay Area Industrial Recruitment Program promoting economic development opportunities in Shasta County.

CONSENT CALENDAR

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

Authorized the issuance of warrants totaling \$331,468.51 for County operating funds and special districts, as submitted. (Auditor-Controller)

Approved and authorized the Chairman to sign a professional services agreement with Marina Naujocks-Mix in the amount of \$20,000 for the provision of mental health services from the date of signing through June 30, 2001. (Mental Health)

Approved and authorized the Chairman to sign a contract with North State Drug Testing in an amount not to exceed \$25,000, for the period of July 1, 2001 through June 30, 2002, for providing random and conclusive alcohol and drug testing of parents whose children have been removed from the home. (Social Services)

Approved and authorized the Chairman to sign an amendment to an agreement with CH2M Hill in an amount not to exceed \$450,000 (an increase of \$50,000) for preliminary design, final design, and construction support for the Main Street at Cottonwood Creek bridge replacement project. (Public Works)

Approved and authorized the Chairman to sign a personal services agreement with SHN Consulting Engineers and Geologists in an amount not to exceed \$16,700 to conduct a foundation investigation for the Old 44 Drive at Stillwater Creek Bridge replacement project. (Public Works)

Authorized the Director of Public Works to release security guaranteeing the street maintenance of Condor Way for White Oak Subdivision Tract No. 1453, in the amount of \$27,300. (Public Works)

REGULAR CALENDAR

GENERAL GOVERNMENT

BOARD MATTERS

PROCLAMATION: "JUST SAY NO" AND YOUTH POWER WEEK

At the recommendation of Marv Steinberg and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors adopted a proclamation which proclaims April 2-6, 2001 as "Just Say NO" and Youth Power Week in Shasta County.

**PRESENTATION: ACCREDITATION CERTIFICATES
ADULT DETENTION AND JUVENILE HALL/CRYSTAL CREEK CAMP
MEDICAL SOCIETY AND INSTITUTE FOR MEDICAL QUALITY**

Since the representative from the Shasta-Trinity County Medical Society was not present, this item was deferred to later in the meeting.

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on legislation of importance to Shasta County including HR 701 (Young) and S 454 (Bingham) which both deal with funding for Payment in Lieu of Taxes (PILT). By consensus, the Members of the Board directed that letters in support be sent on these two items of legislation.

Supervisors reported on issues of countywide interest.

CLERK OF THE BOARD**APPROVAL OF MINUTES: MARCH 20, 2001**

By motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors approved the minutes of the meeting held on March 20, 2001, as submitted. Supervisor Kehoe abstained since he was not present at the meeting.

COUNTY COUNSEL**AGREEMENT: MCDONOUGH, HOLLAND & ALLEN
KNIGHTON ROAD EXTENSION PROJECT**

At the recommendation of County Counsel Karen Jahr and by motion made, seconded (Fust/Kehoe), and carried, the Board of Supervisors approved and authorized the Chairman to sign an amendment to the contract with McDonough, Holland & Allen to allow for that firm's assistance in the eminent domain actions necessary for the Knighton Road extension project. Supervisor Hawes abstained.

SUPPORT SERVICES**FLEET MANAGEMENT DIVISION****BUDGET AMENDMENT: PURCHASE OF VEHICLES**

At the recommendation of Support Services Director Joann Davis and by motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors approved a budget amendment in the amount of \$110,600 which authorizes the use of the Fleet Management fund balance to increase appropriations necessary to purchase four vehicles.

PERSONNEL DIVISION**BUDGET AMENDMENT: RECRUITMENT ADVERTISING COSTS**

At the recommendation of Support Services Director Joanne Davis and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved a budget amendment authorizing appropriations of \$90,000 and offsetting costs applied to other departments necessary to cover the increased costs of recruitment advertising.

TREASURER-TAX COLLECTOR**REPORT: DISPOSITION OF PROPERTIES AT TAX AUCTION**

Treasurer-Tax Collector Lori Scott presented a report on the disposition of various properties offered for sale at the February 23, 2001 tax auction and noted that the next auction has been scheduled for February 21, 2003.

HEALTH AND WELFARE

HOUSING AND COMMUNITY ACTION PROGRAMS

**WHITMORE COMMUNITY CENTER
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM INCOME FUND**

At the recommendation of Housing and Community Action Programs Director Jerry Brown, Whitmore Center Chairman Bob Mark and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved the expenditure of \$100,000 from the Community Development Block Grant Program Income Fund for the purpose of assisting in the construction of a Whitmore community center.

**PRESENTATION: FAIR HOUSING REPORT
FAIR HOUSING MONTH
RESOLUTION NO. 2001-46**

Housing and Community Action Programs Director Jerry Brown presented a report on fair housing, and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2001-46 which recognizes April 2001 as Fair Housing Month and declares the support of the County of Shasta for the Federal Fair Housing Law.

(See Resolution Book No. 42)

9:42 a.m.: The Board of Supervisors recessed, and the Shasta County Housing Authority convened.

SPECIAL DISTRICTS/OTHER AGENCIES REGULAR CALENDAR

SHASTA COUNTY HOUSING AUTHORITY

HOUSING AUTHORITY ADMINISTRATIVE PLAN

Housing and Community Action Agency Director Jerry Brown introduced Patricia Rendler, Program Manager, who helped prepare the report. Mr. Brown then presented the staff report and recommended adoption of the revised Administrative Plan.

Supervisor Fust pointed out that the Plan contains references to program participants and media sources which no longer exist and suggested that these references be deleted from the Plan. He also noted that the Plan indicates that when the media is used for outreach, some media sources provide public service announcements (PSA's) while others are paid for the publication of the announcements. Supervisor Fust suggested that, in fairness, all media should provide PSA's or they should all be paid.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted the revised Administrative Plan for the Housing Authority for the purpose of updating policies and adopting an increased payment standard and utility allowance schedule.

9:51 a.m.: The Shasta County Housing Authority adjourned, and the Board of Supervisors reconvened.

PRESENTATION: ACCREDITATION CERTIFICATES
ADULT DETENTION AND JUVENILE HALL/CRYSTAL CREEK CAMP
MEDICAL SOCIETY AND INSTITUTE FOR MEDICAL QUALITY

On behalf of the Medical Society and the Institute for Medical Quality, Administrative Assistant Sue Arnold presented two-year accreditation certificates for the Shasta County Adult Detention, the Juvenile Hall, and Crystal Creek Camp facilities for meeting medical standards for jail health care.

HEALTH AND WELFARE

SOCIAL SERVICES

AGREEMENT: WOMEN'S REFUGE
BUDGET AMENDMENT

At the recommendation of Deputy Social Services Director Barbara McKend; Linda Dickerson, Associate Director of Women's Refuge; and Claudia Wood, Intermountain Area Outreach Coordinator, and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a contract with the Women's Refuge in the amount of \$19,142 to provide an Intermountain Area Outreach Program for the period of April 1, 2001 through June 30, 2001, and approved a budget amendment which increases revenues and appropriations to fund this contract.

APPOINTMENTS: IN-HOME SUPPORTIVE SERVICES ADVISORY COMMITTEE

At the recommendation of Deputy Social Services Director Barbara McKend and by motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors appointed the following to the In-Home Supportive Services (IHSS) Advisory Committee, which will recommend the preferred mode(s) of in-home service to be used in the County and provide on-going advice to the County regarding IHSS:

<u>Consumer Members:</u>	<u>Terms To</u>
Jerry W. Towne	March 31, 2004
Mickie Berry	March 31, 2004
Cynthia Monaghan	March 31, 2003
Jeanette Myers	March 31, 2003
Cleo Adams	March 31, 2004
A. Anita Martin	March 31, 2003
<u>Provider Members:</u>	
Brenda M. Johnson	March 31, 2004
Mary Monett	March 31, 2003
<u>Community-Based Health Care Provider Members:</u>	
Alisa Windt	March 31, 2004
Joanne McCarley	March 31, 2004
Kenneth Jones	March 31, 2003

LAW AND JUSTICE

DISTRICT ATTORNEY

BUDGET AMENDMENT: YOUTH VIOLENCE PREVENTION COUNCIL

At the recommendation of District Attorney McGregor Scott and by motion made, seconded (Hawes/Clarke), and carried, the Board of Supervisors recognized funds in the amount of \$5,000 in the District Attorney’s asset forfeiture fund; and approved a budget amendment increasing expenditures and revenues by \$5,000 in the District Attorney’s budget to be used by the Youth Violence Prevention Council of Shasta County to provide youth violence prevention programs. Supervisor Wilson abstained since she is Chairman of the Youth Violence Prevention Council.

PROBATION

IMPLEMENTATION: CRIME PREVENTION ACT OF 2000

APPOINTMENTS: JUVENILE JUSTICE COORDINATING COUNCIL

RESOLUTION NO. 2001-47

SALARY RESOLUTION NO. 1149

BUDGET TRANSFER

At the recommendation of Chief Probation Officer Renny Noll and by motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved the following actions to implement the Crime Prevention Act (Act) of 2000:

1. Adopted Resolution No. 2001-47 which appoints the Chief Probation Officer as Chair of the Shasta County Juvenile Justice Coordinating Council; authorizes the Chief Probation Officer to submit Shasta County’s Application for Approval for Schiff-Cardenas Crime Prevention Act of 2000 funding, as well as related contracts, amendments, or extensions with the State of California; identifies the members of the Shasta County Juvenile Justice Coordinating Council; assures that the County will submit the Comprehensive Multi-agency Juvenile Justice Plan to the Board of Corrections (BOC) no later than May 1, 2001; assures that the plan has been reviewed and approved by the Board of Supervisors; and assures that the County will adhere to the requirements of the legislation regarding the expenditure of said funds and the submission of required reports to the BOC.

2. Adopted Salary Resolution No. 1149 which adds the following department positions:

Probation Department -	Four Deputy Probation Officers I/II Two Probation Assistants One Agency Staff Services Analyst One Accounting Technician
Sheriff’s Department -	One Deputy Sheriff One Public Safety Service Officer
Mental Health Department -	One Clinical Social Worker or one Clinical Psychologist I/II or one Marriage Family Therapist I/II or one Staff Nurse I/II

3. Approved a budget adjustment which increases appropriations and revenues as follows: Probation Department -- total increase \$156,726; Sheriff's Department -- total increase \$21,010; and Mental Health Department -- total increase \$11,110.

(See Resolution Book No. 42)

(See Salary Resolution Book)

10:25 a.m.: The Board of Supervisors recessed to reconvene at 1:30 p.m.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Members, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Linda Mekelburg present, except as follows: Supervisor Fust was absent.

AFTERNOON CALENDAR

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

APPEAL: VARIANCE NO. 00-05 AND
ADMINISTRATIVE PERMIT NO. 00-72
GERI MacCALLUM/BRIGADOON CASTLE
IGO AREA

This was the continuation of the public hearing begun on February 6, 2001 and continued from February 20, 2001 to consider an appeal of the Planning Commission's approval of Variance No. 00-05 and Administrative Permit No. 00-72. The Variance would allow the use of an existing detached accessory building in front of the principal residence as a guest room for a bed and breakfast, and the Administrative Permit would allow the continued use of a 4,300-square-foot residence as a three-bedroom bed-and-breakfast facility on an 83-acre parcel on Zogg Mine Road.

Assistant Planner Nancy Polk presented a brief history of the previous Administrative Permit issued for the project.

The public hearing was opened, at which time the appellant's attorney, Walt McNeill, addressed fire safety issues and conflicts with the State Responsibility Area (SRA) Fire Safe Regulations. He cited sections of the Shasta Fire Safety Standards which prohibit projects on dead-end roads over 5,280 feet long and require that roads have 18-foot wide, unobstructed access to allow for fire access/evacuation. Mr. McNeill stated that it is unlikely an emergency escape route can be developed in the foreseeable future. He stated he did not believe there is any way around these state or local fire safety standards; they cannot be waived. Mr. McNeill felt that granting an exception to this discretionary permit would create a precedent which would allow others to request exceptions. He also stated his objection to granting an interim permit.

Leo Graham, representing the applicant, Geri MacCallum, said he felt the State Standards do not apply in this case as the road was in existence prior to 1991. Granting the permit would not create a precedent but would follow an existing, well-established precedent. Mr. Graham explained that the initial presentation by County Fire did not indicate this project's use impacted the road in a manner that created additional fire risk for that neighborhood, and past practice has been to allow these permits where there was not an increase in county road use. He expressed his belief that although the language of the ordinance can be changed to allow granting of administrative permits more easily, the delay would be detrimental to his client. He suggested the Board of Supervisors consider:

3. Denying the appeal and granting the permit as per the conditions issued by the Planning Commission;

4. Granting the permit by finding an exception under the ordinance; or
5. Granting the permit for a limited duration while this ordinance is being amended to allow the business to survive.

Carole Shaw, a member of the Igo-Ono Volunteer Fire Department and a fire technology instructor for the Shasta-Trinity Regional Occupational Program, spoke regarding her experiences fighting fires in the Zogg Mine Road area. She felt that although the area is a concern due to the lack of an additional exit route, the project has benefits for fire safety considerations which other area residents do not have:

1. A large meadow which will serve as a safety island,
2. Large pond which will serve as a water source,
3. Fire-resistant building construction, and
4. Excellent dispensable space around the structure.

Robin Birmingham spoke in support of the project and submitted a petition in support of the project.

The following also spoke in favor of the project, addressing fire safety issues and small business concerns: Karen Sheehy, Victor Hannan, Linda Panich, Blaine Halsen, Les Jetley, Linda Armstrong, Ed Barry, Kelsey Silver, Joan Siddons, Geri MacCallum, Don Reynolds, Sue Lang, Gail Perkins.

Denice Wallace spoke in opposition to the project.

John Wallace spoke regarding the need to modify the laws and the need for diplomacy in this matter.

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

Supervisor Kehoe questioned whether the County Fire Safety Standards have been modified since their adoption in 1992. Fred Fortes of the California Department of Forestry replied that the Standards were modified once to address above-ground fuel storage tanks.

Supervisor Kehoe questioned the change in the County's position on the project from recommending approval of the project in February 2001 to recommending denial of the project now. Resource Management Director Russ Mull explained that the current recommendations given to the Board reflect the conditions imposed by local, state, and federal agencies. Originally, the recommendation was based on the assumption that the facility was in compliance with the fire standards. However, after review of the project by the County Fire Department and County Counsel, he does not believe the project can be approved under current fire standards.

Supervisor Kehoe asked whether it was appropriate for the Board to proceed forward with granting the administrative permit in the face of the observations made by the County Fire Warden and staff. Assistant County Counsel Michael Ralston said he was not aware of anything in the Code allowing the Board to grant a limited permit, which would be subject to the same restrictions as a full permit. Under the Fire Safe Standards, if the Board is able to make appropriate factual findings, they have the ability to grant an exception to the Standards; however, the Board has no option in dealing with the dead-end road issue. In his opinion, the Board does not have the legal capacity to grant Variance No. 00-05 and Administrative Permit No. 00-72. Supervisor Hawes questioned whether building should be allowed on the remaining lots on Zogg Mine Road. Mr. Ralston replied that under Section 6.1.c. of the Fire Safety Standards, single family residential building permits and residential mobile home installation permits are not required to have off-site improvements if adequate physical access is existing as determined by the County Fire Warden.

Supervisor Clarke commented on the difficulty of making a decision when all three attorneys give disparate opinions.

Supervisor Clarke made the motion to deny the appeal and grant Variance No. 00-05 and Administrative Permit No. 00-72 as approved by the Planning Commission. Supervisor Hawes seconded the motion. Discussion ensued, at which time Mr. Mull reminded the Board that if it wished to approve a deviation from the Fire Safe Standards, a 4/5 vote is required, along with findings to support an exception.

At the request of the Board, Fred Fortes of the California Department of Forestry discussed the exception policy of the Fire Safe Standards. The approving authority must apply certain criteria when granting exceptions or appeals to the Standards. The approval of this project does not appear to increase the density or fire hazard to the residents of Zogg Mine Road. County Fire Department staff believes that the approving authority can grant an exception and make findings that the project will not increase the fire hazard. Staff does not agree that the Fire Standards will be violated by approval of the project; however, he cautioned that County Counsel is the lead counsel on the project.

At the request of the Board, County Fire Warden Duane Frye explained that the County Fire Department does not have the authority to grant an exception or recommend approval of the project. However, the project does not appear to violate the original intent of the law as it does not create any additional density or fire hazard in the area.

The vote was as follows:

AYES:	Supervisors Clarke, Hawes, Wilson, Kehoe
NOES:	None
EXCUSED:	Supervisor Fust

By consensus, the Board requested the necessary findings be presented for final adoption at the April 10, 2001 meeting.

3:10 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy