

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 25, 2003

REGULAR MEETING

9:01 a.m.: Chairman Clarke 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
Chief Deputy Clerk of the Board - Glenda K. Tracy
Deputy Clerk of the Board - Linda K. Mekelburg

INVOCATION

Invocation was given by the Reverend Joe Albion, Gateway Fellowship.

PLEDGE OF ALLEGIANCE

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

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Clarke pulled for discussion from the Sheriff's Office the matter regarding the California Highway Patrol State Route 44 Corridor Safety Project. In response to a question by a Member of the Board of Supervisors, Shasta County Sheriff's Captain Tom Bosenko stated that the administrative costs were included in the overtime funds amount listed. California Highway Patrol Captain Dave Hahn noted there would be increased patrols on Highway 44 and additional Driving-Under-the-Influence checkpoints.

Supervisor Fust pulled for clarification the item regarding an agreement with the California Department of Forestry and Fire Protection to administer and operate the Shasta County Fire Department. County Fire Chief Duane Fry explained that the agreement for a 3-year period actually began July 1, 2002, but the contract was not returned by the State until recently.

CONSENT CALENDAR

By motion made, seconded (Hawes/Wilson), 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 lease with First Church of Christ Scientist in the amount of \$2,350 per month for 2,350 square feet for the Jury Assembly at 1451 Court Street for the period May 1, 2003 through April 30, 2004 and in the amount of \$2,467.50 per month for the period May 1, 2004 through April 30, 2005, with an option to renew for one additional 2-year term. (Administrative Office)

Approved and authorized the Chairman to sign a lease with A & P Investments in the amount of \$3,025 per month for 2,750 square feet for the Opportunity Center Mail Room and the Court Reporters at 1388 Court Street, Suites D and E for the period May 1, 2003 through April 30, 2005, with an option to renew for two additional 1-year terms. (Administrative Office)

Approved and authorized the Chairman to sign an agreement with Michael Ashby of the firm of Carr, Kennedy, Peterson & Frost to provide legal counsel to the County Assessment Appeals Board in an amount not to exceed \$7,500 for the period April 1, 2003 through March 3, 2004. (Administrative Office-Clerk of the Board)

Authorized the issuance of warrants totaling \$140,518.32 for County operating funds and special districts, as submitted; and authorized the issuance of checks totaling \$8,126.30 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on March 18, 2003, as submitted. (Clerk of the Board)

Adopted Resolution No. 2003-40, which authorizes the District Attorney to apply for grants from the Consumer Protection Trust Fund not to exceed \$15,000 per fiscal year. (District Attorney)

(See Resolution Book No. 44)

Adopted Resolution No. 2003-41, which supports the California Highway Patrol State Route 44 Corridor Safety Project. (Sheriff)

(See Resolution Book No. 44)

Awarded to low bidder, Richard A. Heaps, Inc. the contract for construction of the Court Street/Tehama Street Traffic Signal Installation in the amount of \$193,844.75. (Public Works)

Adopted Resolution No. 2003-42, which summarily abandons a superseded right-of-way alignment (0.345 acre) of Tamarack Avenue at its intersection with State Route 299 East near Burney. (Public Works)

(See Resolution Book No. 44)

Adopted Resolution No. 2003-43, which approves and authorizes the Chairman to sign an agreement with the California Department of Forestry and Fire Protection to administer and operate the Shasta County Fire Department for a 3-year term from July 1, 2002 through June 30, 2005 in the amount of \$1,802,241 for Fiscal Year 2002-2003. (County Fire)

(See Resolution Book No. 44)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: BUCKHORN SUMMIT PROJECT

CalTrans District Director Brian Crane gave a presentation on the Buckhorn Summit Project, which is a plan to straighten a hazardous portion State Route 299 through Shasta, Trinity, and Humboldt Counties. Humboldt County seeks to create a coalition with Shasta and Trinity Counties and hire a consultant to lobby Congress for funds. Director of Public Works Pat Minturn offered to research the consulting firm suggested by Humboldt County, and County Counsel Karen Jahr offered to provide a legal opinion as to whether the Political Reform Act prohibits a lobbyist from accepting a "contingent" or "success" fee. Staff will provide the information at the April 8, 2003 meeting.

PRESENTATION: AFTERSCHOOL COMMUNICATION EDUCATION PROGRAM

Chairman Clarke announced that the agenda item regarding the Afterschool Communication Education Program was pulled to be rescheduled at a later date.

BOARD MATTERS

MILITARY ACTION IN IRAQ
RESOLUTION NO. 2003-44

By motion made, seconded (Wilson/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-44, which supports President George W. Bush and the United States Armed Forces in current military actions in Iraq.

(See Resolution Book No. 44)

PROCLAMATION: MEDIATION MONTH

At the recommendation of Wallace Anderson of the Rural Counties Mediation Project and by motion made seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation which designates March 2003 as Mediation Month in Shasta County.

PROCLAMATION: THE WEEK OF THE YOUNG CHILD

At the recommendation of Sherry Gaddy of the California Cascade Association for the Education of Young Children and by motion made, seconded (Hawes/Kehoe), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 5-12, 2003 as the Week of the Young Child in Shasta County.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented an update on specific legislation of importance to Shasta County.

Supervisors reported on issues of countywide interest.

PUBLIC HEALTH

APPOINTMENTS/REAPPOINTMENTS PUBLIC HEALTH ADVISORY BOARD END-OF-YEAR REPORT

At the recommendation of Public Health Director Marta McKenzie and by motion made, seconded (Kehoe/Fust), and unanimously carried, the Board of Supervisors and took the following actions:

1. Appointed Eric Hanson and reappointed Mana Davis, Paula Percy, Andrew Hinds, and Kim Niemer to the Public Health Advisory Board for terms to March 2006; and
2. Received the Advisory Board's end-of-year report.

CALIFORNIA CHILDREN'S SERVICES PROGRAM BUDGET ADJUSTMENT/AMENDMENT SALARY RESOLUTIONS NO. 1223 AND 1224

At the recommendation of Public Health Director Marta McKenzie and by motion made, seconded (Kehoe/Hawes), and unanimously carried, the Board of Supervisors approved the semi-independent program status for the California Children's Services (CCS) Program; adopted Salary Resolution No. 1223, which adds 3.5 new positions to Public Health; adopted Salary Resolution No. 1224, which transfers two positions from Social Services to Public Health for the CCS Program; approved a budget adjustment increasing revenues and appropriations in the amount of \$42,780 for the CCS positions for the period April 1, 2003 through June 30, 2003; and approved a budget amendment transferring \$23,559 from Professional Services to Salary and Benefits to accommodate the transfer of Social Services staff to Public Health.

(See Salary Resolution Book)

SCHEDULED HEARINGS

PUBLIC WORKS

AGREEMENT: ANDERSON-COTTONWOOD DISPOSAL SERVICES, INC. GARBAGE DISPOSAL SERVICES RESOLUTION NO. 2003-45

This was the time set to consider an adjustment in the rates charged by Anderson-Cottonwood Disposal Services, Inc. Deputy Public Works Director Dan Kovacich presented the staff report and the recommended approval of the request. Notice of Hearing and Affidavit of Posting are on file.

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

10:50 a.m.: Supervisor Fust left the hearing room.

10:51 a.m.: Supervisor Fust returned to the hearing room.

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign an agreement for garbage disposal services with Anderson-Cottonwood Disposal Services, Inc. extending the agreement to July 1, 2013; and adopted Resolution No. 2003-45, which authorizes an adjustment in certain rates effective July 1, 2003.

(See Resolution Book No. 44)

11:00 a.m.: Supervisor Wilson left the hearing room.

11:01 a.m.: Supervisor Wilson returned to the hearing room.

FALL RIVER MILLS AIRPORT LAYOUT PLAN
FALL RIVER MILLS AIRPORT IMPROVEMENT PROJECT
RESOLUTION NO. 2003-46

This was the time set to consider the Fall River Mills Airport Improvement Project and Layout Plan. Deputy Public Works Director Dan Kovacich presented the staff report and recommended approval of the request. Notice of Hearing and Affidavit of Posting are on file with the Clerk of the Board.

The public hearing was opened, at which time Mayers Hospital CEO Jerry Fikes spoke in support of the Project, citing the need to deliver patients to the hospital via air. Dick Nemanic also spoke in support of the project, noting that the improvements will allow jet aircraft to land at the airport.

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

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-46, which makes a California Environmental Quality Act (CEQA) determination of a mitigated negative declaration for the Fall River Mills Airport Improvement Project; and adopted the Fall River Mills Airport Layout Plan.

(See Resolution Book No. 44)

CLOSED SESSION ANNOUNCEMENT

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

1. Confer with its counsel to discuss one case of anticipated litigation, pursuant to Government Code Section 54956.9, subdivision (b).
2. Confer with its Labor Negotiators, County Administrative Officer Doug Latimer and Director of Support Services Joann Davis, to discuss the following employee organizations: Shasta County Employees Association, Shasta County Mid-management Association, Deputy Sheriffs 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.

11:10 a.m.: The Board of Supervisors recessed to Closed Session.

12:30 a.m.: The Board of Supervisors recessed from Closed Session.

1:30 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Michael Ralston, Chief Deputy Clerk of the Board Glenda K. Tracy, and Administrative Board Clerk Linda K. Mekelburg present.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Michael Ralston reported that the Board of Supervisors met in Closed Session to discuss anticipated litigation, as well as labor negotiations; however, no reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

APPEAL: TRACT MAP 1866
ROBERT AND "MIKE" MOLLER, PALO CEDRO AREA
RESOLUTION NO. 2003-43

This was the time set to conduct a public hearing and consider an appeal of the Planning Commission's denial of Tract Map 1866, Robert and "Mike" Moller. The Planning Commission denial was based on the failure to obtain easement rights for a fire escape road required under Chapter 6.11 of the County Fire Safety Standards. The project request is for approval of an 8-parcel land division of 110 acres in the Palo Cedro area. Senior Planner John Stokes presented the staff report and recommend denial of the appeal. Notice of Hearing and Affidavit of Posting are on file with the Clerk of the Board.

Robert Moller addressed the Board of Supervisors, noting that he plans to develop two or three parcels initially, developing the other five parcels when revenue is needed for the remainder of his property in the area. Engineer Keith Mullnix of Omni-Means Ltd. stated that Mr. Moller is willing to provide access easements across his property south of the project and across Mr. Haggard's adjacent property and proposes to dedicate his portion of the fire access road that currently has no access. Attorney Bart Fleharty explained that Mr. Moller is also willing to waive his right to compel the County to initiate eminent domain proceedings under Section 66462.5 of the Government Code should he be unable to secure easements on the properties in between.

The public hearing was opened, at which time the following people spoke in opposition to the project:

1. Dean Franks noted that the project will increase traffic on Silverbridge Road, which is not up to current County road standards, and he requested that a wintertime perc test be required;
2. Chris Anderson explained that the land in question is flooded during winter rainstorms;
3. Catherine McNeight stated that the Board of Supervisors should require that all residents along Silverbridge Road be granted access to the secondary fire access road;
4. Jim Williams questioned whether all property owners along the road were notified of the public hearing and expressed his concern that the parcels may be further split into 5-acre parcels; and
5. Richard Lemon expressed his concern that increased traffic due to the project may lead to deterioration of Silverbridge Road.

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

Resource Management Director Russ Mull explained that the issues in this project are a California Environmental Quality Act (CEQA) issue and a procedural issue. The project was presented as though the easements for the secondary fire access road had already been obtained. Once the easements are obtained, the project is approvable.

In response to a questions from the Board of Supervisors regarding a previously approved project in the area, Dave Harp of the County Fire Marshal’s Office noted that the project was approved based on letters exchanged giving the property owner permission to use the road in an emergency; however, it was later determined that the letter may not be a legal document which would transfer from owner to owner. He also explained that although the language of the Fire Safety Standards has not changed, their office has become more stringent in enforcing the Standards.

By motion made, seconded (Kehoe/Fust), and carried, the Board of Supervisors adopted Resolution No. 2003-47, which denies the appeal and upholds the Planning Commission denial of Tract Map 1866.

Under discussion, Supervisor Clarke said she would be prepared to accept an indemnification waiver designed to protect the County should Mr. Moller sell the property. Supervisor Hawes noted that a permanent road division should be created for the road.

In response to a question from the Board of Supervisors, Assistant County Counsel Michael Ralston explained that there are concerns that Mr. Moller may not be able to waive the rights of any successor in the interests of Mr. Moller. In addition, an indemnification is a promise without financial backing; a bond would at least give financial surety, although the amount of the bond would need to be significant.

The vote was as follows:

AYES: Supervisors Wilson, Kehoe, and Fust
NOES: Supervisors Hawes and Clarke

(See Resolution Book No. 44)

2:37 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy