

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, March 28, 2000

REGULAR MEETING

9:03 a.m.: Chairman Fust 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
Administrative Board Clerk - Pamela English

INVOCATION

Invocation was given by Dr. Ray John, Bishop Quinn High School/St. Francis Middle School.

MOMENT OF SILENCE

The Board of Supervisors observed a moment of silence in recognition of the recent passing of Deputy Robert Sandbloom.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Russ Wade spoke out against the anticipated pollution that he believed would result from the proposed Knauf Fiberglass Plant and the negative impact he claimed this would have on tourism in Shasta County, and he objected to the location of this plant within the City of Shasta Lake.

ITEMS PULLED FROM CONSENT CALENDAR

Supervisor Kehoe pulled from the Consent Calendar for discussion a request from the Department of Mental Health to approve an amendment to the agreement with Certus Corporation for additional professional services to meet federal Medicare cost reporting requirements during Fiscal Year 1999-2000. He questioned the service period to which the amendment was applicable.

CONSENT CALENDAR

By motion made, seconded (Clarke/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 an agreement with Michael P. Ashby to provide legal counsel to the Shasta County Assessment Appeals Board. (Administrative Office)

Approved the minutes of the meeting held on March 21, 2000, as submitted. (Clerk of the Board)

Approved the award of Bid No. 366 for miscellaneous fire apparatus to L. N. Curtis and Sons of Oakland, California in the total amount of \$88,496.27 from funds authorized to County Fire during final budget hearings. (Support Services - Purchasing Division)

Approved and authorized the Chairman to sign an amendment to the lease with Dean McGregor for the continued use of office space located at 1800 and 1824 Shasta Street in Redding, California by the District Attorney Family Support Division, which extends the term for nine months during the period of March 31, 2000 through December 31, 2000, and increases the monthly rent by 3 percent for a total of \$2,947.25 per month. (Support Services - Purchasing Division)

Approved and authorized the Chairman to sign an amendment to the agreement with Certus Corporation which increases the amount by \$5,000 for a total of \$18,000 for additional professional services to meet federal Medicare cost reporting requirements during Fiscal Year 1999-2000. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Alameda County in the amount of \$77,000 for specialized mental health treatment services to adolescents during Fiscal Year 1999-2000. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with Crestwood Behavioral Health, Inc., in the amount of \$601,695 for residential treatment services to adults with mental illness during the period of March 28, 2000 through June 30, 2000. (Mental Health)

Approved and authorized the Chairman to sign an agreement with the Cascade Union Elementary School District in the amount of \$38,500 to administer a CalWORKs truancy prevention program during the period of April 1, 2000 through June 30, 2001. (Social Services)

Adopted Resolution No. 2000-52 which authorizes the Department of Resource Management to apply for a Used Oil Recycling Block Grant - Sixth Cycle in the amount of \$103,437 on behalf of the County of Shasta and the Cities of Anderson and Shasta Lake. (Resource Management - Community Education Division)

(See Resolution Book No. 41)

REGULAR CALENDAR

BOARD MATTERS

**CERTIFICATE RECOGNIZING
GOOD NEWS RESCUE MISSION**

By motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors approved a certificate in recognition of the Good News Rescue Mission for more than 35 years of outstanding and dedicated service provided to the community of Shasta County, which Chairman Fust presented to Bill Roscoe, Executive Director of the Mission.

SHASTA COUNTY'S STATE FAIR BOOTH

At the recommendation of Noel Knight, Co-Chair of the Northern California Business Connection (NCBC), and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors took the following actions regarding Shasta County's booth at the State Fair:

1. Approved and authorized the Chairman to sign the entry form.
2. Authorized the NCBC to be the lead organization for the development and construction of the County's booth.
3. Authorized any prize monies that may be received to be immediately awarded to the NCBC for expenses.

NACo MEMBERSHIP AND CSAC LEGISLATIVE UPDATE

Gary Freeman, First Vice President of the California State Association of Counties (CSAC) and Glenn County Supervisor, provided information on the positive aspects of the National Association of Counties (NACo) and urged the Board of Supervisors to consider joining NACo.

Supervisor Clarke explained that the membership Shasta County is being asked to pay is for a two-year period. CSAC will pay for one year's dues on behalf of Shasta County as a new member county, as well as Shasta County's registration fee to the next NACo conference. Also, NACo's current Rural Action Caucus was something that was absent when the Board originally dropped its membership from NACo, which she described as an important addition that will represent Shasta County's needs well at the national level.

Responding to questions from Supervisor Kehoe, Supervisor Clarke further explained that the Board dropped its membership with NACo in 1997 during a time when it was making cuts throughout its budget and looking at every possible way to save money. Shasta County was not a member of the Regional Council of Rural Counties (RCRC) at that time, and the Board did not believe it could afford another membership. Therefore, it was decided that Shasta County's rural issues would be better addressed through RCRC, and the NACo membership was canceled.

Supervisor Kehoe also asked what the Board is now paying for memberships and what the estimated cost would be to participate in NACo, not including the membership dues. County Administrative Officer (CAO) Doug Latimer estimated the total cost of memberships to be less than \$45,000. Mr. Freeman explained that there are three major NACo meetings—a legislative conference, an annual conference, and a western interstate region meeting. There are also a number of issues dealt with through e-mail and conference calls. He indicated that a county can be as involved as it wishes. CAO Latimer indicated that this cost would be a judgement call for the Board as to how much it wishes to allocate for transportation and travel. He estimated the cost of all three conferences to be \$10,000. Supervisor Clarke estimated that the cost of each conference would not exceed \$2,000, and she agreed that it would be a judgement call for each Supervisor to decide how to spend their travel funds.

Supervisors Fust and Wilson discussed the reasoning behind the cancellation of the NACo membership—there was a lack of response to issues of importance to Shasta County and the main focus was on the Payment In Lieu of Taxes issue only. They and Supervisor Hawes also discussed the possible benefits of rejoining NACo—help in fighting the Forest Service's roadless issue and having a stronger voice in Washington, D.C.

By motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors approved Shasta County's membership with the National Association of Counties, and authorized the payment of membership dues in the amount of \$2,663 for the period of January 1, 2000 through December 31, 2000 from unexpended Services and Supplies funds. Supervisor Kehoe voted against this action.

Steve Szalay, Executive Director of the California State Association of Counties, spoke to the importance of NACo membership, and he provided a legislative update to the Board.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer Doug Latimer deferred his legislative update, because Mr. Szalay had already covered the issues.

The Supervisors reported on countywide issues, at which time Supervisor Hawes yielded his time to Mary Pfeiffer, Agricultural Commissioner-Sealer of Weights and Measures. Ms. Pfeiffer requested the Board of Supervisors' support of Senate Bill (SB) 1740 (Leslie) which would create the "Yellow Starthistle and Other Noxious Weeds Statewide Control Program" under the jurisdiction of the Department of Food and Agriculture. She responded to questions from the Supervisors on how this bill would work.

By consensus, the Board directed Ms. Pfeiffer to prepare a letter in support of SB 1740 for the Chairman's signature.

ADMINISTRATIVE OFFICE

**ADDING DIRECTOR OF PUBLIC HEALTH
SALARY RESOLUTION NO. 1098**

At the recommendation of County Administrative Officer Doug Latimer and by motion made, seconded (Kehoe/Clarke), and unanimously carried, the Board of Supervisors adopted Salary Resolution No. 1098 which adds one Director of Public Health to the Department of Public Health budget, retroactive to March 12, 2000, and approved the job specifications.

(See Salary Resolution Book)

Under discussion, Supervisor Kehoe suggested that it would be helpful for staff to conduct an assessment of the job duties, the skill levels, and the differences of the Public Health Officer, the Director of Public Health, and the Deputy Director of Public Health positions. He requested that this information be included in the anticipated report to the Board concerning the organization of the Department of Public Health.

Supervisor Kehoe, speaking as the Board's Health and Welfare Liaison, also suggested the development of an advisory board to the Department of Public Health. He volunteered to take the lead in this matter, and he indicated that he would bring this matter back to the Board for consideration during a future meeting.

Supervisors Fust and Clarke stressed the importance of having strict guidelines in such a situation and that the line of authority should be made clear—the committee would be advisory in nature and the Board would make the final decisions.

AUDITOR-CONTROLLER

COUNTY CLAIMS

By motion made, seconded (Wilson/Hawes), and unanimously carried, the Board of Supervisors authorized the issuance of warrants totaling \$518,822.50 for County operating funds and special districts, as submitted by Auditor-Controller Rick Graham.

Chairman Fust clarified that consideration of the "County Claims" would be placed on the Consent Calendar in the future.

LIBRARY

**DONATION FROM SOROPTIMIST INTERNATIONAL OF REDDING
FOR PURCHASE OF NEW BOOKS
BUDGET AMENDMENT**

At the recommendation of Library Director Carolyn Chambers and by motion made, seconded (Clarke/Hawes), and unanimously carried, the Board of Supervisors accepted a donation of \$2,000 from Soroptimist International of Redding, and increased revenue and expenditures by \$2,000 for the purchase of new books.

HEALTH AND WELFARE

HOUSING AND COMMUNITY ACTION PROGRAMS

**APRIL 2000 FAIR HOUSING MONTH
RESOLUTION NO. 2000-53**

At the recommendation of Jerry Brown, Executive Director of the Housing and Community Action Programs, and Gary Rhoades, Managing Attorney of Legal Services of Northern California, and by motion made, seconded (Wilson/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-53 which recognizes April 2000 as "Fair Housing Month" in Shasta County.

(See Resolution Book No. 41)

SOCIAL SERVICES

**OPPORTUNITY CENTER OPEN HOUSE
CLAIMS AUTHORIZATION**

At the recommendation of Tom Morehouse, Manager of the Opportunity Center, and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors approved a request to provide refreshments for an "open house" at the Opportunity Center, and authorized the Auditor-Controller to pay said claim in the approximate amount of \$250.

**PROCLAMATION: CHILD ABUSE
PREVENTION AWARENESS MONTH**

At the recommendation of Bob Creighton, Deputy Director of Social Services, and Betty Futrell, Executive Director of the Shasta County Child Abuse Prevention Council, and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors adopted a proclamation which designates April 2000 as "Child Abuse Prevention Awareness Month" in Shasta County.

LAW AND JUSTICE

DISTRICT ATTORNEY

**ELDER ABUSE VERTICAL PROSECUTION PROGRAM
BUDGET AMENDMENT AND SALARY RESOLUTION NO. 1099**

At the recommendation of District Attorney McGregor Scott and by motion made, seconded (Clarke/Wilson), and unanimously carried, the Board of Supervisors increased revenue and appropriations by \$95,000 for the Elder Abuse Vertical Prosecution Program, and adopted Salary Resolution No. 1099 which adds one Deputy District Attorney I/II/III to the District Attorney budget.

(See Salary Resolution Book)

URGENCY ITEM

ADDITION OF CLOSED SESSION ITEM

At the recommendation of Assistant County Counsel Michael Ralston and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors made a finding of urgency to consider the addition of a Closed Session matter to the agenda.

By further motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors added to the agenda “Conference with Legal Counsel - Anticipated Litigation,” pursuant to Government Code Section 54956.9, subdivision (c).

CLOSED SESSION ANNOUNCEMENT

Chairman Fust announced that the Board of Supervisors would recess to 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 (c).
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.

10:48 a.m.: The Board of Supervisors recessed to Closed Session.

11:30 a.m.: The Board of Supervisors recessed from Closed Session to reconvene in Open Session at 1:30 p.m.

1:32 p.m.: The Board of Supervisors reconvened in Open Session with all Supervisors, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Pamela English present.

REPORT OF CLOSED SESSION ACTIONS

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

SCHEDULED HEARING

RESOURCE MANAGEMENT - PLANNING DIVISION

APPEAL: DENIAL OF ADMINISTRATIVE PERMIT 99-96
DR. GEORGE DOMB, CENTERVILLE AREA
RESOLUTION NO. 2000-54

This was the time set to conduct a public hearing and consider an appeal of the Planning Commission’s denial of Administrative Permit 99-96, Dr. George Domb, which would have allowed the construction of a 2,160-square-foot covered arena with three horse stalls, in addition to an existing 863-square-foot attached garage on a 3.02-acre parcel in the Middletown Park Subdivision.

Senior Planner Marcelino Gonzalez presented the staff report which outlined that the Shasta County Code authorizes the Planning Director to approve administrative permits. However, due to the concerns about this application, the Planning Director referred the project to the Planning Commission to consider testimony by those in opposition to the project. The opponents' concerns included housing animals near a drainage area and the potential runoff that may pollute the water, possible vector problems resulting from animal waste, the size and appearance of the proposed accessory structure would be aesthetically offensive, lights illuminating the arena at night would be detrimental to wildlife and adjacent properties, potential violations of the Covenants, Conditions, and Restrictions (CC&Rs) of the subdivision, and allegations of trespass by the applicant during the preparation of the building site.

The property is in a Rural Residential District, combined with a Building Site Minimum (R-R-BSM) District. The R-R zoning (and most rural residential districts) allow up to 2,500 square feet combined total of accessory building floor area by right. The combined total floor area of the attached garage and the proposed arena would be 3,023 square feet. Therefore, if the floor area of the arena is reduced to 1,637 square feet, an administrative permit is not required and the applicant could construct a covered arena by simply obtaining a building permit. Livestock (horses) are an allowed use in an R-R District. The matter before the Board is the total square footage of the accessory buildings.

Three letters of opposition to the project were received. Two letters of support were also received. During the Planning Commission hearing, a neighboring property owner presented a petition of opposition with 22 signatures. After considering testimony from the applicant's representatives and opponents, the Planning Commission denied Administrative Permit 99-96 based upon the findings that in this case the construction and use of the proposed covered arena would be detrimental to the well-being of the neighborhood, and the additional square footage was not consistent with Shasta County Zoning Ordinance.

The applicant appealed this decision stating that the proposed project is consistent with the Shasta County General Plan and Zoning, conditions of approval for the permit adequately mitigate any proposed impacts of the project, and the project would not be detrimental to the health, safety, peace, moral, comfort, and general welfare of persons residing or working in the neighborhood of the proposed use, nor will it be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County. Mr. Gonzalez displayed slides of the project and neighboring areas. The affidavit of publication and notice of hearing are on file.

The public hearing was opened, at which time Bart Fleharty, representing the applicant, Dr. Domb, notified the Board that a private agreement mitigating all issues of concern had been reached between Dr. Domb and the surrounding neighbors pending Board approval. Mr. Fleharty expressed his belief that the CC&Rs should be handled in the civil arena. He urged the Board of Supervisors to approve the appeal of the Planning Commission's denial of this project.

Tim Nisson, owner of the property located across from the applicant and owner of the pond separating each property, confirmed that a private agreement had been reached among all of the concerned parties. He stated that this agreement was dependent upon approval of the permit. However, he would like to see the conditions of this agreement made part of the Board's action. He also expressed his concerns about this project.

Also speaking in support of upholding the appeal was Tim Potonovich, Elizabeth Scanland, George and Brittany Domb, Brenda Bailey, Lori Childress, Gloria Spiegel, Dorothy Ziegler, and Neil Fairburn. Robert Harding, Lynn Swanson, and Donna Daily-Nisson expressed concerns about this project. Mr. Harding and Ms. Nisson supported including the conditions of the private agreement within the conditions of the permit. After receiving rebuttal comments from both parties, no one else spoke, and the public hearing was closed.

The Board Members questioned staff about and discussed whether or not to include the conditions of the private agreement in any potential approval of the appeal and the CC&Rs. Staff assured the Board that all property owners in the project area have been treated equally in such matters.

By motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2000-54 upholding the appeal of the Planning Commission's denial of Administrative Permit 99-96, Dr. George Domb, Centerville area.

(See Resolution Book No. 41)

2:32 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy