

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, January 15, 2002

REGULAR MEETING

9:00 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 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.

MOMENT OF SILENCE

A moment of silence was observed in honor those killed in the recent military plane crash in Pakistan, including Matthew Bancroft a Burney High School graduate.

At the recommendation of County Administrative Officer Doug Latimer and by consensus of the Board of Supervisors, the flag will be flown at half-staff for the rest of the week.

PLEDGE OF ALLEGIANCE

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

ITEMS PULLED FROM CONSENT CALENDAR

It was announced that the agenda item request to adopt a resolution which authorizes continued participation in the North State Cooperative Library System and adopts a revised plan of service and revised by-laws was being pulled at the request of the department head to be brought back for action at a later time.

CONSENT CALENDAR

By motion made, seconded (Hawes/Fust), and carried, the Board of Supervisors took the following actions, which were listed on the Consent Calendar, as amended. (Supervisor Kehoe voted

no on the Consent Calendar item which directs the Auditor-Controller to deduct the employee's share of dental and medical insurance premiums equally between paychecks and changes payday from Friday to the following Tuesday.)

Approved and authorized the Chairman to sign the Certification Statement regarding composition of the Local Child Care Planning Council membership, which appoints and reappoints members to the Shasta County Local Child Care Planning Council to December 31, 2002 for the State Department of Education. (Administrative Office)

Approved and authorized the Chairman to sign a contract amendment with the California Department of Food and Agriculture to fund weed survey and inventory, eradication activities, and educational activities and which extends the term of the contract through June 30, 2002. (Agricultural Commissioner)

Authorized the issuance of warrants totaling \$43,393.37 for County operating funds and special districts, as submitted, and authorized the issuance of warrants totaling \$557.00 requiring special Board action. (Auditor-Controller)

Approved the minutes of the meeting held on January 8, 2002, as submitted. (Clerk of the Board)

Made the recommended annual reappointments to various committees, commissions, and boards, as follows:

AGING, COMMISSION ON

Linda Arenchild	District 1	Two-Year Term to January 2004
Kenneth Jones	District 2	Two-Year Term to January 2004
Ruth Huey	District 4	Two-Year Term to January 2004
Mona Davis	District 5	Two-Year Term to January 2004

BOARD OF BUILDING APPEALS

Jerry Nash	Citizen at Large	Two-Year Term to January 2004
Al Friesen	Building Division	Two-Year Term to January 2004
Robert Miller	Trade Union	Two-Year Term to January 2004
Billy Sutter, Jr.	Contractor	Two-Year Term to January 2004

ECONOMIC DEVELOPMENT CORPORATION

Sam Major	District 1	Two-Year Term to January 2004
Richard Thompson	District 4	Two-Year Term to January 2004
R. L. Stewart	District 5	Two-Year Term to January 2004

EMPLOYEE APPEALS BOARD

Gene Knaebel	Alternate	Two-Year Term to January 2004
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GRAZING ADVISORY BOARD

Jack McAuliffe	District 1	Three-Year Term to January 2005
Henry Giacomini	District 3	Three-Year Term to January 2005

INTERMOUNTAIN FAIR BOARD OF DIRECTORS

Leland B. Knoch	Five-Year Term to January 2007
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LAW LIBRARY TRUSTEES

William Meek One-Year Term to January 2003

REDDING SHASTA HOME FINANCING AUTHORITY

Chairman Kehoe One-Year Term to January 2003

SACRAMENTO RIVER CONSERVATION AREA

Supervisor Hawes Public Interest March 2003

SACRAMENTO VALLEY BASINWIDE AIR POLLUTION CONTROL COUNCIL

Supervisor Hawes January 2003

Supervisor Fust, Alternate January 2003

SHASTA COUNTY CHILDREN AND FAMILIES FIRST COMMISSION

Dr. Andrew Deckert One-Year Term to January 2003

Supervisor David Kehoe One-Year Term to January 2003

Barbara Lapp One-Year Term to January 2003

Barbara McKend One-Year Term to January 2003

Barry Reed One-Year Term to January 2003

Judie Smith One-Year Term to January 2003

Maxine Wayda One-Year Term to January 2003

WELL STANDARDS ADVISORY BOARD

Steve Foster Two-Year Term to January 2004

Robert McCullough Two-Year Term to January 2004

Brian Gartner Two-Year Term to January 2004

(Clerk of the Board)

Approved and authorized the Chair to sign an amendment to an agreement with Liebert Cassidy Whitmore to increase the billing rates for paralegals. (County Counsel)

Adopt Salary Resolution No. 1180, which amends the County Classifications and Salary Range Assignments and Position Allocation List to adjust the salary range for the job classification of Administrative Analyst I effective January 7, 2002. (Support Services-Human Resources Division)

(See Salary Resolution Book)

Adopted Resolution No. 2002-09, which directs the Auditor-Controller to deduct the employee's share of dental and medical insurance premiums equally between the first and second paychecks of the month beginning February 2002 and revises Personnel Rule 4.1 to change payday from Friday to the following Tuesday effective the first Tuesday in March 2002. (Support Services-Human Resources Division)

(See Resolution Book No. 43)

Approved and authorized the Purchasing Division to sign a 60-month lease with Ray Morgan Company in an amount not to exceed \$1,652 per month (\$19,824 annually) for a color printer-copier machine, and approved a budget transfer in the amount of \$12,000 between Fixed Assets and Services and Supplies. (Support Services)

Approved and authorized the Chairman to sign a renewal agreement with North Valley Schools, Inc. in an amount not to exceed \$1,437,700 annually to provide mental health services for the period December 14, 2001 through June 30, 2002, with the option to renew for two additional one-year terms. (Mental Health)

Approved and authorized the Chairman to sign a renewal agreement with the State Department of Mental Health allocating \$925,350 to allow Shasta County Mental Health to operate the Managed Mental Health Care Plan for Medi-Cal eligible residents of Shasta County for Fiscal Year 2001-2002. (Mental Health)

Approved the appointment of Kathy F. Cox, LCSW, at Step 'E' of the Clinical Services Supervisor classification. (Mental Health)

Approved the appointment of Janice L. Galloway, MA, CTRS, at Step 'E' of the Recreational Therapist II classification. (Mental Health)

Adopted Salary Resolution No. 1181, which amends the County Classifications and Salary Range Assignments and Position Allocation List to delete the classification of Psychiatric Nurse Practitioner, add the classification of and approve the job description for Allied Medical Professional, and alternately staff the Allied Medical Professional classification and five existing clinical staff position allocations (Clinical Psychologist I/II or Clinical Social Worker I/II or Marriage Family Therapist I/II or Staff Nurse I/II) as Staff Nurse II or Allied Medical Professional. (Mental Health)

(See Salary Resolution Book)

Approved and authorized the Chairman to sign a contract amendment with Family Service Agency to provide a visitation and parenting center for the Children and Family Services Division adding compensation in the amount of \$10,795.45 to a total of \$213,795.45 and adding advance payment language for Fiscal Year 2001-02. (Social Services)

Adopted Resolution No. 2002-10, which designates the Shasta County Child Abuse Prevention Coordinating Council as the Children's Trust Fund Commission as outlined in Welfare & Institutions Code Section 18965. (Social Services)

(See Resolution Book No. 43)

Adopted Resolution No. 2002-11, which supports a labor market information program to be conducted by the Shasta County Private Industry Council. (Social Services)

(See Resolution Book No. 43)

Adopted Resolution No. 2002-12, which authorizes the Chairman to sign a right-of-way certificate for the Rock Creek Road at Rock Creek Bridge replacement project.

(See Resolution Book No. 43)

For the Long Hay Flat Road at Bailey Creek Bridge Replacement Project, approved and authorized the Chairman to sign a right-of-way contract, and accepted an easement deed conveying one parcel of right of way.

Approved the award of Bid No. 383 to U.S. Tanker, Inc. and authorized the purchase of two 3,000-gallon water tenders in the total amount of \$346,075.98. (County Fire)

REGULAR CALENDAR

PRESENTATIONS

PRESENTATION: WHISKEYTOWN NATIONAL RECREATION AREA

Superintendent Jim Milestone presented an update on activities at the Whiskeytown National Recreation Area and announced up-coming hearings on a new bridge across Clear Creek and a logging project. Mr. Milestone then introduced new staff members Steve Prokop, Chief Ranger, and Paul Duprey, Chief of Resource Management.

Mr. Prokop discussed three items with the Members of the Board, including the 24-hour armed security of Shasta Dam, inter-agency cooperation, and dealing with illegal marijuana gardens within the park area. Responding to comments regarding public notice of the armed security at the dam, Mr. Prokop stated they would provide additional public notification.

Paul Duprey reviewed continued their continued efforts on the fuel-brake system and preparation of an Environmental Impact Study for their Fire Management Plan as required under the National Fire Protection Act. Mr. Duprey then introduced Carol Jandrell, Fire Information Officer. Ms. Jandrell reviewed some of the fire program goals planned for the coming year.

Mr. Milestone noted plans to restore the cabin belonging to the "last gold miner" (Jim McDermot) operating within the park until his death this past June.

GENERAL GOVERNMENT

ADMINISTRATIVE OFFICE/BOARD OF SUPERVISORS

JANUARY 2002 EMPLOYEE OF THE MONTH KATHY ESTES, HUMAN RESOURCES ANALYST III RESOLUTION NO. 2002-13

At the recommendation of Support Services Director Joann Davis and by motion made, seconded (Hawes/Clarke), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-13, which recognizes Human Resources Analyst Kathy Estes as the January 2002 Employee of the Month.

(See Resolution Book No. 43)

PROCLAMATION: NATIONAL MENTORING MONTH

By motion made, seconded (Wilson/Fust), and unanimously carried, the Board of Supervisors adopted a proclamation declaring January 2002 as "National Mentoring Month." Supervisor Kehoe presented the proclamation to Plus One Mentors representative Jim Holdridge.

NOMINATION: ROY RAMSEY, PLANNING COMMISSIONER, DISTRICT 4

Supervisor Wilson placed into nomination the name of Roy Ramsey to fill the District 4 vacancy on the Shasta County Planning Commission. Along with the nomination, Supervisor Wilson presented a printed list of Mr. Ramsey's qualifications. Action on the appointment will take place on January 22, 2002.

CHAIRMAN'S 2002 APPOINTMENTS

Chairman Kehoe presented the recommended 2002 Chairman's appointments. By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors approved the Chairman's appointments and liaison assignments for the year 2002, as follows:

Supervisor Kehoe, District 1

County Functional Area - Health and Human Services
CSAC Committee - Health and Human Services
Redding Area Bus Authority
Northern California Supervisors Association
Children and Families First Commission
Superior California Economic Development Corporation

Supervisor Fust, District 2

County Functional Area - General Government
CSAC Committee - Government Finance and Operations
Regional Council of Rural Counties
Regional Transportation Planning Agency, Alternate

Supervisor Hawes, District 3

County Functional Area - Land Use
CSAC Committee - Agriculture and Natural Resources
Regional Transportation Planning Agency

Supervisor Wilson, District 4

County Functional Area - Administration of Justice
CSAC Committee - Housing, Land Use and Transportation
Regional Transportation Planning Agency
Area Agency on Aging, PSA II, Executive Board, Alternate
Northern California Supervisors Association, Alternate
Redding Area Bus Authority, Alternate

Supervisor Clarke, District 5

County Functional Area - Land Use
CSAC Committee - Administration of Justice
Area Agency on Aging, PSA II, Executive Board
Regional Transportation Planning Agency
Regional Council of Rural Counties, Alternate

LEGISLATIVE UPDATE/SUPERVISORS' REPORTS

County Administrative Officer (CAO) Doug Latimer presented a brief update on the Governor's proposed State's Budget.

Supervisors reported on issues of countywide interest. Supervisor Clarke reported on the recognition given to Dr. C. J. Ferrera in honor of his 42 years of service on the Board of the Anderson Fairgrounds and naming the satellite wagering building Ferrera Hall. It was recommended that the Board of Supervisors also extend their appreciation through a proclamation; Supervisor Clarke indicated she would arrange this.

ASSESSOR-RECORDER

ABATEMENT OF PENALTY: (MOTEL 6), BHG PROPERTY, LLC

Assessor-Recorder Cris Andrews presented the staff report explaining the chronology of the late filings of the required Change of Ownership Statement by BHG Property LLC (Motel 6) and the penalty amount of \$2,500. Neither the appellant or a representative was present for the hearing; however, it was noted that their written statements had been included in the staff report.

Supervisor Fust noted that not only was the Change of Ownership Statement received late, but the request to abate the penalty was also filed late.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors denied the request of BHG Property, LLC (Motel 6) to abate the penalty for late filing of the Change of Ownership Statement.

ABATEMENT OF PENALTY: STEVEN AND TERESA ANDERSON

Assessor-Recorder Cris Andrews presented the staff report. He explained the chronology of the late filing by Steven and Teresa Anderson of the required Change of Ownership Statement and noted the penalty amount was \$100.

Teresa Anderson explained that she and her husband had worked through their title company on completion of the Change of Ownership Statement and thought everything was done when she received the grant deed.

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors approved the request of Steven and Teresa Anderson to abate the penalty assessed for failure to timely file a Change of Ownership Statement.

ABATEMENT OF PENALTY: SAMARJIT KAUR

Assessor-Recorder Cris Andrews presented the staff report explaining the chronology of the late filing by Samarjit Kaur of the required Change of Ownership Statement and the penalty amount of \$423.95. Neither the appellant or a representative was present, but it was noted that their written statements had been included in the staff report. Mr. Andrews pointed out that although the appellant indicated in his written statement that the request to file the Change of Ownership Statement was not received, the certified mail notice indicates the certified mail was received and signed for on August 25, 2001.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors denied the request of Samarjit Kaur to abate the penalty assessed for failure to timely file a Change of Ownership Statement.

SUPPORT SERVICES - HUMAN RESOURCES DIVISION**ELECTED OFFICIALS: SALARY INCREASE, RETIREMENT COMPENSATION, AND DEFERRED COMPENSATION
SALARY RESOLUTION NOS. 1182 AND 1183
RESOLUTION NO. 2002-14**

At the recommendation of Support Services Director Joanne Davis and by motion made, seconded (Clarke/Hawes), and carried, the Board of Supervisors adopted Salary Resolution No. 1182, which approves a three percent salary increase for elected department heads effective January 13, 2002; adopted Resolution No. 2002-24, which notifies the Public Employee Retirement System (PERS) to include elected department heads in the benefit of reporting the employer-paid member contributions to PERS for the purposes of computing retirement compensation; and adopted Salary Resolution No. 1183, which adds a salary footnote to elected department heads to match their contribution to deferred compensation beginning in tax year 2002. Supervisor Kehoe voted no. (Support Services-Human Resources Division)

(See Salary Resolution Book)
(See Resolution Book No. 43)

HEALTH AND WELFARE

HOUSING AND COMMUNITY ACTION PROGRAMS

COMMUNITY SERVICES BLOCK GRANT: FAMILY SERVICE AGENCY, PEOPLE OF PROGRESS, RSVP LITERACY, SENIOR NUTRITION, VISION RESOURCE CENTER, AND WOMEN'S REFUGE

Housing and Community Action Agency Director Jerry Brown presented the funding recommendations of the Community Action Board (CAB) regarding the award of \$100,000 from the Community Services Block Grant to six non-profit agencies.

Responding to questions as to why Plus One Mentors was not being recommended for funding, Mr. Brown explained that as part of the process, a representative of the organization is required to attend the CAB meeting and make a presentation; no one from Plus One Mentors attended the meeting or made the required presentation.

By motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors approved funding the following non-profit agencies from the Community Services Block Grant: Family Service, \$10,000; People of Progress, \$30,000; RSVP Literacy, \$10,000; Senior Nutrition, \$12,000; Vision Resource Center, \$10,000; and Women's Refuge, \$28,000.

OTHER DEPARTMENTS

SHASTA COUNTY FIRE

COOPERATIVE AGREEMENT: CALIFORNIA DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Fire Warden Duane Fry presented the staff report and recommended approval of the second amendment to the Cooperative Agreement between the County and the California Department of Forestry and Fire Protection.

Under discussion, Supervisor Kehoe asked about performance measures. Mr. Fry reviewed some possible areas that could be used as performance measures. These included the ability of volunteers to respond within a specified period of time; ability to increase the number of volunteers; retention and turn-over rate; accident and injury rate; reliability of response equipment and insurance service ratings. It was the consensus of the Members of the Board that performance measures be developed and that they be brought back to the Board for consideration.

By motion made, seconded (Fust/Hawes), and unanimously carried the Board of Supervisors approved and authorized the Chairman to sign an amendment to the Cooperative Agreement with the California Department of Forestry and Fire Protection to reflect the changes in services levels provided during the last year of the three-year term extending from July 1, 1999 and terminating June 30, 2002.

CLOSED SESSION ANNOUNCEMENT

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

1. Consider public employment, pursuant to Government Code Section 54957.

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.

10:36 a.m.: The Board of Supervisors recessed to Closed Session.

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.

AFTERNOON CALENDAR

REPORT OF CLOSED SESSION ACTIONS

Chairman Kehoe reported that the Board of Supervisors met in Closed Session to discuss labor negotiations; no reportable action was taken.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT - PLANNING DIVISION

APPEAL: ADMINISTRATIVE PERMIT NO. 01-054
FLOYD HIGGINS, MILLVILLE AREA
RESOLUTION NO. 2002-15

This was the time set to conduct a public hearing and consider an appeal of Darrell Saccheri of the Planning Commission's approval of Administrative Permit No. 01-054, Higgins. The Administrative Permit would allow the installation of two older mobile homes (1978 and 1979) in an Unclassified (U) District as a first and second single-family dwelling unit.

Senior Planner John Stokes introduced Assistant Planner André Benoist, who presented the staff report and gave a PowerPoint® presentation on the project. The affidavit of publication and notice of hearing are on file.

The public hearing was opened, at which time Darrell Saccheri spoke in opposition to the project, explaining that the surrounding residents are opposed to allowing the older mobile homes in the area and that two residents had been required to purchase new mobile homes because their requests to install older ones had not been approved. Mr. Saccheri distributed information to the Board of Supervisors regarding his position on the project.

Floyd Higgins spoke in favor of the project, explaining that all mobile homes since 1976 have been manufactured in accordance with the National Mobile Home Construction Act of 1974 with no differences in their manufacture; in addition, he will upgrade the mobile homes to appear newer.

The following also spoke in opposition to the project: Sal Curato expressed his concerns that zoning laws are being circumvented, and Joe Lewis noted that there are no mobile homes in the neighborhood older than 10 years old.

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

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2002-15, which upholds the appeal of the Planning Commission action and denies Administrative Permit No. 01-054.

ZONE AMENDMENT NO. 01-014
APPEAL: PARCEL MAP NO. 01-021
RICHARD STAPLER, MILLVILLE AREA
RESOLUTION NO. 2002-16

This was the time set to hear: (1) The request of Richard Stapler to rezone approximately 163 acres to a Limited Residential District, combined with a Building Site Minimum (R-L-BSM) District and/or appropriate district(s); and (2) Mr. Stapler's appeal of certain conditions of the Planning Commission's approval of Parcel Map No. 01-021.

Senior Planner John Stokes introduced Associate Planner Scott Kaminski, who presented the staff report. The affidavit of publication and notice of hearing are on file.

The public hearing was opened, at which time Mr. Stapler distributed information detailing his appeal. He explained that in order to retain the agricultural area, he would prefer the minimum parcel size be set at 40 acres rather than 10 acres. He also disagreed with being required to widen the access road on his property to meet County standards for a minor road, being required to dedicate a portion of the access road to the County when no adjacent portions are dedicated, and having a condition requiring a secondary access road when a secondary access road already exists.

Public Works Director Pat Minturn addressed both the right-of-way and road-paving standards issues. He explained that rights of way are routinely requested when roads are upgraded to avoid having to pursue them at a later date. As to the road-paving standards, when Mr. Stapler's access road was approved, it was approved as a driveway for a single residence; with the lot split into three parcels, the road is required to meet the conditions for a minor road, necessitating the widening of the road.

County Fire Warden Bob Vanderhyde addressed the condition requiring a secondary access road. Although the road is already in existence and meets the requirements for a secondary access road, it is preferred that the condition requiring the road not be deleted so that the road does not disappear at some point in the future.

Mr. Stokes noted that the zone amendment has been changed to a Limited Residential District, combined with the Building Site Minimum (R-L-BSM) and/or appropriate zone district in order to accommodate Mr. Stapler's request for a 40-acre minimum parcel size.

In response to a question from Supervisor Hawes, Mr. Stapler stated that he would be willing to provide a bond guaranteeing that he would upgrade his access road at such time as the County upgrades South Cow Creek Road.

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

By motion made, seconded (Clarke/Wilson), and carried, the Board of Supervisors adopted Resolution No. 2002-16, which upholds the appeal in part and modifies the Planning Commission approval of Parcel Map No. 01-021; adopted the CEQA determination of a mitigated negative declaration with a de minimis finding of significance, with the findings as specifically set forth in Planning Commission Resolution No. 01-121; made the rezoning findings as specifically set forth in Planning Commission Resolution No. 01-0121; and introduced and waived the reading of an ordinance approving Zone Amendment No. 01-014 to a Limited Residential combined with the Building Site Minimum District. Supervisor Hawes voted no as he felt Mr. Stapler should be able to provide a bond guaranteeing the access road upgrade.

CLOSED SESSION ANNOUNCEMENT

Chairman Kehoe 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 Kirk vs Mayers Memorial Hospital, Laskiewicz vs United States, and Vanoy vs Scott pursuant to Government Code Section 54956.9, subdivision (a).
2. Confer with counsel to discuss several potential cases of anticipated litigation pursuant to Government Code Section 54956.9, subdivision (b).

3:33 p.m.: The Board of Supervisors recessed to Closed Session

4:04 p.m.: The Board of Supervisors recessed from Closed Session and reconvened in Open Session with all Members except Supervisor Hawes, Assistant County Counsel Michael Ralston, and Administrative Board Clerk Linda Mekelburg present.

REPORT OF CLOSED SESSION ACTIONS

Assistant County Counsel Michael Ralston reported that the Board of Supervisors met in Closed Session to discuss existing and anticipated litigation. On a unanimous vote, the Board of Supervisors approved assignment of Laskiewicz vs United States to Brickwood Law Office and the assignment of Vanoy vs. Scott to John Hagar and to Brickwood Law Office. No further reportable action was taken.

4:05 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

CAROLYN TAYLOR
Clerk of the Board of Supervisors

By _____
Deputy