

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday August 26, 2003

REGULAR MEETING

9:00 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
Deputy Clerk of the Board - Christie N. Jewell

INVOCATION

Invocation was given by County Administrative Officer Doug Latimer.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Chairman Clarke read a statement into the record regarding Public Comment Period and stated that it will be the policy in the future:

The Brown Act provides that agendas for regular meetings must allow members of the public to “directly address the legislative body on any item of interest to the public . . . that is within the subject matter jurisdiction” of the Board of Supervisors. The term “subject matter jurisdiction of the Board” means those matters that can be controlled or legislatively influenced by formal action of the Board. Over the years, this Board has been very liberal in allowing comments on almost any topic during open time. Lately, open time has been used to endorse specific candidates for state-wide public office. A state-wide election is not within the subject matter jurisdiction of the Board. This Board cannot, and does not, endorse candidates or take positions on ballot measures. Beginning today, open time will not be used by members of the public to support or oppose any candidate or measure on a state-wide ballot.

Colleen Leavitt spoke regarding General Plan Amendments and the guidelines which show they should further community interest, not only the interests of developers.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Clarke announced that the item from Public Works regarding Parcel Map 99-13, Lindsay (Palo Cedro area) was pulled at the request of the department.

CONSENT CALENDAR

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors took the following actions, as amended:

Approved and authorized the Chairman to sign an agreement with Valley Industrial Communications, Inc. in the amount of \$1,340 per month to provide radio repeater maintenance services for the period July 1, 2003 through June 30, 2006. (Administrative Office)

Authorized the issuance of warrants totaling \$70,707.21 for County operating funds and special districts, as submitted; and authorized the issuance of checks totaling \$116.58 requiring special board action. (Auditor-Controller)

Approved the minutes of the meeting held on August 19, 2003, as submitted. (Clerk of the Board)

Enacted Ordinance No. 378-1870, which approves Zone Amendment No. 03-003, Graves (Centerville area), as introduced on August 12, 2003. (Clerk of the Board)
(See Zoning Ordinance Book)

Enacted Ordinance No. 408-199, which establishes a 50-mile-per-hour speed zone on Deschutes Road from the easterly boundary of the City of Anderson to 300 feet north of Hawes Road, as introduced on August 12, 2003. (Clerk of the Board)
(See Speed Restriction Ordinance Book)

Approved and authorized the Chairman to sign an agreement with Joanne M. Roux, M.D. to provide psychiatric services at Step 'E' of the salary range of the Senior Psychiatrist employee classification for three years from the date of signing. (Mental Health)

Authorized Social Services to convert the CalWORKs cash aid payment system to the Electronic Benefit Transfer program by February 2004. (Social Services)

Approved and authorized the Director of Public Works to sign a Notice of Completion for Asphalt Concrete Overlays on Various Roads in Eastern Shasta County effective August 22, 2003. (Public Works)

Approved and authorized the Director of Public Works to sign a Notice of Completion for the Parkville Road at Bear Creek Bridge Replacement Project and record it within 10 days of actual completion of the work. (Public Works)

Adopted Resolution No. 2003-181, which authorizes issuance of Certificate of Compliance No. 02-005, Olea (Igo area), to recognize a 38.11-acre parcel as a legally created parcel. (Resource Management)

(See Resolution Book No. 44)

REGULAR CALENDAR**PRESENTATIONS****UPDATE: NORTHWEST FOREST PLAN REVIEW**

U.S. Forest Service Shasta-McCloud Management Unit District Ranger Mike Hupp presented an update on the Northwest Forest Plan Review. In June 2003, Region-V Regional Forester Jack Blackwell and former Chief of the Forest Service Jack Ward Thomas conducted a review of the Northwest Forest Plan to see if it was meeting its objectives and merging with the National Fire Plan. The overall finding was the Plan was not meeting many of its objectives, and the findings included:

1. The objectives of the Plan and National Fire Plan are compatible, but there are procedural challenges which slow the implementation of the Plan and the ability to treat fuels and treat acres adjacent to communities at risk and in the broader forests.
2. Timber outputs are lower than expected, and there is need to simplify some of the implementation procedures.
3. Management, primarily fuel reduction, needs to be done in many late successional reserves, but this has not been aggressively pursued.
4. Management of the lands has emphasized thinning over regeneration harvest.
5. Survey and manage protocols have increased the cost and complexity of implementation.
6. Appeals and litigation have been costly.
7. Budgets have not met projections or been sufficient to implement the Plan as conceived.

District Ranger Hupp explained there are two projects in Shasta County which include the types of fuel treatments to be done: The Iron Canyon Thinning and Reynolds Basin Thinning Projects. Mr. Hupp invited Members of the Board of Supervisors to observe at both projects, and by consensus, the Board of Supervisors will schedule a time for a field trip to both projects.

Mr. Hupp gave the following short-term recommendations:

1. Review the cost of project preparation.
2. Develop a programmatic consultation process with the Fish and Wildlife Service for management of late successional reserves.
3. Amend the survey requirements for survey-and-manage species.
4. Allow exemptions for pre-disturbance surveys under certain conditions.
5. Exempt all projects outside of late successional and old-growth stands from survey and management requirements.
6. Refocus Survey and Manage from pre-disturbance surveys to extensive strategy surveys.

Long-term recommendations include consultation with the State, counties, tribes, and public on ways to amend the Plan to achieve objectives and merge with the National Fire Plan.

Mr. Hupp noted that the entire forest will benefit from simplifying survey and manage requirements. There would be improved coordination both with the Plan to treat more acres, and

with the Resource Advisory Committee (RAC) and Fire Safe councils to further protect communities in high-risk fuel areas.

PRESENTATION: RECOGNITION PLAQUE
TERRI LOVE, OUTSTANDING MANAGER OF THE YEAR

In recognition of her accomplishment in being named Outstanding Manager of the Year by the National Child Support Association, the Board of Supervisors presented a plaque to Terri Love.

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, including an update on the State budget. He stated that Shasta County is one of three counties that rely heavily on Vehicle License Fees (VLF). The intent of the Legislature was that any county who had 37 percent of their discretionary revenue from VLF funds was to be considered a hardship county. Now the State Controller has ruled that no counties are eligible, only a few cities. The CAO's office is working with CSAC to establish a fund for all counties to use as backfill for the three months of fees that the State took from the counties. CSAC believes the only way to ensure that the State pays the fees back to the counties in 2006 is to have a debt, thereby establishing legal requirements that they pay the fees back to the counties.

Mr. Latimer further noted that the Assembly agreed to fund the 37 rural law enforcement departments with \$500,000 a year, agreed to reinstate the State Training Program for the Probation Department and the Shasta County Jail personnel, and agreed to fund the California Multi-Jurisdictional Methamphetamine Enforcement Team (Ca-MMET) program. Senator John Burton has advised that he does not intend to honor the Assembly agreement and Speaker Herb Wesson has indicated he has no control the other Senators.

Mr. Latimer asked the Board of Supervisors to write letters to members of fiscal committees supporting Senate Bills 1042, 1044, and a yet-unnamed bill for Ca-MMET program. By consensus, the Board of Supervisors directed letters be sent and telephone calls be made by Members of the Board.

Supervisor Kehoe reminded Members of the Board of Supervisors of the upcoming Press Orientation Luncheon on Mental Health issues and the Northern California County Supervisors Association General Assembly.

Supervisor Hawes reminded Members of the Board of the Inter-Mountain Fair of Shasta County to be held from August 28 through 31, 2003 in McArthur and by consensus, the Board of Supervisors will purchase an animal at the auction.

Supervisor Fust reported that he attended the Rural Council of Rural Counties (RCRC) Board meeting last week, and topics discussed included the hiring of a law firm for the CalFed appeal, the Environmental Justice Plan, the draft proposal for the General Plan guidelines from CalEPA, the new onsite wastewater treatment regulations, the PG&E bankruptcy, and a proposed bill to make up the 52.5 million dollars that were cut from the Department of Forestry and Fire Protection Budget

Supervisors reported on issues of countywide interest.

RESOURCE MANAGEMENT

PLANNING DIVISION

Director of Resource Management Russ Mull presented the staff report and recommended approval. He explained the issue of time frames with the Flying J Travel Plaza development as to the Environmental Impact Report (EIR). There are 50 days remaining before a decision is made to deny the project without prejudice and allow the Flying J to withdraw the project and then refile after withdrawal. He noted that the amendment to the agreement with Quad Knopf, Inc. to provide the EIR is due to expire on August 28, 2003; therefore the amendment to the agreement needs to be signed.

Terrence Bride and Bruce Ehrlich, representing Flying J, spoke in favor of signing the amendment to the agreement with Quad Knopf, Inc.

Julie Buick and Victor Ogrey spoke requesting denial of the project.

By consensus of the Board of Supervisors, they requested Resource Management to return to the Board on September 9, 2003 with a recommendation on the processing of the application and contract for the Flying J Travel Plaza development

By motion made, seconded (Wilson/Fust), and unanimously carried, the Board of Supervisors authorized the Chairman to sign an amendment to the personal services agreement with Quad Knopf, Inc. to extend the term of the agreement for the proposed Flying J Travel Plaza development to the completion date of the Environmental Impact Report and acceptance of the mitigation monitoring plan or August 28, 2004, whichever comes first.

WORKSHOP

HEALTH AND WELFARE

IN-HOME SUPPORTIVE SERVICES (IHSS) PUBLIC AUTHORITY

SHASTA COUNTY IHSS ADVISORY COMMITTEE

PAST YEAR'S ACCOMPLISHMENTS AND NEXT YEAR'S GOALS

This was the time to conduct a workshop regarding a report on the past year's accomplishments and next year's goals of the Shasta County IHSS Advisory Committee and consider giving appropriate direction.

Senior Staff Analyst Karla Lannon presented the staff report and gave a PowerPoint® presentation on the progress the Committee has made since implementation of Assembly Bill (AB) 1682 and its goals for the future.

Ms. Lannon introduced the members of the Advisory Committee: Consumer Representative and Chairman Jerry Towne, Community Leader Seat and Vice-Chairman Ken Jones, Consumer Representatives Mickie Berry, Robert Catalano, Shane Idland, Cynthia Monaghan, and Barbara (Bobbi) Roberts, and Provider Representatives Gena Elliott and Janet Heydenreich, County Employee Timothy Shell, Community Leader Representative Joanne McCarley, and herself as Committee Coordinator. Several representatives spoke:

Jerry Towne spoke regarding the Committee's accomplishments since their first meeting in 2001. They are serious about their responsibility to provide important, well-researched and accurate information to the Board of Supervisors, the Department of Social Services, and the IHSS Public Authority, including recommendation about employer of record and the mode of service for IHSS providers. Sub-committees have been developed to discuss topics including the Public Authority Registry, use of the Committee fund, the File of Life, the reference library, the

grand opening of the Public Authority, the details of today's presentation, training, and the Committee's future goals.

Janet Heydenreich discussed the Committee's funding. A computer designed for people with various disabilities and to meet the needs of the Committee members has been purchased. A television, stand, and a VCR/DVD unit have also been purchased and training equipment is available to the Public Authority for provider trainings.

Bobbi Roberts explained the importance of being able to research pertinent issues and relevant data and the purchase of equipment to assist all disabled individuals, stating that knowledge is very important when dealing with the elderly, the disabled, and their families.

Mickie Barry reviewed the File of Life, which is a small red plastic envelope that includes a waterproof sticker to be placed on a person's front door or window to alert emergency personnel that the information is available on the refrigerator. Inside the envelope is a card with important data about the person, including the person's name, emergency contacts, medical data and conditions, allergies, and other important information. The Committee is working with community groups, volunteer senior centers, and others to assemble the envelopes and put the File in every IHSS recipient and senior home.

Shane Idland spoke regarding the sub-committee registry guidelines for providers who wish to be considered for placement on the registry to work with the disabled. They are in the process of establishing parameters for provider acceptance with regard to criminal backgrounds.

IHSS Public Authority Program Manager Ken Field invited the Members of the Board of Supervisors to the grand opening of the Shasta County IHSS Public Authority on November 4, 2003.

Gena Elliott noted the IHSS Advisory Committee will continue to listen to the concerns of the disabled and elderly community.

SCHEDULED HEARINGS

RESOURCE MANAGEMENT

CERTIFICATE OF COMPLIANCE NO. 03-002
MATT AND TERRA SPEAKER, MOUNTAIN GATE AREA
RESOLUTION NO. 2003-182

This was the time set to conduct a public hearing and consider the issuance of Certificate of Compliance No. 03-002, Matt and Terra Speaker (Mountain Gate area), with conditions to recognize a 4.36-acre parcel as a developable parcel which meets the Shasta County Development Standards. Senior Planner John Stokes presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

The public hearing was opened, at which time Jack Reese spoke on behalf of the applicants, who are in agreement with all but four conditions dealing with the road improvements, which would impose a financial burden on the applicants and would cost more than the property is worth. One condition requires a dedicated 50-foot right of way. The applicants do not own the first 300 feet and could not provide the dedication. There is a 60-foot right of way for road purposes over the entire area not dedicated to the public, so there is room and an easement does exist. The second condition requires an 18-foot wide chip-sealed road. The road currently is 15-16 feet wide, has a crushed limestone finish, and would be expensive to chip-seal. The third condition requires the chip-seal of a section 18 foot by 840 foot. Again, the road is in good shape and it would be expensive to do. The last condition would be an

agreement to defer paving of the road. No one else spoke for or against the proposal, and the public hearing was closed.

Discussion ensued regarding the conditions and any fire requirements and by consensus of the Board of Supervisors, the department was directed to revise the Certificate of Compliance to delete the dedication requirement, and to require the applicant to meet the fire standards, address the road surface, and address the 18-foot requirement in the deferral agreement to provide for future expansion.

By motion made, seconded (Wilson/Kehoe), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-182, which authorizes the issuance of Certificate of Compliance No. 03-002 with conditions to recognize a 4.36-acre parcel as a developable parcel which meets the Shasta County Development Standards.

(See Resolution Book No. 44)

CERTIFICATE OF COMPLIANCE NO. 03-005
MICHELLE V. BARNES, WEST ANDERSON AREA
RESOLUTION NO. 2003-183

This was the time set to conduct a public hearing and consider the issuance of Certificate of Compliance No. 03-005, Michelle V. Barnes (West Anderson area), with conditions to recognize three parcels (totaling 32.57 acres) as developable parcels which meet the Shasta County Development Standards. Senior Planner John Stokes presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Fust/Hawes), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-183, which authorizes the issuance of Certificate of Compliance No. 03-005, with conditions to recognize three parcels (totaling 32.57 acres) as developable parcels which meet the Shasta County Development Standards.

(See Resolution Book No. 44)

CERTIFICATE OF COMPLIANCE NO. 03-008
C.D. NELSON, COTTONWOOD AREA
RESOLUTION NO. 2003-184

This was the time set to conduct a public hearing and consider the issuance of Certificate of Compliance No. 03-008, C. D. Nelson (Cottonwood area), with conditions to recognize a 29.78-acre parcel as a developable parcel which meets the Shasta County Development Standards. Senior Planner John Stokes presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

A letter dated August 22, 2003 from Jeff L. Forrester raised several concerns, including whether the parcel of land would be left open space as previously required, that the area is a flood zone, the grading of the property without a permit, and the stress on the White Oaks Water Company if developed. Responding to Supervisor Kehoe's questions, Mr. Stokes explained they had researched the map that created the subdivision and left this remaining parcel and found no indication of a requirement that it be open space. They also pursued the issues regarding the illegal grading and don't believe there are any outstanding violations on this property. As to the White Oaks Water Company, they are not aware that the water company is unable to supply water.

The public hearing was opened, at which time Russ Shotz and Tom Story spoke against the project request, asserting their concerns that an additional septic system will create more problems with flooding during the winter months.

Steve Nelson spoke for the project request, explaining that their application for a grading permit would develop an area right along Granola Way which is not affected by the flood waters. The sewage disposal area would be developed on higher ground southeast of Granola Way and will enhance, not disturb, the flow of the water. No one else spoke for or against the project, and the hearing was closed.

By motion made, seconded (Hawes/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-184, which authorizes the issuance of Certificate of Compliance No. 03-008, with conditions to recognize a 29.78-acre parcel as a developable parcel which meets the Shasta County Development Standards.

(See Resolution Book No. 44)

CERTIFICATE OF COMPLIANCE NO. 03-012
ROBERT LAMMERS, JONES VALLEY
RESOLUTION NO. 2003-185

This was the time set to conduct a public hearing and consider the issuance of Certificate of Compliance No. 03-012 Robert Lammers (Jones Valley area), with conditions to recognize a 78.5-acre parcel as a developable parcel which meets the Shasta County Development Standards. Senior Planner John Stokes presented the staff report and recommended approval. The Affidavit of Publication and Notice of Hearing are on file with the Clerk of the Board.

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

By motion made, seconded (Hawes/Fust), and unanimously carried, the Board of Supervisors adopted Resolution No. 2003-185, which authorizes the issuance of Certificate of Compliance No. 03-012, with conditions to recognize a 78.5-acre parcel as a developable parcel which meets the Shasta County Development Standards.

(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 initiation of litigation of one case pursuant to Government Code section 54956.9, subdivision (c).
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.

11:44 a.m.: The Board of Supervisors recessed.

1:55 p.m.: The Board of Supervisors reconvened in Closed Session.

3:25 p.m.: The Board of Supervisors recessed from Closed Session.

3:30 p.m.: The Board of Supervisors reconvened in Open Session with Supervisors Clarke, Kehoe, and Fust, and Deputy Clerk of the Board Christie N. Jewell present.

REPORT OF CLOSED SESSION ACTIONS

Chairman Clarke 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.

3:31 p.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy