

SHASTA COUNTY BOARD OF SUPERVISORS

Tuesday, August 17, 2004

REGULAR MEETING

9:01 a.m.: Chairman Hawes 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 - Linda Mekelburg

INVOCATION

Invocation was given by Undersheriff Larry Schaller.

PLEDGE OF ALLEGIANCE

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

PUBLIC COMMENT PERIOD - OPEN TIME

Jan Snodgrass of the Jones Valley Fire Department thanked Shasta County for their help with the recent Bear Fire and noted that help will be needed with clean-up and in dealing with the Federal Emergency Management Agency (FEMA).

Salvation Army representative Victor Ogrey announced that the two Salvation Army canteens have been moved from the Bear Fire area to the French Fire area.

ITEMS PULLED FROM CONSENT CALENDAR

Chairman Hawes noted that the item requesting appointment at Step "E" of the Assistant County Clerk/Registrar of Voters classification was pulled at the request of the department head.

Supervisor Kehoe pulled for discussion the item authorizing the issuance of checks requiring special board action, specifically questioning an IRS penalty imposed on Risk Management and a large number of claims for which no personal services agreements are on file. Assistant Auditor-Controller Connie Regnell explained that current policy requires Board of Supervisors approval for payment for services without a personal services agreement. Child Support Services Director Steve Baer explained that many investigation and paternity-testing

services are incurred on a one-time basis in various parts of the country, making personal services agreements impractical.

County Administrative Officer Doug Latimer suggested that the Board of Supervisors may want to establish a dollar limit for which department heads would have authority to approve. Supervisor Clarke noted that she would like to see a way the Auditor-Controller could pay the claims without having to bring them to the Board of Supervisors. County Counsel Karen Jahr offered to draft a resolution which would authorize specific costs to be incurred by the Child Support Services Director without needing to be included in the special claims list. By consensus, the Board of Supervisors directed County Counsel to draft such a resolution.

Ms. Regnell noted that in some instances, the Department of Social Services has been granted authority to purchase certain items but not without going through the purchase-order process if the purchase exceeded \$500, so there is a possibility of requesting an amendment to that resolution, also.

Support Services Director Joann Davis explained that in October 2001, the Internal Revenue Services incorrectly imposed a penalty for IRS Form 1099s issued to providers in 2000. Risk Management has been unable to resolve the issue, and interest has been accruing on the penalty, so the decision has been made to pay the penalty under protest while County Counsel's Office assists them in drafting a letter articulating the County's position.

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 checks totaling \$28,275.71 requiring special board action, with \$406.65 being withdrawn at the request of Support Services. (Auditor-Controller)

Approved and authorized the Chairman to sign a renewal agreement with Staff Care, Inc. in an amount not to exceed \$92,950 to provide temporary psychiatric services from the date of signing through June 30, 2005. (Mental Health)

Approved and authorized the Chairman to sign an amendment to the agreement with Northern Valley Catholic Social Service decreasing the annual maximum by \$47,615 (for an annual total of \$125,000) to provide housing services from the date of signing through June 30, 2006. (Mental Health)

Approved and authorized the Chairman to sign an agreement with the County of El Dorado in an amount not to exceed \$200,000 annually to provide psychiatric inpatient hospital services from the date of signing through June 30, 2005, with a renewal for one additional one-year period; and adopted Resolution No. 2004-109, which designates the County of El Dorado as a facility to provide 72-hour treatment and evaluation and 14-day intensive treatment pursuant to the Lanterman-Petris-Short (LPS) Act. (Mental Health)

(See Resolution Book No. 45)

Approved and authorized the Chairman to sign an amendment to the agreement with the California Department of Alcohol and Drug Programs increasing funding by \$12,786 (for a total of \$1,823,179) to provide alcohol and other drug treatment prevention services for Fiscal Year 03-04. (Mental Health-Alcohol and Drug Programs)

Approved and authorized the Chairman to sign an updated Medi-Cal Telecommunications Provider and Biller Application/Agreement with the California Department of Health Services to allow Public Health to electronically bill for services provided by its clinic and laboratory. (Public Health)

Approved and authorized the Chairman to sign a funding certification for a Maternal and Child Health allocation in the amount of \$98,303 annually to allow Public Health to continue services to improve the health of mothers, children, adolescents, and their families for the period July 1, 2004 through June 30, 2007. (Public Health)

Approved and authorized the Chairman to sign a Declaration of Intent notifying the California Department of Health Services (DHS) of the County's intent not to apply for Fiscal Year 04-05 Rural Health Services Program funding in favor of continuing DHS's disbursement of funds directly to area hospitals and physicians. (Public Health)

Approved the appointment of Mark Castagnoli at Step "F" of the Public Health Microbiologist II classification. (Public Health)

Adopted Resolution No. 2004-110, which authorizes the District Attorney to act as the agent for and apply for continuation of grant funding in an amount not to exceed \$122,000 from the Department of Insurance for the investigation and prosecution of automobile insurance fraud for Fiscal Year 04-05. (District Attorney)

(See Resolution Book No. 45)

Adopted Resolution No. 2004-111, which authorizes the District Attorney to continue as the agent to conduct negotiations and submit documents necessary for the Spousal Abuser Prosecution Program; authorized the District Attorney to accept continued grant funding in the amount of \$66,523 for the Spousal Abuser Prosecution Program for Fiscal Year 04-05; and authorized the Auditor-Controller to pay claims for expenses related to the project. (District Attorney)

(See Resolution Book No. 45)

For construction in various Permanent Road Divisions, found the project categorically exempt in conformance with the California Environmental Quality Act; approved plans and specifications and directed the Director of Public Works to advertise for bids; and authorized opening of bids on or after September 9, 2004 at 11 a.m. (Public Works)

For Parcel Map No. 04-003, Linton (Anderson area), approved and authorized the Chairman to sign an agreement with Duane L. Marlatt for completion of improvements within one year; and accepted securities for faithful performance in the amount of \$6,000. (Public Works)

Approved and authorized the Chairman to sign an agreement between the Inter-Mountain Fair and California Department of Forestry and Fire Protection in the amount of \$3,600 per day plus \$675 per day for set-up/tear-down operations for emergency use of Inter-Mountain Fair Facilities for the period July 22, 2004 through December 1, 2006. (Inter-Mountain Fair)

9:20 a.m.: The Board of Supervisors recessed and convened as the Shasta County Water Agency.

SPECIAL DISTRICTS/OTHER AGENCIES CONSENT CALENDAR

SHASTA COUNTY WATER AGENCY

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Directors of the Shasta County Water Agency took the following action, which was listed on the Shasta County Water Agency Consent Calendar:

Adopted Resolution No. 2004-112, which assigns 1,000 acre-feet of the Water Agency's contract for Central Valley Project water to the Mountain Gate Community Services District (CSD); approved and authorized the Chairman to sign the Assignment Contract; and

approved and authorized the Chairman to sign a contract to refund \$77,582.13 to Mountain Gate CSD. (Public Works)

(See Resolution Book No. 45)

9:21 a.m.: The Shasta County Water Agency recessed and reconvened as the Board of Supervisors.

REGULAR CALENDAR

URGENCY ITEMS

FINDING OF URGENCY: WAIVER OF ZONING ORDINANCE REQUIREMENTS FOR FIRE VICTIMS OF BEAR FIRE AND FRENCH FIRE

County Counsel Karen Jahr noted that the need for the proposed waiver of the zoning ordinance requirements for fire victims of the Bear Fire and the French Fire occurred after the posting of the Board of Supervisors' agenda, and immediate attention is needed to allow victims to replace their housing as soon as possible.

By motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors made a finding that an urgency situation exists with regard to the waiver of zoning ordinance requirements for victims of the Bear Fire and the French Fire and added the item to the agenda.

FINDING OF URGENCY

GRANT AGREEMENT: FEDERAL AVIATION ADMINISTRATION

County Counsel Karen Jahr reported that a signed agreement accepting funds for the Fall River Mills Airport improvements did not come to the attention of staff until after the posting of the Board of Supervisors' agenda, and the agreement must be submitted by August 20, 2004; therefore, it cannot wait until the Board of Supervisors' next regularly scheduled meeting.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors made a finding that an urgency situation exists with regard to the timeline for acceptance of a grant offer by August 20, 2004 from the Federal Aviation Administration and added the item to the agenda.

BOARD MATTERS

DECLARATION OF LOCAL EMERGENCY

BEAR FIRE AND FRENCH FIRE

RESOLUTION NO. 2004-113

Sheriff Jim Pope and County Fire Warden Ken McLean provided an update on the Bear and French Fires. Approximately 400 homes were evacuated on the Bear Fire and approximately 125 on the French Fire. To date, the Bear Fire has burned 10,484 acres and is contained; residents were allowed back into the area on August 13. Work has been progressing on the French Fire, and residents will be allowed back into the area by this afternoon.

Incident Commander Mike Chuchel of CDF Command Team 2 noted that Shasta County is well prepared and commended the Board of Supervisors for their support and local agency cooperation with the California Department of Forestry and Fire Protection (CDF).

Shasta-Trinity National Forest Fire Chief Joe Millar explained that the U.S. Forest Service has an agreement with CDF to protect U.S. Forest Service lands in the area affected by

the Bear Fire. He also noted that a grant is in place with the Western Shasta Resource Conservation District for work along Backbone Ridge Road. Since that area was burned in the Bear Fire, they will discuss with the District changes in the scope of the grant. In addition, a Burned Area Emergency Rehab (BAER) team is in place to start the process of rehabilitating the area affected by the fire.

Undersheriff Larry Schaller noted that Fire Warden McLean has filed and received approval for a Federal Management Assistance Grant, which will allow federal assistance for public agency expenses. Declarations of local emergency have already been declared for the Bear and French Fires, but it is doubtful that they will meet the threshold for a federal emergency declaration. Therefore, Undersheriff Schaller requested that in the proposed resolution, the phrase "the Governor request a Presidential Declaration" be replaced with "the Governor request federal assistance."

In response to a question from Supervisor Fust, CAO Latimer explained that it is unknown at this time what state and federal assistance will be available to help fire victims recover. Regional Representative Deb Russell of the California Officer of Emergency Services (OES) explained that OES is gathering information and working to open a center with all necessary agencies in one place to assist victims. It is expected that Small Business Administration assistance will be approved today.

Willy Preston, representing Assemblyman Doug LaMalfa, assured the Board of Supervisors that Assemblyman LaMalfa has made sure that the Governor's Office is personally aware of the two fires and has transmitted a letter directly to them on August 13.

Dave Meurer, representing Representative Wally Herger, assured the Board of Supervisors that Representative Herger will work for as much federal assistance for fire victims as possible.

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors adopted Resolution No. 2004-113, which ratifies the proclamation of a local emergency due to the Bear Fire and the French Fire, and requests the Governor to proclaim a state of emergency and request federal assistance, with the change as requested by Undersheriff Schaller.

CAO Latimer announced that as soon as the American Red Cross closes their shelter, a County Assistance Center will be opened on Breslauer Way to assist fire victims. A County assessment team has already been out in the field to gather information. Additionally, Senators Dianne Feinstein and Barbara Boxer have contacted his office to indicate their support.

(See Resolution Book No. 45)

WAIVER OF ZONING ORDINANCE REQUIREMENTS
FOR FIRE VICTIMS OF BEAR FIRE AND FRENCH FIRE
ORDINANCE NO. 628

Resource Management Director Russ Mull explained that the ordinance requested is similar to the one adopted after the Jones and Canyon Fires and is designed to allow people to move into temporary homes, such as recreational vehicles, on their property for up to two years while they are in the process of rebuilding their homes. Certain fees will be charged, but if FEMA provides assistance, those fees will be reimbursed; however, that determination will not be made for a few weeks. Deposits on fees are not currently being charged to fire victims, but significant fees are involved in rebuilding. It is unknown at this time whether federal funds will be available to assist in clean-up efforts, but Resource Management may meet with Public Works to develop an interim collection program for waste disposal.

Supervisor Fust suggested that an effort be made to determine and address the fee costs for victims to replace such items as power poles and to obtain building permits.

Mr. Mull noted that Resource Management staff has been integrated into the assessment team so that they will know specifically what needs to be done when victims come to Resource Management.

Supervisor Clarke noted that several people each year lose their homes to fire, even though it is not the result of devastation; therefore, any fee waivers need to be handled fairly. Some funds from fund-raising efforts could perhaps be set aside to cover the fees. Supervisor Fust noted that this occurred in the Canyon Fire, but all situations must be considered individually.

By motion made, seconded (Clarke/Fust), and unanimously carried, the Board of Supervisors introduced, waived the reading, and enacted Ordinance No. 628, which allows temporary reconstruction or placement of legal non-conforming uses on an emergency basis in the Bear Fire and French Fire areas; and found the action to be exempt from the provisions of the California Environmental Quality Act (CEQA) Guidelines Section 15269 governing emergency projects.

(See General Ordinance Book)

PRESENTATIONS

PROGRESS REPORT: SHASTA COUNTY ADMINISTRATION CENTER

Stuart Coulter of Kitchell CEM presented an update on the construction of the Shasta County Administration Center. Since November 2003, the building facade has been constructed, along with the parking structure.

The project continues to be on schedule and on budget. The target date for completion is January 2005.

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, noting that there are still several trailer bills to the budget on the governor's desk waiting for action.

Supervisors reported on issues of countywide interest.

CLERK OF THE BOARD

APPROVAL OF MINUTES: AUGUST 3, 2004

By motion made, seconded (Clarke/Wilson), and carried, the Board of Supervisors approved the minutes of the meeting held on August 3, 2004, as submitted. Supervisor Kehoe abstained as he was not present at the meeting.

HEALTH AND WELFARE**PUBLIC HEALTH****WAIVER OF PUBLIC HEALTH FEES
FOR DISEASE-PREVENTION PURPOSES
ORDINANCE NO. 629**

At the recommendation of Public Health Director Marta McKenzie and by motion made, seconded (Kehoe/Clarke), and unanimously carried, the Board of Supervisors introduced, waived the reading of, and enacted an urgency ordinance which amends the current Public Health fee schedule to allow the Public Health Director, County Health Officer, or Deputy Health Officer to waive Public Health fees for disease-prevention purposes.

(See General Ordinance Book)

SCHEDULED HEARINGS**PUBLIC WORKS****FORMATION OF MANTON HEIGHTS PERMANENT ROAD DIVISION
BALLOT TABULATION**

This was the time set to conduct a public hearing and consider taking action regarding the formation of Manton Heights Permanent Road Division. Public Works Director Pat Minturn presented the staff report. 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 no one spoke for or against the increase, and the public hearing was closed.

Mr. Minturn noted that in accordance with Proposition 218, the property owners must approve the parcel charge increase.

By motion made, seconded (Clarke/Kehoe), and unanimously carried, the Board of Supervisors directed the Clerk of the Board to tabulate the results of the vote to consider formation of Manton Heights Permanent Road Division as required by Proposition 218; and continued the matter until August 24, 2004 at 9 a.m., or as soon thereafter as may be heard, at which time the results of the vote will be announced.

**GRANT AGREEMENT: FEDERAL AVIATION ADMINISTRATION
IMPROVEMENTS TO THE FALL RIVER MILLS AIRPORT**

At the recommendation of Deputy Public Works Director Scott Wahl and by motion made, seconded (Fust/Clarke), and unanimously carried, the Board of Supervisors approved and authorized the Chairman to sign a grant agreement with the Federal Aviation Administration for \$300,000 for the design of various improvements to the Fall River Mills Airport.

RESOURCE MANAGEMENT - PLANNING DIVISION

ZONE AMENDMENT NO. 03-022
CHARLES WACKER
PALO CEDRO AREA

This was the time set to conduct a public hearing and consider the request to approve Zone Amendment No. 03-022, Charles Wacker, which would rezone approximately seven acres in the Palo Cedro area from a Rural Residential District combined with a Mobile Home and Building Acreage Minimum of 3 Acres (R-R-T-BA-3) District to a Rural Residential (R-R) District in conjunction with a two-parcel land division of seven acres. Assistant Director of Resource Management Rich Barnum presented the staff report and recommended approval of the project. 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 no one spoke for or against the proposal, and the public hearing was closed.

By motion made, seconded (Fust/Wilson), and unanimously carried, the Board of Supervisors took the following actions regarding Zone Amendment No. 03-022, Charles Wacker, Palo Cedro area:

1. Adopted the California Environmental Quality Act (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. 04-060;
2. Adopted the rezoning findings as specifically set forth in Planning Commission Resolution No. 04-060; and
3. Introduced and waived the reading of an ordinance approving Zone Amendment No. 03-022 as requested.

10:55 a.m.: The Board of Supervisors adjourned.

Chairman

ATTEST:

H. DOUGLAS LATIMER
Clerk of the Board of Supervisors

By _____
Deputy