

# Trinity County Board of Supervisors

## MEETING MINUTES

FEBRUARY 17, 2004

8:30 AM

Trinity County Library Meeting Room  
Weaverville, CA

The Board of Supervisors, in and for the County of Trinity, State of California, meets in Regular Session at 8:30 am and there are:

### **PRESENT SUPERVISORS:**

Supervisor Robert Reiss – District 5, Chairman

Supervisor Howard Freeman – District 4, Vice-Chairman

Supervisor Ralph Modine – District 3

Supervisor Billie Miller – District 2

District 1 - Vacant

**ABSENT SUPERVISORS:** None

**County Auditor/Controller,** Brian Muir – Present

**County Counsel,** David Hammer – Present

**County Clerk,** Dero Forslund – Present

**Deputy Clerk of the Board,** Kelly Frost – Present

**Chairman Reiss** - Presiding

### TIME

### ITEM NO.

8:30 AM            PLEDGE OF ALLEGIANCE

1.            CONSENT AGENDA

The Board examines the Consent Agenda Items presented for consideration and on motion of Supervisor Modine, seconded by Supervisor Freeman and carried, Consent Agenda items 1a. through 1i., with the exception of 1c., are approved with the following vote polled: Supervisors Freeman, Modine, Miller and Reiss– Aye.

All contracts submitted to the Board are subject to routing for approval as to form and content.

### **BOARD CONSENT MATTERS**

- 1a. Approves minutes of January 20, 2004, as submitted by Clerk.
- 1b. Approves special meeting minutes of February 10, 2004, as submitted by Clerk.

### **AUDITOR**

- 1d. Approves and authorizes transfer of funds and budget adjustment for Commission on Aging. Office supplies (Account 2260) will increase in the amount of \$250. Transportation and Travel (Account 2750) will increase in the amount of \$150.
- 1e. Approves budget adjustment of \$10,644.95 from Sheriff Budget Department 2300, fund 4300 to County Building Program 1810 fund 8900.
- 1f. Approves budget adjustment increase in Revenue Expenditures by \$26,750, in Department 2270 (Search and Rescue).

### **LIBRARY**

- 1g. Approve two additional closed “no pay” days at the Hayfork Branch Library.

### **PLANNING / NATURAL RESOURCES**

- 1h. Waives reading and directs the Clerk to let the record show that Ordinance No. 315-730, amending Trinity County Zoning Ordinance #315, rezoning APN 008-400-13 from Unclassified to Rural Residential two and one-half acre minimum/Flood Hazard/Scenic Conservation Overlay, located on Suzy Q Road in Hawkins Bar, (Applicant: Senffner), is enacted.

### **TRANSPORTATION**

- 1i. Approves and authorizes the Chairman to sign the Trinity Mountain Road, FH 116 (East Side Road, CR#106) Cooperative Project Agreement between the Federal Highway Administration (FHWA), the Forest Service (USFS) and Trinity County (Contract No. 2004-051).

**THE FOLLOWING ITEM HAS BEEN PULLED FROM THE CONSENT AGENDA AND CONSIDERED SEPERATELY**

- 1c. On motion of Supervisor Freeman, seconded by Supervisor Miller, approves and authorizes Chairman to sign Resolution No. 2004-011, Celebrating 40 Years of Community Action through the Colusa-Glenn-Trinity Community Action Partnership. Approves with the following vote polled: Supervisors Miller, Freeman, Modine and Reiss – Aye.

**2. GRAND JURY REPORTS**

Acknowledges receipt and appoints the following Supervisors to respond to the following Grand Jury Reports:

**Supervisor Modine:**

- Judicial Committee Final Report: Review of Citizen Complaint against Mr. Robert Reiss, County Supervisor, District 5.

**Supervisor Miller:**

- Health and Human Services Committee Final Report: Review of Trinity Hospital and Health Care System.

**3. COUNTY AUDITOR/CONTROLLER/CAO**

- 3a. Brian Muir, County Auditor/Controller reports on Agenda Meeting.
- 3b. Brian Muir, County Auditor/Controller reports on other matters of interest to the Board.
- 3c. On motion of Supervisor Miller, seconded by Supervisor Freeman and carried, pursuant to Trinity County Code Section 2.60.410 92) (Above A Step) authorizes hiring John McNally as Environmental Health Specialist II for the Building and Development Department at Range G209 Step E, effective March 1, 2004. Cost for FY 03/04 is \$18,620.
- 3d. On motion of Supervisor Miller, seconded by Supervisor Modine and carried, authorizes hiring Bonnie Stowe as an Administrative Clerk II at

the UC Cooperative Extension (4-H), at Range G140A, effective February 5, 2004. Cost for FY 03/04 is \$13,169.

**4. REPORTS FROM DEPARTMENT HEADS, MEMBERS OF THE BOARD AND COUNTY COUNSEL**

- 4a. Reports from Department Heads: Carl Bonomini, Director of Transportation and John Whitaker, General Services Director.
- 4b. Reports from Members of the Board: Supervisors Miller, Modine and Freeman.
- 4c. No report from County Counsel.

**SUBSEQUENT ITEM**

On motion of Supervisor Freeman, seconded by Supervisor Miller, agrees to hear subsequent item on a finding that there is a need to take immediate action and the need for action came to the attention of the Board subsequent to the posting of the agenda.

On motion of Supervisor Miller, seconded by Supervisor Freeman and carried, approves and authorizes Chairman to sign a letter to the California Fish and Game Commission asking for removal of Trinity County from inclusion in the Marble Mountain Elk Hunting Zone.

**RECESSES AS THE BOARD OF SUPERVISORS; RECONVENES AS THE TRANSPORTATION COMMISSION**

**5. TRANSPORTATION COMMISSION MATTERS**

On motion of Supervisor Freeman, seconded by Supervisor Miller, approves Golden Age Center Application for Federal Transportation Administration 5310 funds and approving Resolution allocating \$9,600 of Local Transportation Funds as match funds for the Golden Age center 5310 application. Approves with the following vote polled: Supervisors Miller, Freeman and Modine – Aye; Supervisor Reiss – No. Comments received from John Jelichich, Planning Director.

**RECESSES AS THE TRANSPORTATION COMMISSION; RECONVENES AS THE BOARD OF SUPERVISORS**

**SUBSEQUENT ITEM**

On motion of Supervisor Modine, seconded by Supervisor Freeman, agrees to hear subsequent item on a finding that there is a need to

take immediate action and the need for action came to the attention of the Board subsequent to the posting of the agenda.

On motion of Supervisor Modine, seconded by Supervisor Freeman and carried, approves and authorizes Chairman to sign letter to the Bureau of Reclamation and US Fish and Wildlife Service regarding the Trinity River Mainstem Fishery Restoration Supplemental EIS/EIR.

### **PUBLIC COMMENT**

No comments received.

**9:05 AM**  
**1:30 PM**

**RECESS**  
**RECONVENE**

### **6. PUBLIC HEARINGS**

- 6a. **Opens Public Hearing:** To consider an Ordinance Establishing County Fees.

#### **Closes Public Hearing**

On motion of Supervisor Freeman, seconded by Supervisor Miller and carried, waives reading and directs the Clerk to let the record show that Ordinance No. 1279, amending Chapter 2.64.050 of the Trinity County Code, Establishing County Fees, with the exception of the Veteran's Memorial Hall rates, which will stay at the current rate, is introduced and enacted with the following vote polled: Supervisors Miller, Freeman and Modine – Aye; Supervisor Reiss – No. Comments received from John Whitaker, General Services Director.

- 6b. **Opens Public Hearing:** To consider a Resolution, Establishing Fees, Exemptions and Credits for Solid Waste Disposal.

#### **Closes Public Hearing**

On motion of Supervisor Freeman, seconded by Supervisor Miller and carried, approves and authorizes Chairman to sign Resolution No. 2004-013, Establishing Fees, Exemptions and Credits for Solid Waste Disposal. Property owners shall be assessed, and fees shall be collected in accordance with Section 25830 and 25831 of the Government Code. Approves with the following vote polled: Supervisors Miller, Freeman, Modine and Reiss – Aye. Comments received from John Whitaker, General Services Director; Carol Rogan, Solid Waste Committee and Ed Bates, Citizen.

- 6c. **Opens Public Hearing:** To consider Resolution to vacate Carrier Gulch Road.

**Closes Public Hearing**

On motion of Supervisor Modine, seconded by Supervisor Freeman, approves and authorizes Chairman to sign Resolution No. 2004-014, to Vacate County Road Number 310, Carrier Gulch Road. Approves with the following vote polled: Supervisors Freeman, Modine, Miller and Reiss – Aye. Comments received from Carl Bonomini, Director of Transportation.

**RECESSES AS THE BOARD OF SUPERVISORS; RECONVENES AS THE HOSPITAL GOVERNING BOARD**

**7. HOSPITAL**

- 7a. On motion of Supervisor Miller, seconded by Supervisor Freeman and carried, accepts Hospital plan of operations and directs Larry McDonough, Interim Hospital Administrator to report back to the Board at the March 2, 2004 meeting. Comments received from Bob Nitzke, Citizen; Connor Nixon, Citizen; Carol Harper, Friends of the Hospital; Ed Bates, Citizen and Jim French, Schools Superintendent.
- 7b. On motion of Supervisor Modine, seconded by Supervisor Freeman and carried, cancels direction to prepare notice for a Public Hearing on March 4, 2004, due to approval of Hospital Plan of Operations. Comments received from Carol Fall, Citizen and Carol Harper, Friends of the Hospital.

**RECESSES AS THE HOSPITAL GOVERNING BOARD; RECONVENES AS THE BOARD OF SUPERVISORS**

- 7c. On motion of Supervisor Freeman, seconded by Supervisor Miller and carried, ratifies action of Hospital Governing Board canceling the direction to prepare notification of Public Hearing on March 4, 2004.
- 7d. On motion of Supervisor Freeman, seconded by Supervisor Miller, approves and authorizes Chairman to sign Resolution No. 2004-010, Calling A Special Election to Submit To The Voters Questions Regarding Imposing A Special Tax On All Improved Property In Trinity County And The Use Of The Revenues From The Special Tax, And Directing A Special Election To Be Conducted By Assessment Mailed Ballot Election On June 8, 2004. Approves with the following vote polled: Supervisors Miller, Freeman, Modine and Reiss – Aye; and

Direction given to establish an independent Advisory Board when/if the measure is passed.

Comments received from Connor Nixon, Citizen and Carol Fall, Citizen.

### **PUBLIC COMMENT**

Comments received from: Ed Bates, Citizen.

### **MEET IN CLOSED SESSION**

**A.** Government Code Section 54956.9, subd. (a). Existing Litigation – Conference with Legal Counsel. No. of cases: Four.

- Stierli, et al v. Trinity County  
Case No. 02CV012
- OPTC v. Trinity County  
Case No. 03CV023
- Hurst v. Trinity County  
Case No. 03CV108
- County of Trinity v. Trinity Public Utilities District  
Case No. 01CV038

**B.** Government Code Section 54956.9, subd. (b)(1) Anticipated Litigation – Conference with Legal Counsel. No. of cases: One.

- Claim filed by Robert E. Nitzke

### **ADJOURNS CLOSED SESSION; RECONVENES TO OPEN SESSION:**

*Chairman reports on closed session:*

*A. Direction given to County Counsel on all four cases.*

*B. Denies claim filed by Robert E. Nitzke.*

**4:10 PM      ADJOURNS**

All Ordinances introduced or enacted have been published or posted as provided in Government Code Section 25124.

TRINITY COUNTY BOARD OF SUPERVISORS

Attest:

DERO B. FORSLUND  
County Clerk/Recorder/Assessor,  
Ex-Officio Clerk of the Board,  
County of Trinity, State of California

ROBERT A. REISS, CHAIRMAN  
Board of Supervisors, County of  
Trinity, State of California

By: \_\_\_\_\_  
Deputy Clerk