

TRINITY COUNTY

Board of Supervisors

MINUTES

SEPTEMBER 17, 2002
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 9:15 am and there are:

PRESENT SUPERVISORS: Robert Reiss, Ralph Modine, Billie Miller, Berry Stewart and Chris Erikson.

ABSENT SUPERVISORS: None

County Auditor/Controller, Brian Muir, Present

County Counsel, David Hammer, Present

County Clerk, Dero Forslund, Absent

Deputy Clerk of the Board, Kelly Frost, Present

Chairman Erikson, Presiding

TIME ITEM NO.

8:00 AM **CALL MEETING TO ORDER IN OPEN SESSION;
CONTINUATION OF BUDGET HEARINGS FROM
SEPTEMBER 16, 2002:**

On motion of Supervisor Reiss, seconded by Supervisor Modine, approves and authorizes Chairman to sign resolution adopting the Trinity County Budget for Fiscal Year 2002/2003. Approved with the following vote polled: Supervisors Modine, Reiss, Miller, Stewart and Erikson.

ADJOURN TO CLOSED SESSION.

MEET IN CLOSED SESSION

- A.** Government Code Section 54954.5. Public Employee Performance Evaluation – Hospital Administrator
- B.** Government Code Section GC54956.9 (B)). Potential Litigation - Conference with Legal Counsel. One case.

Veteran's of Foreign Wars/Trinity Alps Marine Corps League

- C.** Government Code Section 54954.5. Conference with Labor Negotiators. County Negotiator: Brian Muir and Terry Lee.

ADJOURN FROM CLOSED SESSION; CALL MEETING TO ORDER IN OPEN SESSION

9:15 AM

PLEDGE OF ALLEGIANCE

CHAIRMAN REPORTS ON CLOSED SESSION

- A.** Evaluation of Hospital Administrator.
- B.** Claim of Veteran's of Foreign Wars/Trinity Alps Marine Corps League was denied.
- C.** Conference of Labor Negotiators.

1. CONSENT AGENDA

The Board examines the Consent Agenda Items presented for consideration and on motion of Supervisor Reiss, seconded by Supervisor Miller and carried, Consent Agenda items 1a. through 1w., with the exception of 1m., are approved with the following vote polled: Supervisors Miller, Reiss, Modine, Stewart and Erikson – 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 September 3, 2002, as submitted by Clerk.

- 1b. Finds no objection to one day off-sale beer and wine application for a beer booth to sell beer at the Livestock BBQ to be held on Saturday, October 12, 2002 between the hours of 11:00 AM and 5:00 PM in the Lowden Park Cook Shack area.
- 1c. Appoints Harold Pflueger to the Trinity Center Community Services District to fill the term of resigned member Donald R. Mabee, until election in November 2003, as recommended by the Trinity Center Community Services District
- 1d. Appoints Elizabeth Newnam to the Post Mountain Public Utility District Board of Directors, as requested by the Post Mountain Public Utility District Board of Directors.
- 1e. Waives reading and direct the Clerk to let the record show that an ordinance amending Chapter 2.60 of the Trinity County Code, Pertaining to Meal Reimbursements, is enacted.
- 1f. Approves and authorizes Chairman to sign resolution in support of the Trinity High School 2002 Homecoming Parade.
- 1g. Approves and authorizes Chairman to sign resolution in support of the Hayfork High School 2002 Homecoming Parade.

AGRICULTURE/SEALER OF WEIGHTS AND MEASURES

- 1h. Approves and authorizes Agricultural Commissioner to sign Memorandum of Agreement between the Resource Conservation District and the Agriculture Department, in the amount of \$24,537, to manage noxious weeds in Trinity County.

BEHAVIORAL HEALTH SERVICES

- 1i. Approves and authorizes Chairman to sign a contract with Plumas County Mental Health/Sierra House Board and Care, in the amount of \$49,000 for mental health treatment of clients.

- 1j. Approves and authorizes Chairman to sign contract with Willow Glen Care Center, in the amount \$50,000, for the mental health treatment of clients.
- 1k. Approves and authorizes Chairman to sign a contract with Rosewood Care Center, in the amount \$30,000, for the mental health treatment of clients.
- 1l. Approves and authorizes Chairman to sign contract with Sierra Vista Hospital, Inc., in the amount of \$15,000, for mental health treatment of clients.

CHILD SUPPORT SERVICES

- 1n. Approves and authorizes the IT department to purchase six new DELL personal computers for the Child Support Services Department at a cost of \$6,235.53; and

Approves and authorizes the purchase of a Compaq Proliant ML330 Server and Software from Informatix, Inc. at a cost of \$4,713.37.

HEALTH AND HUMAN SERVICES

- 1o. Approves and authorizes Director of Health and Human Services Department to sign Amendment No. 1 to the contract with Human Response Network, in the amount of \$74,918, to provide Stage 1 Child Care Services to eligible CalWORKS recipients.
- 1p. Approves and authorizes Chairman to sign Amendment #2 to Agreement, for HIV services, with the California Department of Health Services; and

Approves and authorizes Chairman to sign Memorandum of Understanding for Evaluating Local Interventions; and

Approves and authorizes Chairman to sign Amendment No. 1 to Memorandum of Understanding for HIV counseling and testing. Revenue in the amount of \$190,800.

HOSPITAL

- 1q. Approves and authorizes Chairman to sign Resolution amending the Trinity Hospital Governing Board Bylaws,

relating to the composition of the Continuous Quality Improvement and Compliance Council.

- 1r. Approves and authorizes Chairman to sign Amendment No. 6 to the Nurses and Professional Healthcare agreement to extend the term one year and increase the maximum cost to the County by \$50,000.
- 1s. Approves and authorizes Chairman to sign Amendment No. 2 to contract with Bay Area Anesthesia, in the amount of \$20,000 for anesthesia services.

PERSONNEL

- 1t. Approves request of General Services Director to increase the hourly rate of two Project Specialists (Wayne Walden \$12.50 to \$15.00 and Joshua Zink \$10.00 to 12.50 per hour). Cost for FY 02/03 is \$5,000.

PLANNING

- 1u. Approves and authorizes Chairman to sign Amendment No. 1 with Sari Sommarstrom, PhD., to complete assessment, environmental Compliance and initiated Endangered Species Act consultation for "A Water Quality and Stream Habitat Protection Manual for County Road Maintenance in Northwestern California Watersheds". FY for 02/03 is \$50,000.
- 1v. Waives reading and directs the Clerk to let the record show that an Ordinance amending Trinity County Zoning Ordinance No. 315, reflects the change in APN 11-380-23 from Unclassified-B5-5 (U-B5-5) to Rural Residential five-acre minimum (RR-5) located on Garrett Road, Hyampom. Applicant: Dell'Anno (P-02-17), is enacted.
- 1w. Waives reading and directs the Clerk to let the record show that an Ordinance amending Trinity County Zoning Ordinance No. 315, reflects the change in APN 25-550-12 from Open Space (OS) to Public Facilities (PF) located on Lewiston Road and Texas Avenue, Lewiston. Applicant: Lewiston CSD (P-02-18), is enacted.

THE FOLLOWING ITEMS WERE PULLED FROM THE CONSENT AGENDA AND CONSIDERED SEPERATELY:

BUILDING AND DEVELOPMENT SERVICES: AIRPORT DIVISION

- 1m. On motion of Supervisor Reiss, seconded by Supervisor Stewart and carried, approves and authorizes County Auditor/Controller or designee to sign the Federal Aviation Administration Grant Agreement and the application for matching State aviation funds for the Hayfork Airport projects, in the amount of \$89,778, as requested by the Airport Division of Building and Development Services.

2. COUNTY MATTERS

- 2a. Reviews Grand Jury Report up-date.
- 2b. Approves and authorizes Chairman to sign the following Grand Jury Responses:
 - Judicial Committee Final Report – Animal Control Division
 - Continuity Committee Final Report – County Official's Responses to 2000/2001 Grand Jury Reports.
- 2c. Direction given to form committee with Supervisors Miller and Erikson to schedule town meetings in each district to determine the position of the districts constituents to form a Hospital Special District.
- 2d. On motion of Supervisor Miller, seconded by Supervisor Modine and carried, decides not to enter into Project Administration Agreement with Eberhard and Ursula Schneider regarding the Schneider Stream Corridor Restoration Program, because of owners request to not be financially responsible in the event of litigation. Comments received from Ursula Schneider and Elizabeth Johnson, Attorney for Schneiders.
- 2e. No action taken to award contract for the Schneider Stream Corridor Restoration Project.

SUBSEQUENT ITEM

On motion of Supervisor Modine, seconded by Supervisor Reiss, 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. (Supervisor Stewart – No.)

On motion of Supervisor Modine, seconded by Supervisor Reiss and carried, rescinds authorizing Chairman to sign the Cooperative Agreement and Assurances with the USDA Natural Resources Conservation Service for the South Fork Trinity River Bank Protection EWP project on the Eberland and Ursula Schneider property. Comments received from Jim Spear, NRCS.

- 2f. **Tables to October 1, 2002:** County Auditor to sign a Notice to Proceed with additional services for work as contained in the Proposal dated September 9, 2002 from Reinard Brandley, Consulting Aviation Engineer, for additional services for the Environmental Studies involved with the Weaverville Airport Relocation Project, in an amount not to exceed \$167,850. Comments received from Steve Roberts, County Airport Division, Bob Rowen, Colleen O'Sullivan, Al Wilkins.
- 2g. On motion of Supervisor Reiss, seconded by Supervisor Modine and carried, approves the County to advance money to the Weaverville/Douglas City Parks and Recreation District to cover warrants from September through December 2002, in an amount not to exceed \$18,000. Comments received from Kelly Jackson, Weaverville/Douglas City Parks and Recreation District.
- 2h. On motion of Supervisor Reiss, seconded by Supervisor Modine and carried, establishes the title of Campground Host at the Hayfork Airstrip, at no charge to occupy space at the airstrip, with the exception of personal utilities. Comments received from Steve Judson, Building and Development Services.

3. COUNTY AUDITOR/CONTROLLER

- 3a. Report on agenda meeting.
- 3b. Report on other matters of interest to the Board.

- 3c. **Tables:** Introduction of Ordinance Amending Chapter 6.04 of the Trinity County Code concerning Animal Regulation, County-wide Leash Law. (Supervisor Stewart – No.)

- 11:30 AM 5. RECONSIDERATION OF APPEAL OF PLANNING COMMISSION DECISION TO APPROVE HEALTH CARE MOBILE HOME.

OPEN PUBLIC HEARING

On reconsideration of the appeal of the Planning Commission decision to approve health care mobile home use permit for Norma Johnson on APN 007-730-16, located on a private drive on Carrville Loop Road, near the community of Coffee Creek.

Advice was given by County Counsel, a report by Planning Director, John Jelichich, and evidence presented, both oral and written. The following individuals gave oral evidence: Cindy Wheeler, Julie Eaker, John Eaker, and Christina Wood. The Board considered the following written evidence: Notice of Meeting with Proof of Service dated September 5, 2002; County of Trinity Planning Commission Decision Appeal received in the office of the Board of Supervisors on June 24, 2002; Supplemental Ruling in Trinity County Superior Court Case No. 02CV052; Planning Department Staff Report with exhibits A through J; letter dated September 12, 2002, from attorney Elizabeth Johnson to Deputy Clerk, Kelly Frost; undated letter from Pat and George Chamberlain, Cindy and Gene Wheeler, and Julie and John Eaker to the Board of Supervisors; email dated March 15, 2002 from Robin Reilly to John and Julie Eaker; Declaration of Patricia Chamberlain dated September 4, 2002; and Declaration of Julie Eaker dated September 11, 2002. A copy of the documents considered by the respondent are attached hereto as Exhibit "A" and incorporated herein by reference. Argument was presented by Elizabeth Johnson, the attorney representing the appellants, and Michael Fitzpatrick, the attorney representing the applicant.

CLOSE PUBLIC HEARING

On motion of Supervisor Reiss, seconded by Supervisor Miller, motion passes 3-2 to GRANT a use permit for health care mobile home to Norma Johnson for APN 007-730-16,

based on the following findings, statement of facts, and conditions:

1. Finding: Notice has been given as required by law. The Board of Supervisors has provided the necessary notice required by Section 34 (Hearings and Appeals) of the Trinity County Zoning Ordinance, and conducted a hearing on September 17, 2002.

2. Finding: The applicable zone district regulations permit the location and installation of a mobile home.

Statement of Fact: The subject property is zoned "Unclassified", which allows the location of "one single family dwelling" (T.C. Zoning Ord, Sec. 11). A mobile home is a single family dwelling.

Statement of Fact: The subject property is also located within the County's Recreation District #1 (RD-1) Overlay zone (T.C. Zoning Ord. Sec. 26). This overlay zone permits "Single family dwellings subject to complying with other requirements of this Ordinance." Additional development standards are required for development of residential uses. The use permit has been conditioned to include compliance with the RD-1 overlay zone.

3. Finding: The County Health Officer, and a licensed physician have provided written verification confirming that there is an existing medical need for temporary in-home care;

Statement of Fact: A licensed physician, Dr. John F. Dermody of Napa, California has provided written verification regarding his diagnoses and his opinion of Norma Johnson's existing medical need for in-home care as stated in his letters dated September 10 and 12, 2002.

Statement of Fact: The County Health Officer, Dr. Donald Krouse, has provided written verification regarding as to Norma Johnson's existing medical need for in-home care in his letter dated September 11, 2002. Specifically, Dr. Krouse states that he concurs with the opinion of Ms. Johnson's Napa County physician who has dealt with her medical problems for many years.

4. Finding: The intended occupant of the mobile home cannot reasonably be housed in the principal dwelling unit.

Statement of Fact: The medical condition of Norma Johnson as reported by the doctors make it not reasonable for her to be housed in the principal dwelling unit with the grandchildren and her son-in-law, who has recently had surgery and occupies the only bedroom on the downstairs level.

Statement of Fact: The medical condition of Norma Johnson requires sufficient privacy and peace and quiet to obtain adequate rest, which cannot be reasonably provided in the principal dwelling in which the grandchildren are living.

Statement of Fact: Norma Johnson's son-in-law has had recent surgery which requires him to occupy the bedroom on the downstairs level of the principal dwelling, and the bedroom available upstairs cannot be reasonably heated to meet her needs, considering her medical condition.

Statement of Fact: Norma Johnson's son-in-law has had recent surgery, which requires him to occupy the bedroom on the downstairs level of the principal dwelling unit, and it is not reasonable for Norma Johnson to use the stairs, based upon her medical condition.

5. Finding: Requirements of the Health Department, the Building Department and other public agencies have been met.

Statement of Fact: The Building Department (response dated 5/16/02) and California Department of Forestry and Fire Protection (response dated 5/8/02) have submitted responses stating that their requirements must be met. The Health Department submitted a response dated 5/7/02 advising that they have no objection to the proposed modifications to the sewage disposal system to accommodate the health care mobile home.

Statement of Fact: The use permit includes conditions to meet the requirements of the Building Department and the CDF as part of the building permit review process.

6. Finding: The use permit for the Johnson health care mobile home is granted on sound principles of land use.

Statement of Fact: Section 30. B of the Trinity County Zoning Ordinance includes a list of uses, including health care mobile homes, which are declared to be uses possessing characteristics of such unique and special classification as making practical their inclusion in any district, provided that a use permit is first obtained.

Statement of Fact: The use permit has been reviewed for conformance with the criteria for placement of a health care mobile home in the Rural Residential land use designation, the subject property's location within the National Recreation Area (RD-1 overlay zone) and conditioned to meet those criteria.

Statement of Fact: The temporary health care mobile home will be allowed on the subject parcel (APN: 007-730-16), a 7.13 acre parcel within an existing residential district, in addition to the main dwelling on a temporary basis, only while the medical need for in-home care exists.

7. Finding: Granting of the use permit will not be detrimental to the public health, safety or welfare, nor will it create a public nuisance.

Statement of Fact: The application has been routed and reviewed by affected public agencies and the use permit has been conditioned to meet the requirements of those agencies (refer to conditions 1,2 and 6).

Statement of Fact: The Board has considered the projects location in the National Recreation Area (RD-1 overlay zone) and has applied the applicable development standards of the RD-1 overlay zone to address aesthetic concerns and also meet the temporary health care needs of the applicant. (refer to condition 9).

8. Finding: The use permit complies with the objectives of the general plan for the area in which it is located.

Statement of Fact: The subject property (APN: 007-730-16) is designated Rural Residential in the land use element of the General Plan, which allows development of residential uses.

Statement of Fact: The Rural Residential land use designation is defined on page 12 of the land use element of the General Plan. The description indicates that this label describes locations of rural type residential development where minimal county services would be provided. The subject property is 7.13 acres in size and is developed with an existing single-family residential structure.

Statement of Fact: The policies of the General Plan affecting the North Lake area do not prohibit or discourage use of a temporary mobile home for health care purposes on appropriately zoned lands, when the necessary services and facilities are available to serve such use. (land use element: North Lake Area findings and policies, pp. 26-27). Further, there are no policies or special zoning standards that would adversely affect the location of a mobile home in the area.

Based on the above findings, the Board of Supervisors **GRANTS** the use permit, subject to the following conditions:

1. The applicant shall comply with all regulations and permit requirements of the County Building Department.
2. The mobile home must be capable of supporting a 50 psf snow load. A ramada shall not be constructed to meet this requirement (Refer to condition 5).
3. The health care mobile is for the sole use of Mrs. Norma Johnson.
4. Running gear, including tires, shall remain operable at all times. (T.C. Zoning Ord, Sec 30.B.9.b (1))
5. Skirting may be affixed to the mobile home for energy conservation, but no skirting or other improvements (including, but not limited to, a cabana, ramada, deck or porch) shall be affixed or placed adjacent to the mobile

home that may limit its immediate mobility. (T.C. Zoning Ord. Sec 30.B.9.b(2))

6. The applicant shall comply with the requirements of Public Resource Code 4291. Prior to county issuance of the building permit, CDF shall review the building permit application for conformance with PRC 4291. The building permit shall not be issued without the approval of CDF.

7. This permit shall be valid for a period of two (2) years from the date of issuance, and may only be renewed thereafter as provided in Section 30.B.9.c of the Zoning Ordinance.

8. In the event that Mrs. Norma Johnson no longer resides in the mobile home, or if the need for in-home care or the health care mobile home ceases, the health care mobile home shall be removed from the property within 30 days. (T.C. Zoning Ord, Sec. 30.B.9.e)

9. The mobile home shall meet the development standards of the RD-1 overlay zone (T.C. Zoning Ord, Sec. 26) prior to issuance of a building permit. The necessary landscape plan shall be submitted with the building permit application for the review and approval of the Planning Director. The landscaping, and related improvements, shall be completed prior to issuance of the certificate of occupancy or issuance of final approval by the Building Department. Due to the temporary nature of the health care mobile home and the ability to review building plans for conformance with the RD-1 development standards, posting of security (Sec. 26.J.1.a) will not be required for this project.

6. FRONTIER NUTRITION CENTER

PowerPoint presentation received from Lisa Preschel-Quinn on the 4 year retrospective report on the Frontier Nutrition Project.

COUNTY AUDITOR/CONTROLLER CONTINUED...

- 3d. On motion of Supervisor Reiss, seconded by Supervisor Modine, waives reading and directs the Clerk to let the record show that an ordinance amending Chapter 2.60 of the Trinity County Code relating to Disciplinary Action, is introduced with the following vote polled: Supervisor Modine, Reiss, Miller, Stewart and Erikson – Aye.
- 3e. On motion of Supervisor Reiss, seconded by Supervisor Miller and carried, approves and authorizes Chairman to sign letter in support of AB 1776 (Leslie), which would give local governments, in counties of 50,000 or fewer, the ability to fill vacancies on their Board of Supervisors by appointment or special election 180 days after the date the vacancy occurred.

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

- 4a. No reports from Department Heads.
- 4b. No reports from members of the Board.
- 4c. No report from County Counsel.

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

7. TRANSPORTATION COMMISSION

On motion of Supervisor Miller, seconded by Supervisor Reiss and carried, approves and authorizes Chairman to sign agreement with Nelson/Nygaard Consulting Associates for preparation of Trinity County's Short Range Transit Development Plan: 2002-2006, in the amount of \$38,000.

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

SUBSEQUENT ITEM

On motion of Supervisor Modine, seconded by Supervisor Reiss, 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 Reiss and carried, agrees to draft comments, as requested by Congressman Wally Herger, in regard to NEPA implementing practices and procedures.

8. PUBLIC COMMENT

Comments received from Howard Freeman.

1:05 PM

ADJOURN

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

DERO B. FORSLUND

DERO B. FORSLUND, County Clerk and
Ex-Officio Clerk of the Board of Supervisors
County of Trinity, State of California

By: _____

Deputy

J.C. ERIKSON, Chairman
Board of Supervisors, County of
Trinity, State of California