

BOARD OF SUPERVISORS

JANUARY 21, 2003

The Lassen County Board of Supervisors convene in Regular Session at 9:08 a.m. Chairman Chapman asks for public comment and no comments are received. County Clerk Nagel announces the Closed Session item and the Board recesses to Closed Session at 9:09 a.m. for a conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: McCain vs. Lassen County, Case #24431.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer Andy Whiteman and County Clerk Theresa Nagel. Closed Session is recessed at 9:31 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, January 21, 2003, at 9:35 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer (CAO) Andy Whiteman and County Clerk Theresa Nagel. Following the flag salute, the invocation is offered by Supervisor Chapman.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces the Closed Session dealt with a conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: McCain vs. Lassen County, Case #24431 - no reportable action taken.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

County Clerk Nagel requests that Item G-1, minutes, be continued to the next meeting.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve the agenda with the noted deletion.

PUBLIC COMMENT

Chairman Chapman asks for public comment and no comments are received.

UNAGENDIZED BOARD REPORTS

1. Supervisor Hanson states that he is honored to be the representative for District Five and pledges to do his very best for

his constituents, and he asks his fellow board members to indulge him as a new board member.

2. Supervisor Hanson discusses his trip to Hawaii as chairman of a group holding their annual meeting there, and also states that he and his family enjoyed tourists sites, restaurants, etc. He laughingly refers to his trip as "an inspection tour of the County of Hawaii".

3. Supervisor Pyle discusses the installation ceremonies for Supervisor Dahle as RCRC Chairman and states he is pleased with his chairmanship.

4. Supervisor Dahle acknowledges the presence today of two constituents from Big Valley - Jim and Josefa Johnson.

5. Supervisor Dahle thanks all the representatives from the county that attended his installation last week.

6. Supervisor Keefer announces that he leaves tomorrow for his "tour of the County of Hawaii", and to celebrate his 40th wedding anniversary. He also notes his pleasure at attending the RCRC installation.

7. Supervisor Keefer notes the mental health report on the agenda today is preliminary.

8. Supervisor Chapman congratulates Supervisor Dahle on his installation as RCRC Chairman and notes it was very nice to have so many officials from Lassen County attend.

9. Supervisor Chapman discusses the CSAC message and stance on the State budget. It is expected that program cuts will occur before July, but the Williamson Act cut is expected to occur next year if a budget is passed. It is not expected that a budget will be passed. It is also possible that the restructuring of State Government may go before the voters. He encourages the board members to take part in as many discussions as possible because the actions taken will shape our future. Supervisor Dahle states it is going to be very hard to keep on top of what is happening and therefore all members need to be dedicated.

CONSENT CALENDAR

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to take the noted action on the following Consent Calendar items:

OFFICE OF EMERGENCY SERVICES ITEM

Ratify continuation of Declaration of State of Disaster / Drought Emergency in Lassen County for 2002.

PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

Receive and file Recap of CCC Prison Trials Cost Reimbursement Billing for the month of December, 2002; and High Desert State Prison Trials Cost Reimbursement Billing for the month of December, 2002.

PROBATION DEPARTMENT ITEM

Approve travel authorization request for Jim Edwards, Dan James and Patrick Markovics to attend the mandatory Standards & Training for Correction (STC) CORE Training in Concord, CA, March 9 - April 18, 2003 at the estimated cost of \$ 11,355.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Mental Health Advisory Board meeting agenda for January 14, 2003, and unapproved minutes of December 10, 2002, with 2002 Annual Report.

ASSESSOR

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to authorize the Chairman to sign a contract with the California State Department of Finance continuing Lassen County's participation in the fifth year of the (AB719/AB818/AB1036/AB589) Property Tax Administration Program.

RECOGNITION COMMITTEE - PRESENTATION

Chairman Chapman makes the following presentations for years of service:

Fifteen years: a two pen desk set to Sheri Johnson Tripp (Sheriff's Department) and Gwen L. Mears, (LassenWorks).

COMMUNITY DEVELOPMENT DEPARTMENT - GRANT ACCEPTANCE

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried to accept a \$5500 grant from the Clinton Walker Foundation to begin the process of reconstructing the footbridge between Westwood and Pine Town; and authorize an acknowledgement letter to the Clinton Walker Foundation.

COMMUNITY DEVELOPMENT DEPARTMENT - BELFAST INITIATIVE

Community Development Director Robert Sorvaag presents a report relating to the development issues pertaining to the Belfast Initiative and the legal requirement that general and area plans be internally consistent and consistent with one another and that zoning ordinances and their application be consistent with the general and area plans. Since the initiative grafted changes on these plans and applied the Mountain Resort Zone to the property without assuring consistency, any development in the area affected by the Belfast Initiative may be vulnerable to legal challenge. In addition, a portion of the land is subject to a Williamson Act Agricultural Preserve Zone and Contract. Until these convlicts can be resolved,

development within the affected area cannot be accommodated.

One of the directives of the initiative is that "the county shall take such actions as are reasonably necessary to provide for the implementation of [the] initiative". To that end, it would seem reasonable to make concise amendments to the County General Plan, the Standish/Litchfield Area Plan, and the applicable zoning ordinances ("M-R Mountain Resort and Ag Preserve zoning regulations) in an effort to resolve the issues raised and to further the intent of the "Belfast Initiative".

Mr. Sorvaag provides a suggested remedy: direct the Community Development Department to craft language, to be reviewed, for amendment of the Standish/Litchfield Area Plan and General Plan, if necessary, to achieve the required consistency between and within applicable plans and zoning regulations. Amendments to the "M-R" zoning regulations to ensure consistency between the County zoning ordinance and the existing Williamson Act contracted lands would also be included. The proposed remedy would: add language to the Standish/Litchfield Area Plan authorizing the Mountain Resort land use designation and resolving any other inconsistencies; provide a framework for landowners within the initiative area to meet the requirements of the Mountain Resort development criteria, which include, development of a comprehensive plan, dedication of not less than 60% of lands to open space, and allocation of dwellings to meet the requirements contained in the density ranges set forth in the initiative. The proposed remedy would not: attempt to directly prepare a "comprehensive" or "village/town center" plan as required by the General Plan; allocate lands within the initiative area to open space; or provide the ultimately necessary environmental analysis to make such decisions.

The general plan amendment and the zoning ordinance changes are anticipated to be somewhat "surgical" in nature, and if the project proceeds in that fashion, the environmental document will not need to be comprehensive. Costs of this approach would likely be less than \$10,000 and could be absorbed by the Community Development Department budget. It is expected the landowners within the initiative area would be required to create the comprehensive development plan at the time they wish to undertake the contemplated development. The costs of that planning work would be borne by the landowners within the initiative area.

Until the County accomplishes the outlined suggested remedial steps; or unless the proponents of the initiative take some parallel action to ensure the consistency requirements are met; or unless the

initiative is overturned by the courts because of these issues, no development permits or approvals should be granted within the initiative area. The County is not in a position to approve developments that are not in compliance with its General Plan and Area plans. Without the completion of the remedial steps, it cannot be demonstrated that any specific development would be consistent with the applicable plans.

In regard to the Williamson Act Contract, County Counsel John Ketelsen informs the board members the contracts prevail regardless of the initiative, and the contract rights are enforceable.

In response to a question from the Board, it is noted a message was left on Everd McCain's voice mail yesterday, informing him this item was on today's agenda.

In response to a question from Supervisor Pyle about the differences between this initiative and Dyer Mt., Bob Sorvaag states the Dyer Mt. Initiative included language to make the necessary changes to the General Plan and the Belfast Initiative did not.

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried unanimously on a roll call vote, to direct the Community Development Department staff to craft language to remedy inconsistencies between the Belfast Initiative and the General Plan, the Standish/Litchfield Area Plan and zoning; and to perform this work within the current budget at a cost not to exceed \$10,000.

In an unrelated matter, Chairman Chapman requests the Community Development Department to place an item on the next agenda relating to acquisition and development of property north of Susanville by the Susanville Indian Rancheria.

COMMUNITY DEVELOPMENT DEPARTMENT - ECONOMIC DEVELOPMENT DIVISION
Community Development Director Robert Sorvaag provides information on his desire to pursue a grant that would partially pay the salary of an Economic Development Chief who would work to get grant funding for additional economic development.

Supervisor Dahle wants to be sure if the grant funding does not continue the new position will terminate. He does see this as a opportunity to obtain funding for economic development.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to adopt Resolution No. 03-003, approving an application to the USDA/Forest Service for funding to partially pay the salary of an

Economic Development Chief, and providing authorization for signing the grant agreement and related documents.

COUNTY ADMINISTRATIVE OFFICE

Property Negotiations:

CAO Whiteman states the current hospital property has been inspected for possible acquisition for future county expansion. He states the building would not be beneficial and he would like to continue negotiations for acquisition of the property with the building removed.

Lassen Community Hospital Chief Executive Officer Dave Anderson states the target date for disposal of the property is May 1st and it is available as a donation to any non-profit agency. Lassen College is also looking at the facility for use as transitional housing for young girls. The hospital will not be investing any funds, but would consider selling the land if paid an amount that would cover the cost of demolition of the building.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to authorize the CAO to continue acquisition discussions with the Lassen Community Hospital.

Recess 10:41 - 10:46 a.m.

HEALTH AND HUMAN SERVICES DEPARTMENT

Health and Human Services Director Tom Keefer reports that Alcohol and Drug Program Deputy Director Michael Beard will be attending the Substance Abuse and Mental Health Services Administration (SAMHSA) Stakeholders meeting as a participant to provide input from rural health people to develop a rural health action plan.

COUNTY ADMINISTRATIVE OFFICE

National Trail Designations:

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to approve sending a letter of support to the Lassen National Forest Supervisor for the proposed National Recreation Trail Designation for Eagle Lake Trail and Lake Almanor Trail.

State Budget-Weed Abatement:

Agriculture Commissioner Ken Smith informs the board members that the State has terminated all county weed contracts. He is applying for resource grant funding through the Resource Advisory Council (RAC) in the amount of \$57,000 for four years. He discusses plans he is preparing to address the shortage of funding and will submit them to the Board next week.

UNITED STATES FOREST SERVICE

Lassen National Forest Supervisor Ed Cole is present to discuss the re-evaluation of Federal Energy Regulatory Commission (FERC) licensing of three dams on the Pitt River. He states they are planning to issue the licensing in October, 2003, and notes the process was begun in 1998. He states the hottest issue is the allocation of water below the dams to maintain a minimum 400 cfs flow as requested in the preliminary conditions prepared by the Forest Service. The Forest Service has asked FERC to analyze the effect of increasing the minimum flows to 400 cfs. It is not known if PG&E would have to take water from upstream users to maintain the minimum flow. The two items the Forest Service has made recommendations on are: minimum downstream flows and periodic freshets, which are bursts of water downstream to mimic natural stream flows.

County Counsel is absent 11:17 - 11:20 a.m.

COUNTY ADMINISTRATIVE OFFICE

State Budget-Child Support:

Child Support Director Beth Hyde reports the Governor is proposing that counties pay a 25% share of the Federal penalty associated with the failure to develop a Statewide Automated Child Support System. These monies would have to be from the County General Fund as the federal and state subvention to the counties for providing the services, cannot be used for a federal penalty payment. The Governor is passing on the costs to the counties even though the counties had no control over the system development.

State Budget-Vehicle License Fee:

CAO Whiteman and Auditor Fouch provide information on the possible loss of Vehicle License Fee backfill revenues which could amount close to \$500,000.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried on a roll call vote, with Supervisor Pyle voting NO, to adopt Resolution No. 03-004, urging the California legislature to reject the Governor's proposed shift of local Vehicle License Fee (VLF) revenues and to honor the 1998 Commitment to Restore the VLF.

Supervisor Dahle wants the other board members to realize it will be necessary for the Chairman to act quickly at times on matters concerning the State budget and have the ability to send letters with follow-up ratification by the Board.

INFORMATION FOR THE BOARD

CAO Whiteman states his impression of the information received last week at CSAC in relation to the State budget is: there is no master plan and the feeling is the counties have not shared in the pain. Supervisor Dahle is absent 11:42 - 11:43 a.m.

CORRESPONDENCE

1. A notice to Consumer Protection and Safety Division of California Public Utilities Commission stating that the California Rural Service Area #1, Inc. has determined that no local land use approval is required for the (Hamilton Mountain) project because the site is located on U. S. Forest Service land and the local permitting agency has deferred to federal jurisdiction, is received and filed.

2. A letter from Director Dallas Jones of the Governor's Office of Emergency Services relaying information that the U. S. Small Business Administration (SBA) has Lassen County listed in their Declaration of Disaster for damages caused by drought conditions beginning January 1, 2003, is received and filed.

3. A letter from Director Dallas Jones of the Governor's Office of Emergency Services relaying information on the U. S. Department of Agriculture Designation for State of Nevada and Contiguous Counties (including Lassen County) due to agriculture losses caused by drought and insect infestation that occurred beginning January 1, 2003, is received and filed.

There being no further business, the meeting is adjourned at 11:44 a. m.

CHAIRMAN OF THE BOARD OF
SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD