

BOARD OF SUPERVISORS

JANUARY 28, 2003

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, January 28, 2003, at 9:34 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer (CAO) Andy Whiteman and County Clerk Theresa Nagel. Supervisor Keefer is absent. Following the flag salute, the invocation is offered by Supervisor Chapman.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Chapman announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to approve the agenda as posted.

PUBLIC COMMENT

1. Violet Stout reads a poem entitled "You're 10 Years Old Today" for her grandson. Chairman Chapman presents a Lassen County t-shirt to Violet with Poet Laureate embroidered below the County seal, from himself and CAO Whiteman in honor of Violet's birthday.
2. Chris Parilo, Field Representative to Congressman Doolittle, discusses the Congressman's open door policy and his commitment to his constituents.

Supervisor Dahle discusses a couple of issues that are important to this area, both of which are included in an omnibus bill: Payment In-Lieu of Taxes (PILT) funding and the need to keep this funding in place; and opening up the one cent federal tax credit to bio-mass facilities for the using recyclables harvested from federal lands (currently the tax credit is only available to facilities that plant, raise and process for energy their own trees).

Supervisor Hanson thanks Mr. Parilo for coming to the meeting and states the continued operation of Sierra Army Depot is a critical issue for Lassen County.

Supervisor Pyle states he is looking forward to working with Congressman Doolittle.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle comments there was a desire to have the Wilderness Coalition come back for further discussions on the Wilderness Act.
2. Supervisor Hanson announces the new hospital is scheduled for

dedication on April 4th.

3. Supervisor Pyle announces he attended a meeting relating to the FERC licensing of PG&E facilities at Hamilton Branch and Mt. Meadows Reservoir. He states the Mt. Meadows Conservancy presented a letter alleging mismanagement of grazing on PG&E property. Supervisor Pyle provided information from Farm Advisor David Lile and another expert stating the grazing is being managed correctly. He also states that PG&E is not interested in building a new boat launch area. They have plans for a picnic area on the northeast side of the reservoir which would not serve the residents of Westwood as well as the current area. He asks CAO Whiteman to get an updated Westwood Area Plan to PG&E.

4. Supervisor Pyle reports on a meeting he attended on the Westwood Visitor's Center. It is unknown if a grant for the facility will be received. He states a new contract is being put together for the Westwood Community Center. A Westwood Visitor's Center organizational meeting will be held on February 21st.

5. Supervisor Dahle states that livestock grazing on private land has nothing to do with FERC licensing and he does not understand why it is even being discussed.

6. Supervisor Pyle discusses the need for fencing along Highway 44 and requests this matter be placed on the next agenda. (Supervisor Pyle absent 9:55 - 9:59 a.m.)

7. Supervisor Chapman reports on the State Recreation Trail Committee meeting he attended last week.

8. Supervisor Chapman discusses comments made by State Director of Finance Steve Peace - that VLF fees are like crack cocaine to counties and they need to get off it; that he does not expect a budget to be passed and no suggestions as to how to operate without a budget; plans for structural reform by going back to pre-Prop 13 property taxes with higher taxes for commercial/industrial than residential. He states that actions being taken in Sacramento are designed to get everyone mad in an attempt to create a large turnout for the Presidential Primary which will be a runoff for the Democratic Nominee.

9. Supervisor Hanson notes the State will also be closing about half of the fire lookouts and that will mean a couple of critical lookouts in Northern California will be closed.

#### IN-HOME SUPPORTIVE SERVICES ADVISORY BOARD

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to accept the letter from John Baltar resigning from the In-Home Supportive Services Advisory Board, and direct the Clerk to advertise the vacancy.

#### CONSENT CALENDAR

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

#### COUNTY CLERK ITEM

Approve minutes of January 14, 2003 and January 21, 2003.

COUNTY CLERK/COUNTY COUNSEL ITEM

Adopt Resolution No. 03-005, amending the County of Lassen Conflict of Interest Code.

AGRICULTURE COMMISSIONER ITEM

Approve the Revised Noxious Weed Policy for the Department of Agriculture.

BOARD OF SUPERVISORS ITEM

Adopt Proclamation honoring Police Chief Jim Wages on his retirement from the City of Susanville.

HEALTH AND HUMAN SERVICES DEPARTMENT ITEMS

Approve awarding mini grants from Child Abuse Prevention and Intervention Funds (AB2994) to Camp Fire USA in the amount of \$4,000; to Lassen Family Services in the amount of \$4,000; and to Westwood Family Resource Center in the amount of \$4,000 for a period of one year to continue programs designed to teach prevention/intervention skills to youth.

OFFICE OF EMERGENCY SERVICES ITEM

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

PUBLIC WORKS DEPARTMENT - ROAD DEPARTMENT DIVISION ITEM

Approve contract change order CCO #2 with Baldwin Contracting Company for the Johnstonville and Center Roads Rehabilitation Project in the amount of \$14,668.05; and authorize the Director of Transportation to sign the contract change order.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Alcohol and Drug Advisory Board meeting agenda for January 30, 2003, and minutes of November 19, 2002.
- b. Technical Advisory Committee meeting agenda for February 4, 2003.

ASSESSOR

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to introduce, by title only, Ordinance No. 553, exempting low value escape assessments.

TREASURER / TAX COLLECTOR

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to adopt Resolution No. 03-006, approving sale of tax defaulted property at public and sealed bid auctions held on the internet.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and

carried to approve agreement with Bid4Assets, Inc., Silver Spring Maryland to advertise and hold a public auction of tax defaulted properties on the internet at a rate of \$65 per parcel; and authorize the Treasurer/Tax Collector to execute the agreement.

PUBLIC HEARING - SPECIAL DEER HUNT

The public hearing is opened at 10:21 a.m. to receive comments on the Proposed 2003-2004 deer hunt. The hunt is identified and located as follows: J-19 Zone X-7a Junior Either-Sex Deer Hunt.

Rob Hill notes the hunting success rate is very high in that area and he is a strong proponent of hunting opportunities for youth. No one speaks in opposition to the proposed hunt and the hearing is closed at 10:26 a.m.

Supervisor Dahle feels the Board should take no action, which will allow the hunt to proceed. He expresses his disappointment with the Fish and Game for the complete lack of information relating to biology and herd numbers.

PUBLIC HEARING - REZONE #2002-123, ROBERT HESSELTINE

The public hearing is opened at 10:30 a.m. on Rezone #2002-123, proposal by Robert Hesseltine to rezone 945 acres of lands from U-C-2 (Upland Conservation/Resource Management District) to U-C-2-A-P (Upland Conservation/Resource Management District, Agricultural Preserve) in association with a Williamson Act Contract approved by the Board of Supervisors on November 26, 2002. The subject lands are located adjacent to Red Rock Road (CR 512), approximately 12 miles east of Madeline.

Community Development Director Robert Sorvaag presents the staff report with a Planning Commission recommendation for approval.

Supervisor Dahle notes that Alpine and Modoc Counties are placing language in their Williamson Act Contracts to end the contract if State funding is not forthcoming. Chairman Chapman asks County Counsel to check into this suggestion for future discussions and direction to staff.

No one speaks in favor of or in opposition to the rezoning and the hearing is closed at 10:37 a.m.

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to introduce and adopt, by title only, Ordinance No. 467A-329, implementing the rezone.

PUBLIC HEARING - REZONE #2002-79, DENIS ROUSE

The public hearing is opened at 10:38 a.m. on Rezone #2002-79, proposal by Denis Rouse to rezone 160 acres of lands from A-1 (General Agriculture) to E-A-A-P (Exclusive Agriculture, Agricultural

Preserve) in association with a Farmland Security Zone Contract approved by the Board of Supervisors on November 26, 2002. The site is located adjacent to Susanville Road (CR 422), approximately 2 miles northeast of Bieber.

Community Development Director Robert Sorvaag presents the staff report with a Planning Commission recommendation for approval.

No one speaks in favor of or in opposition to the rezoning and the hearing is closed at 10:40 a.m.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to introduce and adopt, by title only, Ordinance No. 467A-330, implementing the rezone.

#### PUBLIC HEARING - REZONE #2002-57, ALTURAS RANCHES

The public hearing is opened at 10:41 a.m. on Rezone #2002-57, proposal by Alturas Ranches to rezone 781.15 acres of lands from U-C-2 (Upland Conservation/Resource Management District) to U-C-2-A-P (Upland Conservation/Resource Management Agricultural Preserve District) in association with a Williamson Act Contract approved by the Board of Supervisors on November 26, 2002. The site is located west of U. S. Highway 395, approximately 5 miles north of Termo.

Community Development Director Robert Sorvaag presents the staff report with a Planning Commission recommendation for approval.

No one speaks in favor of or in opposition to the rezoning and the hearing is closed at 10:42 a.m.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to introduce and adopt, by title only, Ordinance No. 467A-331, implementing the rezone.

#### COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to award contract for professional services in amount of \$20,000 to W. M. Beaty & Associates, Inc. to complete the Lassen County Fire Plan; and authorize the County Administrative Officer, or his designee, to execute the contract document and any subsequent amendments.

#### PUBLIC HEARING - COMMUNITY DEVELOPMENT BLOCK GRANT

The public hearing is opened at 10:45 a.m. to solicit comments regarding submittal of a grant application for up to \$500,000 to be funded by the State Department of Housing and Community Development (HCD) through the Community Development Block Grant Program, General and Native American Allocation, to be used for a wastewater treatment system for the Spalding Community.

Community Development Director Robert Sorvaag presents the staff report. Staff members answer questions from the board members. It is noted an additional grant will be applied for next year to complete the project.

Charles Ray and Merle Lay speak in favor of the grant application. No one speaks in opposition to the grant application and the hearing is closed at 11:01 a.m.

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to adopt Resolution No. 03-007, making an application and authorizing the execution of a grant agreement and any amendment thereto.

Recess 11:02 - 11:12 a.m.

#### PUBLIC WORKS DEPARTMENT

Jim Nichols and Engineer Joe Mactutis representing Nichols Consulting Engineers, Chtd. are present to provide a review of the County's new Pavement Management System. Mr. Mactutis provides information on the condition of paved roads in Lassen County showing that 50% of the roads are in good condition, 26% - fair, 16% - poor and 9% - very poor. The new Pavement Management System will assist with: planning and programming, projecting future roadway conditions and making cost effective decisions, addressing citizens concerns and meeting state and federal requirements for a management system in order to receive future funding. He presents three budget scenarios: #1 - Bring the Pavement Condition Index (PCI) to 82 from the current PCI 68 in 5 years (\$19.8 million/5 years); #2 - maintain current PCI (\$10 million/5 years); #3 - existing maintenance funding (\$7.6 million/5 years). He reviews the cost effectiveness of the different scenarios. He presents recommended actions relating to looking for funding opportunities, continued funding of roadway maintenance and rehabilitation at current level as a minimum, providing annual field reviews of roadway conditions, maintaining sufficient staffing levels and utilizing Pavement Management System to identify deficiencies and set funding priorities.

Chairman Chapman would like a presentation made to the Transportation Commission so City representatives can see it. He feels this would be a good resource to help LCTC allocate funds where they are needed. Public Works Director Larry Millar will follow through with this suggestion.

#### COUNTY ADMINISTRATIVE OFFICE

##### Budget update:

CAO Whiteman states that Supervisor Chapman covered the budget subject very well and the only thing he can add is the issue of VLF funding is being monitored.

## INFORMATION FOR THE BOARD

1. CAO Whiteman discusses an email received from Frank Stewart relating to a legislative proposal that would extend the QLG Project by five years. Supervisor Chapman asks the CAO to make arrangements for Frank Stewart to make a presentation to the Board on the QLG Project.
2. Supervisor Chapman informs the board members that he met with the Grand Jury last week and during discussions the subject of job descriptions came up. He was under the impression that all positions in the County had descriptions but has found that some do not. He wants the Personnel Department to identify all positions that do not have descriptions and to make it a higher priority to complete them.
3. CAO Whiteman describes the Employee of the Year Award and states that nominations for this award will be accepted from board members, staff, department heads and the public. The Recognition Committee will review the nominations and make a decision. Presentation will be made in May.
4. Supervisor Chapman informs the board members that he will be disqualifying himself from the study session this afternoon as he has done some business with the Susanville Indian Rancheria in the past year.

Recess 11:51 a.m. - 1:30 p.m. Supervisor Chapman is absent.

## STUDY SESSION

Persons in attendance from the Susanville Indian Rancheria introduce themselves: Tribal President Leo Guitierrez, Secretary/Treasurer Caroline Shelley, Tribal Board Member Joe Sanchez, Office Manager Jim Mackey and Environmental Manager Tim Keeseey.

Community Development Director Robert Sorvaag informs the board members that a Notice of (non-gaming related) Land Acquisition Application (875 acres) was received from the Bureau of Indian Affairs (BIA) relating to proposed placement of lands purchased by the Susanville Indian Rancheria "in trust". Comments are invited on the proposed acquisition in order for the Secretary of the Interior to assess the impact of the removal of the subject property from the tax rolls and the impact to the county. He reads a letter describing the proposal and setting forth planning, housing and land use impacts.

Caroline Shelley states in order for the Tribe to build houses on the property they must have the land "in trust".

Jim Mackey states that in regard to law enforcement, the Tribe does not receive any funding, therefore government agencies (city/county) would be responsible. He also states that Payment In-lieu of Taxes (PILT) funding comes to the local government from the federal

government. Assessor Kenneth Bunch indicates that PILT funding is based on leases of federal land and the Tribe would not be leasing any land. Mr. Mackey goes on to talk about money that goes into the economy from the casino and development of housing. In response to a question, he states the manner in which construction of water and sewer system infrastructure will occur has not been determined. He notes they are also acquiring 3.2 acres at Campbell Road and Weatherlow Street and plan to build 9 - 11 homes. Construction of homes on the 875 acres is not expected to occur for about ten years.

Susanville City Manager Newell Sorenson agrees with the County's analysis of land use issues. In regard to property tax loss he states that loss will not be recovered. In terms of services provided by the City, he states they would have stringent requirements in order to protect the water and natural gas systems. He states transportation is another big concern - taxpayers have put a lot of money in Numa Road, Spring Ridge Road and Skyline Road and there would be a need for a deeded access to maintain these as public rights-of-way.

Jim Mackey reviews the process for placing lands "in trust". He states public access cannot be restricted on roads built with BIA funding. He also notes that for homeowners living on Upper Paiute Lane a perpetual easement has been provided. He also discusses other easements that have been provided to the City and for utility purposes.

Sheriff Freitas states if the land is placed "in trust" the sovereignty issue becomes paramount. He has no concerns with the current Tribal Council but states if a future council made changes to the use of the property (i.e. more than the 52 proposed homes or business use) it could have a big impact on law enforcement.

Tim Keesey briefly discusses the ability of the Tribe to receive funding for the development of water/sewer infrastructure.

Community Development Director Robert Sorvaag discusses the County's Housing Element and how it could be impacted. He states this area has been considered for long-term housing development to accommodate 3000 homes.

Supervisor Dahle asks if the Tribe has ever considered a tax sharing agreement to help with the loss of tax revenues and for the provision of services.

Tribal Council Member Allen Lowry states they are not against such an agreement. County Counsel John Ketelsen asks Mr. Lowry if he is aware if any such agreements have addressed limitations on the provision of law enforcement. Mr. Lowry responds that he is not and goes on to state that he is also not aware of any problems with law enforcement on the current reservation lands. He explains how the Tribe plans to

improve the properties natural resources and also to provide housing for the expanding Tribes. He states having the property "in trust" will provide more opportunity for help from the federal government.

Assessor Bunch states in regard to taxes, that is a moving target as the taxes paid by the previous owner were somewhat over \$3,000, but with the recent purchase the taxes will increase to \$11,350 and if homes are built the estimate for taxes would be \$600-\$1000 per home per year to the County. He notes in Lassen County the majority of people work in facilities that are government owned and do not generate any property taxes. This is much different than most counties that have industries which provide big tax revenues.

Supervisor Dahle would like for County Counsel to investigate how other counties have addressed these same issues (i.e. Colusa, El Dorado, Tuolumne, Nevada & San Diego).

County Counsel John Ketelsen states that from what he knows of the process, the ability to make comments is much broader at this time than during the NEPA comment process. Since the comment period ends on February 9th, he suggests a request for extension be submitted and feels if the Susanville Indian Rancheria supported the extension it would be granted.

Mr. Lowry states there are only three Tribal Council Members present, and they have no problem with an extension to the comment period. He goes on to state the Tribe has no place to go for expansion and also notes they did not ask for land to be given to them - they purchased it.

Supervisor Dahle does not see why the Chairman couldn't be given authorization to sign a comment letter prepared by staff in the event an extension was not granted.

Community Development Director Robert Sorvaag offers to contact the BIA and ask for an extension and if denied then a response will be prepared, with input from the Assessor and Sheriff, for the Chairman's signature.

Leo Guitierrez hopes the County will make a good decision for the Rancheria and goes on to state they do not want anything from the City as every attempt to work with the City has been negative.

There being no further business, the meeting is adjourned at 3:04 p.m.

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CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD