

BOARD OF SUPERVISORS

FEBRUARY 25, 2003

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, February 25, 2003, at 9:31 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 Dahle.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Chapman announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Chapman requests that Item H-3, Wilderness Bill Resolution, be continued to the March 11, 2003 meeting. It is moved by Supervisor Keefer, seconded by Supervisor Hanson 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 reports the Economic Development Council received a status report on the federal prison. It is 93% complete and \$122 million has been spent to date with a total of \$125 million to be spent. They want to be a good neighbor and he welcomes them to the community. He notes they are mandated to purchase from small businesses. They also feel that most employees will settle in Lassen County. It is scheduled for completion in June with prisoners to be brought in six months later.
2. Supervisor Pyle is working to put together a presentation on Highway 44 fencing for the March 18, 2003 meeting.
3. Supervisor Keefer notes there are plans being put together for a local vendors fair so businesses can find out how they can serve the federal prison.
4. Supervisor Keefer discusses the RAC meetings held last Thursday and Friday at which 17 applications for funding were presented and discussed. The RAC will make their recommendations to the Forest Supervisor on March 14th and it is expected the funding will be available fairly soon. He further discusses three proposals of particular interest: the trout egg collecting project at Eagle Lake

is located on Forest Service land which makes it a more viable project for funding; County noxious weed eradication funding will probably go forward; a proposal from the Forest Service to remove culverts on Champs Flat Road and replace them with rock crossings will likely not receive support. The Forest Service did not coordinate with the County Road Department, and the Road Department is not supportive of the proposal partly because it could pose a danger to motorists on a relatively high speed dirt road.

5. Supervisor Keefer speaks about the proposal to close lookouts due to the State budget crisis. The CDF is very concerned as this area of the State suffers from many lightning caused fires and is sparsely populated with poor cell phone service so lookouts are needed to spot and report fires early. He will be drafting a letter for placement on the next agenda to urge the Governor to retain lookouts. Supervisor Chapman also notes the State prison fire crews are in danger of being eliminated due to budget cuts and he would like this issue included in the letter.

6. Supervisor Dahle received information at last weeks RCRC meeting on how local fire districts can bill for first responder services and he will get this information out to the districts.

7. Supervisor Dahle met with Congressman Doolittle last week and discussed Allen Camp Dam, bio-mass issues and Big Valley Sustained Yield Unit.

8. Supervisor Dahle will leave on Thursday for Washington, D.C. and will return on March 5th. He will be meeting with representatives to discuss bio-mass open and closed loop tax credit issues and housing and natural resource issues.

9. Supervisor Chapman reports the CSAC Executive meeting focused on the Legislative Analyst Report as it relates to county services. The State is expected to run out of cash in April if a budget is not approved and will have to begin issuing Revenue Anticipation Warrants (RAW). The State is working hard to avoid this as it will be very costly.

10. Supervisor Chapman will be placing an item on the next agenda to present a coordinated agency response to the lady living on Miller Road who does not want any spraying of noxious weed chemicals near her property due to her allergies. He notes that CalTrans has faced this same issue in a couple of other counties and they notify the specific person when such work will be done and the person has the opportunity to vacate and relocate while the work is performed.

11. Supervisor Hanson will be meeting with Stan Bayles regarding the removal of the railroad tracks between Wendel and Modoc County and the desire to preserve the corridor for trail purposes.

HEALTH AND HUMAN SERVICES - LASSEN WORKS DIVISION

Chris Mahan presents information on the Independent Living Program

(ILP) Computer Training which they want to send 14 foster care students to. Three students express why this camp is important to them - Jace Vinson, Trina Gerry and Chelsi Eggl.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve sending 14 Independent Living Program (ILP) students to computer skills training.

CONSENT CALENDAR

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

COUNTY CLERK ITEM

Approve minutes of February 11, 2003, and February 18, 2003.

ADMINISTRATIVE SERVICES - PERSONNEL ITEM

Receive and file Personnel Movement report for January, 2003.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION ITEMS

Receive report from Planning Commission - File Number 704.35 - Report on Conformity with the General Plan per Government Code § 65402: The disposal of surplus County-owned property consisting of a home and garage on 1.66 acres to the private sector. Located at 463-960 Raines Road, Janesville.

Receive report from Planning Commission - File Number 704.36 - Report on General Plan Conformity per Government Code § 65402: Land Acquisition of 10.76 acres currently owned by the City of Susanville, for development of a county community park. Located at the southwest corner of Diane Drive and Highway 395, Johnstonville, APN 116-180-08.

OFFICE OF EMERGENCY SERVICES ITEM

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

PROBATION DEPARTMENT - JUVENILE HALL ITEM

Approve travel authorization request for Jennie Hoffman and Sarah Kingstrom to attend Standard in Training for Corrections (STC) mandated Juvenile Correction Officer Core Course in Oroville, March 13 to April 4, 2003, at the estimated cost of \$4,688.

COUNTY CLERK - PROPOSITION 65 REPORT ITEM

Receive and file report #03-01, filed by Silas Bollinger, Lassen County Sheriff's Department on February 20, 2003 - NOTIFICATION OF HAZARDOUS MATERIALS RELEASE: On February 14, 2003, received

notification of a petroleum spill of approximately ninety gallons of fuel oil from a heating oil tank in a trailer park located at 2965 Johnstonville Road, Space #23. Owner arranged for a contractor to clean up the spill and Public Health would monitor.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Technical Advisory Committee special meeting agenda for February 19, 2003.
- b. Alcohol and Drug Advisory Board agenda for February 27, 2003, and minutes of January 30, 2003.

HEALTH AND HUMAN SERVICES - LASSEN WORKS DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried unanimously, on a roll call vote, to approve budget increase of \$64,000 (budget line item 120-0851-3006200) by transfer of incentive funds; and approve the purchase of three seven-passenger vans at an approximate cost of \$64,000.

PUBLIC WORKS DEPARTMENT - ROAD DIVISION

Public Works Director Larry Millar is present to provide a status report on traffic studies for county roads. The California Vehicle Code governs speed limits on roadways within California. Local authorities may determine and declare a speed limit other than the basic speed limit by law (55 MPH) by completing a traffic study (engineering and traffic survey). These surveys include several requirements deemed necessary by CalTrans and the Vehicle Code in order to warrant the change in the basic speed limit. In addition, to be enforceable by radar a survey must be completed within the last five (5) years which justifies the reduced speed limit. He reviews a report detailing what is required within these studies and how the department proposes to complete the work. He notes that speed limits may not necessarily be lowered as a result of a traffic study and in fact could increase if the results show the prevailing speeds (at the 85th percentile) are higher than the marked limit. Studies have shown that limits set more than 5 MPH below the 85th percentile speed has proven to result in an increase in accident rates. The department has purchased some traffic counters and a radar gun and has hired an Engineering Technician which will now put them in the position to complete studies. Center Road will be the first study completed with the submittal of a report to CalTrans later in the summer.

Supervisor Keefer asks that three roads in the Janesville area be studied when time allows. (County Counsel John Ketelsen departs at 10:26 a.m.)

BOARD OF SUPERVISORS

Chairman Chapman passes the gavel to the Vice-Chairman Hanson, due to a conflict of interest, and departs the room.

Trust Lands:

CAO Whiteman presents a staff report on the deadline to submit responses to the Bureau of Indian Affairs relating to the application for placement of certain lands north of Susanville in trust for the Susanville Indian Rancheria. (County Counsel John Ketelsen returns at 10:28 a.m.)

Community Development Director Robert Sorvaag reads proposed changes to a section of the draft letter of response to Bureau of Indian Affairs (BIA) expressing opposition to placement of certain lands north of Susanville in trust for the Susanville Indian Rancheria.

Tribal Chair Valerie Edwards presents a letter from the BIA indicating that a sixty day extension to the comment period would be honored if the County requests it. (Supervisor Chapman re-enters the room at 10:35 a.m. and departs at 10:38 a.m.) She asks the board members to table this matter and work with the Tribe before sending their comment letter. She states they want to have a working relationship with the County and notes this type of relationship does not exist between the Tribe and the City of Susanville. She feels the draft letter has been put together based on a lot of rumors rather than facts.

Supervisor Dahle has no problem with continuing this item as long as an extension can be obtained. He would like to have a study session held.

Tribal Secretary/Treasurer Carolyn Shelley states she spoke with CAO Whiteman yesterday and it was made clear to her that action had to be taken today and the board members were firm in their decision to oppose the placement of lands in trust.

Supervisor Pyle states the board members have not made a decision and he does not want to be criticized for making a decision that has not yet been made. He also states the board members make the decisions not staff.

Supervisor Dahle states the board members want to make decisions based on facts and he wants to be sure the facts are known.

CAO Whiteman feels the City and County staff need to meet jointly with representatives of the Indian Rancheria to set forth the issues prior to holding a study session.

Tribal member Allen Lowry thanks the Board for delaying action and states they want to work with County staff.

Vice-Chairman Hanson directs the CAO to request an extension to the comment period immediately, to set up a meeting between staff from the City and County and Indian Rancheria representatives, and to arrange a time for a study session.

Supervisor Chapman returns and resumes the chairmanship.

PUBLIC HEARING - LASSEN COUNTY HOUSING AUTHORITY

The Board of Supervisors recess and convene as the Lassen County Housing Authority Board of Commissioners.

The public hearing is opened at 10:51 a.m. to solicit comments on the Public Housing Agency Plan: Annual Plan for Fiscal year 2003.

Community Development Director Robert Sorvaag and Housing Coordinator Linda Armstrong present the staff report. No one speaks in favor of or in opposition to the plan and the hearing is closed at 10:58 a.m.

It is moved by Commissioner Pyle, seconded by Commissioner Hanson and carried to adopt Resolution No. PHA 03-04, approving submission of the Annual Plan and related Certifications to the US Department of Housing and Urban Development.

The Lassen County Housing Authority Board of Commissioners adjourn and the Board of Supervisors reconvene.

LASSEN COUNTY ARTS COUNCIL

Arts Council Executive Director Colleen Thorn thanks the board members for past support and provides information on the extreme financial cuts they have suffered and the expectation it will get worse. They are working hard to build their volunteer base and hope the California Arts Council can survive this year's budget crisis. She reviews the many programs the Arts Council provides for the community, and upcoming events. They have also implemented advisory committees to prepare for the future, regardless of what happens.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to adopt Resolution No. 03-015, approving participation in the 2003-2004 State/Local Partnership Program and the local priorities of the California Arts Council, and authorizing execution of grant contracts with the California Arts Council.

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It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to adopt a Proclamation honoring Casey Ardrey as the State Winner in the 2002/2003 "Imagine this ... Story Writing Contest", a program of the California Foundation for Agriculture in the Classroom.

Supervisor Hanson reads and presents the proclamation plaque to Casey Ardrey.

Supervisor Chapman presents another plaque to Casey's teacher Dean Weaver to be displayed at the school.

COUNTY ADMINISTRATIVE OFFICE

Ambulance Ordinance:

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried unanimously, on a roll call vote, to adopt, by title only, Ordinance No. 554 adding Chapter 11.15 to Title 11 of the Lassen County Code, relating to the conditions under which ambulance services will be provided in the County of Lassen.

Cable Franchise:

CAO Whiteman presents information on a franchise renewal for Adelpia Cable and indicates the first decision for the board members is the term and rate for the agreement. The two alternatives are: twenty (20) years with an option for an additional five (5) years, which is consistent with the terms of the City of Susanville Franchise; and ten (10) years with an option of an additional five (5) years. The twenty year version would have the company paying a franchise of 3% of gross revenue, increasing to 5% of gross revenue over the life of the agreement (increase begins in 2007). The ten year version would have a 3% franchise fee over the life of the agreement.

Supervisor Keefer discusses some problems that occurred when cable was put in place along Pine Street in Janesville and the ground was not properly compacted. The County had to incur costs to fix the road. He suggests there may be a need to require a performance bond in the future.

Adelpia General Manager Barbara Cox responds she was aware of the problem and that the contractors came back to make repairs and she thought everything had been taken care of. She states they will be happy to address this problem and had no problem with the requirement for performance bonds.

Supervisor Chapman feels that for consistency the County franchise should be the same as the City. If not, residents in the County and City will be paying different amounts for the same services.

County Counsel John Ketelsen would like the board members to make a determination on the term and rate of the agreement and he will make the appropriate changes to the ordinance to also address performance bonds and some other items that need to be fixed.

It is moved by Supervisor Keefer seconded by Supervisor Pyle and carried on a roll call vote, with Supervisor Dahle voting NO, to approve a term and rate schedule of twenty (20) years with an option for an additional five (5) years at a rate of 3% of gross revenue, increasing to 5% of gross revenue over the life of the agreement (increase begins in 2007) for Adelpia Cable.

Budget Update:

CAO Whiteman reports the main topic of discussion at the Northern CAO's meeting related to what State employees will be paid if no budget is in place on July 1st. The Jarvis Foundation is taking the stance they should be paid minimum wage and a Supreme Court decision should be made in ninety days. He states the CAO's are also worried about the costs of health insurance, workman's comp and pension costs.

CORRESPONDENCE

1. A letter from Lassen County 2002/2003 Grand Jury Foreman Tony Esparza asking all Supervisors to attend the Grand Jury meeting of March 4, 2003, is received.

Chairman Chapman asks the Clerk to look at board meeting dates in March to determine an afternoon the board members could meet with the Grand Jury. The Chairman of the Grand Jury will be contacting the Clerk for dates.

ADJOURNMENT

There being no further business, the meeting is adjourned at 11:40 a.m.

CHAIRMAN OF THE BOARD OF
SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD