

BOARD OF SUPERVISORS

MARCH 11, 2003

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, March 11, 2003, at 9:32 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

Chairman Chapman announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Pyle requests the meeting today be adjourned in memory of Harry Wasneechak and Raymond Bustamante. Supervisor Chapman requests that Item D-3, Senator Boxer's Wilderness Bill, be pulled from the agenda indefinitely.

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to approve the agenda with the noted changes.

PUBLIC COMMENT

1. Poet Laureate Violet Stout reads a poem entitled "Best Wishes for the Day Ahead" for birthday boy Mike Smith, and another poem entitled "Adelphia - Ordinance No. 555".
2. Rob Hill speaks about a proposal (AB 1190) to ban dove hunting. He states that resource management by emotion has been proven to not work well. This is the first step to ban hunting of other game birds. He notes the group that is pushing this legislation shows in their data that doves are the most prolific game bird in the nation - this is not about an endangered species. He is asking for a letter of opposition to this Assembly bill. Chairman Chapman directs this matter be placed on the next agenda.
3. John Lagamma states that he spoke to a police officer who was trying to locate a missing senior citizen and suggested that a canine unit would be very helpful. Chairman Chapman directs the CAO to refer this suggestion to the Sheriff and Police Chief for consideration.

UNAGENDIZED BOARD REPORTS

1. Supervisor Hanson attended the PSA II meeting and discusses their budget difficulties. He also asks that an item be placed on the next agenda relating to the proposed removal of the railroad line between

Wendel and Alturas.

2. Supervisor Hanson sits on the Resource Advisory Committee for the Bureau of Land Management (BLM) and reports on sage grouse conservation efforts and plans for a major effort to replace all BLM land use plans.

3. Supervisor Hanson attended the LAFCO meeting and reports that draft policies for LAFCO were presented. He would like to have Community Development Director Robert Sorvaag review and comment on the policy. He states the Susanville Indian Rancheria proposal to place property in trust was discussed and a brief letter will be sent. A budget for LAFCO was also presented at the meeting.

4. Supervisor Keefer reports the Forest Service RAC will be meeting on Thursday to make final recommendations to the Forest Supervisor and they will also be reviewing the Board of Supervisor's Title III Project recommendations.

5. Supervisor Keefer received complaints that CPS staff had experienced retaliation after they spoke about problems in the department. He contacted CAO Whiteman and indicated this will not be tolerated.

6. Supervisor Keefer will be bringing an item to a future agenda relating to a grant application for upgrading Janesville Park playground equipment.

7. Supervisor Keefer discusses a letter received from Norcal EMS relating to funding issues. CAO Whiteman responds this will be an item for consideration on the next agenda.

8. Supervisor Dahle attended the NACO meeting in Washington, D.C. and reports that additional PILT funding may be forthcoming. He notes that first responder federal funding has been going to law enforcement and there is a need for funding to fire departments and emergency agencies also - this matter is being pursued. He will distribute a six-page report on the Washington trip to all the board members.

9. Supervisor Dahle reports that RCRC is hiring a federal lobbyist for their housing program expansion and for natural resource issues.

10. Supervisor Dahle learned, while in Washington, that if an endangered species habitat exists but the species is not found there, there is no requirement for mitigation.

11. Supervisor Chapman states the meeting with the Grand Jury planned for this afternoon has been canceled due to a death in the Grand Jury Foreman's family. The meeting has been rescheduled for March 25th at 1:00 p.m.

12. Supervisor Chapman discusses the items considered at the Transportation Commission meeting.

13. Supervisor Chapman received a call from the head officer of HUD in response to a contact HUD received from the lady on Miller Road who has a hyper-sensitivity to pesticides.

14. Supervisor Chapman reports on the National Bike Summit that he

attended in Washington, D.C. last week.

COUNTY ADMINISTRATIVE OFFICER

Chairman Chapman asks County Counsel to review his letter relating to Ms. Victoria Miles request to not have any Herbicide/Pesticide Spraying near her property on Miller Road. County Counsel John Ketelsen sets forth the question: "What can the County do in response to this notice from Ms. Miles?" The answers are: "To the extent the County does the spraying itself, the range of reasonable responses includes special notice to the citizen when spraying around Miller Road is scheduled, the use of alternatives to spraying when they are reasonable and effective. The County is without power to control the other governmental agencies which conduct spraying in the vicinity. County ordinances or other legislation to restrain private individuals from engaging in the use of these substances would be problematic, at best."

Agriculture Commissioner Ken Smith provides information on the various methods used to control weeds - mechanical, biological and chemical when needed. He is willing to use the very safest chemical at the lowest rate with a 200 foot buffer around this specific property. He states they always use the safest method and safest material. He also notes that pulling certain weeds, such as Dalmation Toadflax which is located on Ms. Miles property, spreads the weed. He states spraying the area in the vicinity of her residence could be performed in one day.

Board members ask questions about this proposed action setting a precedence or affecting the Right to Farm Ordinance. County Counsel John Ketelsen responds the letter of response from the Board of Supervisors is just addressing this specific incident and is not setting any precedence.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried on a roll call vote, with Supervisor Keefer voting NO, to approve and authorize the CAO to sign a response letter to Ms. Miles, with the addition that this is setting no precedence and if other such incidents occur they will be handled in the same manner.

Recess 10:52 - 11:00 a.m.

CONSENT CALENDAR

Supervisor Dahle requests that Item G-7, Program Supplement Agreement, be pulled for separate consideration.

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 February 25, 2003.

BOARD OF SUPERVISORS ITEM

Adopt Resolution No. 03-016, supporting the Rural Alliance Inc. (RAI) Local Scholarship Program.

COUNTY COUNSEL ITEMS

Reject claim of Carol Jean Byers, in its entirety, and direct County Clerk to send Notice of Rejection.

Reject claim of Barbara A. "Jeri" Valdez, in its entirety, and direct County Clerk to send Notice of Rejection.

OFFICE OF EMERGENCY SERVICES ITEM

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

PUBLIC WORKS DEPARTMENT ITEM

Approve the rental agreement of the Susanville Veterans Memorial Building by Lassen High School for use of the basement west assembly area and occasional use of the main auditorium for the purpose of classroom instruction during the period of March 14, 2003 through June 6, 2003, in the amount of \$1,282.50; and authorize the Director of Public Works to sign the agreement.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Technical Advisory Committee meeting agenda for March 4, 2003 (Convene and recess to March 7, 2003).
- b. Lassen County Fair Advisory Board meeting agenda for March 10, 2003, and minutes of February 11, 2003.
- c. Planning Commission agenda for March 5, 2003.
- d. Local Agency Formation Commission meeting agenda for March 10, 2003.
- e. The Lassen Transit Service Agency meeting agenda for March 10, 2003.
- f. The Lassen County Transportation Commission meeting agenda for March 10, 2003.
- g. Mental Health Advisory Board meeting agenda for March 11, 2003, and unapproved minutes of February 11, 2003.
- h. Lassen County Air Pollution Control District Governing Board meeting agenda for March 18, 2003, and minutes of December 17, 2002.

TAX COLLECTOR

Tax Collector Richard Egan reports that no bids were received on the sealed bid sale of property located at 463-960 Raines Road, Janesville, California (Assessor's Parcel 129-060-041-11). He would like to offer this property on the internet along with the tax sale properties.

Chairman Chapman directs this option be pursued.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Community Development Director Robert Sorvaag presents information on a plan to implement a long term grazing plan for Susanville Ranch Park (SRP). He reviews the mistakes made previously and how the grazing will be handled to avoid the previous problems.

Chairman Chapman states the first question is do we want to pursue grazing on the park and if so how to implement a plan.

Board members express their thoughts on the benefits of grazing the lands (better grass growing, fire safety and better wildlife forage). CDF representative John Crites states he also will be representing John Gauthier from the Lassen County Fire Safe Council. He states the grazing fits in well with the fuels reduction projects. He states if we had another fire like the Devil Fire it could come down the canyon and run into the adjacent subdivisions and Meadowview School. City Parks and Recreation Director Rob Hill supports this program and states the City has already performed an aggressive fuels reduction program north of the park. He preserved the small trees from their thinning project and offers them to the county for use in building pole fences. Stan Bales feels the proposal will address the problems that occurred in the past with cattle grazing on the park and it should not impact the trails. He does note that strict maintenance of the cattle grazing is necessary.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to adopt the plan and direct staff to pursue the most economical pole fencing material that meets the needs.

PUBLIC WORKS DEPARTMENT - ROAD DIVISION ITEM

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried, with Supervisor Dahle abstaining, to adopt Resolution No. 03-017, approving the execution of Program Agreement No. MOO4, Rev. 1, State Transportation Improvement Program (STIP) project for the construction phase on Susanville Road A-2, PPNO # 2049-SB45, in the

amount of \$4,304,587; and authorize the Chairman to sign.

ADMINISTRATIVE SERVICES - PERSONNEL DIVISION

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to authorize the reclassification of the Senior Administrative Clerk (Range 10; Position No. 9135) in the Mental Health Department to Senior Account Clerk (Range 11).

PUBLIC WORKS DEPARTMENT

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to award bid for the purchase of a 2003 Diesel Semi-Truck Tractor to Worthern Kenworth, Inc., Sparks, NV, the lowest bidder meeting specifications, in the amount of \$85,161.86.

FRANCHISE ORDINANCE NO. 555

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried on a roll call vote, with Supervisor Dahle voting NO, to introduce, by title only, Ordinance No. 555, renewing a franchise for Adelpia Cable.

BUDGET UPDATE

CAO Whiteman reports the Williamson Act funds have been received for this year. Auditor Karen Fouch states that both the 2001/2002 and 2002/2003 funds have been received for an amount over \$900,000.

INFORMATION FOR THE BOARD

1. CAO Whiteman reports the Court's consultants have finalized their recommendations on the courthouse and a meeting is scheduled for the end of March. He asks Supervisor Chapman and Supervisor Dahle to tentatively mark their calendars for the 27th and 28th.
2. CAO Whiteman asks if the board members want to establish criteria for the Rural Alliance Inc. (RAI) Local Scholarships. Supervisor Dahle states that most of the counties are accepting all applications and the Board of Supervisors review and award the two \$500 scholarships. Chairman Chapman directs the County Clerk and Supervisor Dahle to prepare an announcement, notify high school counselors and submit the information to the news media.
3. CAO Whiteman announces that Banner Health Systems is donating the current hospital to the Lassen College Foundation who have plans to use it for the nursing program and student housing.
4. CAO Whiteman distributes information from Congressman Doolittle providing request deadlines for Fiscal Year 2004 funding from the following sources: Agriculture, Rural Development, FDA; Commerce-Justice-State; Defense; Energy and Water; Interior; Labor, Health and Human Services and Education; Military Constructions; Transportation; Homeland Security; Veterans Administration-Housing and Urban

Development; and Foreign Ops.

CORRESPONDENCE

1. A letter from Lassen Sportsmens Club President Rob Hill inviting the County to co-sponsor the 14th Annual Junior Fishing Derby with the City of Susanville on Saturday, April 19, 2003; and requesting the County extend its insurance coverage for the activity along the Susan River outside of the city limits, is received.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve extending county insurance coverage for the Annual Junior Fishing Derby, and direct that a letter of support be sent to the Lassen Sportsmens Club.

2. A letter from SunTel Communications, LLC announcing pending changes in customer rates (Lake Almanor System) effective April 1, 2003, is received and filed.

FIRE LOOKOUTS

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to approve and authorize the Chairman to sign a letter to Governor Davis expressing concern over the elimination of fire lookouts.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:40 a. m. in memory of Harry Wasneechak, a long-time member of the Westwood Community; and Raymond Bustamante, a sixty-year member of the Westwood Community.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD