

BOARD OF SUPERVISORS

MARCH 25, 2003

The Lassen County Board of Supervisors convene in Regular Session at 9:04 a.m. Chairman Chapman asks for public comment and no comments are received. County Clerk Nagel announces the Closed Session items and the Board recesses to Closed Session at 9:05 a.m. for: 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: McCain vs. Lassen County, Case #24431; 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: PG&E Bankruptcy; and 3) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment & Richard and Mary Morgan vs. Lassen County, Larry and Lise Wosick, Superior Court Case #36349.

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, Assistant County Counsel Craig Settlemire and County Clerk Theresa Nagel. Supervisor Hanson enters at 9:10 a.m., Supervisor Dahle enters at 9:12 a.m. and Craig Settlemire departs at 9:20 a.m. Closed Session is recessed at 9:30 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, March 25, 2003, at 9:34 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 Hanson.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces the Closed Session dealt with: 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: McCain vs. Lassen County, Case #24431 - no action to report; 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: PG&E Bankruptcy - Board authorized a contribution of \$166.00 toward litigation costs involved in the PG&E Bankruptcy proceedings by the following vote: 5 - Ayes, 0 - Noes and 0 - Abstain; and 3) Conference

with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment & Richard and Mary Morgan vs. Lassen County, Larry and Lise Wosick, Superior Court Case #36349 - no action to report.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Dahle needs an item added to the agenda, pursuant to Government Code Section 54954.2 (2) that the need to take action arose subsequent to the agenda being posted, and cannot wait for the next meeting, for a letter requesting an extension of the comment period on the FERC Draft Environmental Impact Statement for the PG&E Project #233, in order to develop information essential for a complete picture of the cumulative effects of the proposed 4 (e) license conditions.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously to approve the agenda with the noted addition.

PUBLIC COMMENT

1. Violet Stout reads a poem entitled "Spoils of War".
2. Emergency Services Director Chip Jackson provides an update on the brief Condition Red reached last week. They stiffened security and notified the Chairman of the Board and the CAO. Some lessons were learned and they will be making revisions to their plan. We are back on Orange High now.

He introduces Officer Mike Carney who put himself through "The Academy" and has transferred from the jail to patrol. He will be assigned to the South County.

UNAGENDIZED BOARD REPORTS

1. Supervisor Keefer has received information from CDF that the Corrections Department has assured them camp fire crews will be funded.
2. Supervisor Keefer designates that \$1000 of his discretionary funds be allocated to the Milford Community Association for the continued development of their park.
3. Supervisor Keefer will be attending the County-Schools Coalition meeting in Reno this weekend.
4. Supervisor Pyle wants to be sure the Board follows-up to make sure our state representatives are aware we are strongly opposed to the proposed \$6.00 per acre fire fee on state maintained lands.
5. Supervisor Hanson will be working with Supervisor Keefer on the State Responsibility Areas \$6.00 fire fee proposal and reports on meetings he attended last week relating to this

matter.

6. Supervisor Hanson informs CAO Whiteman the study session for Herlong property acquisition can be held in May because the paperwork will not be ready until June. He also notes there is an upcoming meeting scheduled with the HUC.

7. Supervisor Hanson announces the Air Pollution Control District issued a cease and desist order to end dumping ash at the Dry Valley Site to Sierra Pacific Industries in Plumas County until they get caught up on incorporating the ash into the soil.

8. Supervisor Chapman reports on the CSAC meeting and how disappointing it was in regard to the budget crisis - so little information was available.

9. Supervisor Chapman is working with CAO Whiteman to place an item on the next agenda regarding funding needs of the Senior Citizens Program.

CHILD ABUSE PREVENTION MONTH

Melody Brawley introduces Michelle Casilla, the Chairman of the Local Child Abuse Prevention Team, who then introduces other members of the team who are present - Darrell Foster from Bridges, Ren Tilstra from Lassen Family Services, Mary O'Riley from Public Health, Orlando Shannon and Camille Young from LassenWorks.

Information is provided on Lassen County Child Abuse Prevention Month planned activities along with a calendar of events for the month.

HEALTH AND HUMAN SERVICES DEPARTMENT - ENVIRONMENTAL HEALTH DIVISION

Environmental Health Officer Doug Ames provides information on various ways to address the need for Certified Unified Program Agency (CUPA) staffing: 1) Contract for position to manage hazardous waste and hazardous materials management program; OR, 2) create a County position; OR, 3) return program to Cal/EPA; OR, 4) take no action.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to authorize contracting for a position to manage hazardous waste and hazardous materials management program.

Recess 10:22 - 10:27 a.m.

PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

The public hearing is opened at 10:29 a.m. to consider an ordinance revising Title 18 of the Lassen County Zoning

Ordinance adding section 18.108.290 regulating wireless service facilities, and amending Ordinance 482 establishing fees for wireless facilities application review (file #318.01.23), and adoption of negative declaration #2001-043.

Rick Simon presents the staff report by reviewing the major components of the ordinance.

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

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried unanimously, on a roll call vote, to adopt the negative declaration; and introduce and adopt Ordinance No. 467-AA, by title only.

PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT

The public hearing is opened at 10:41 a.m. to solicit comments regarding submittal of a grant application for up to \$600,000, to be funded by the State Department of Housing and Community Development (HCD) through the Community Development Block Grant Program, for infrastructure improvements related to the construction of Rocky Ridge Drive.

Assistant Community Development Director Bertotti, Banner Hospital Administrator Dave Anderson and Grant Writer Greg O'Sullivan from Economic Development On-Call, present the report.

Several questions are asked in relation to the planned usage of the grant funds.

Supervisor Chapman feels the true plans for the development of this entire area needs to be known to see how it will impact county planning. He wants to know who will pay for this development and is asking for the protection of the taxpayers. He notes this information has been requested repeatedly from the City and has not be provided.

Supervisor Dahle states he will vote yes, but he does not like this type of process for planning.

No one speaks in opposition to the grant application, David Anderson speaks in favor of the application and the hearing is closed at 11:07 a.m.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried unanimously, on a roll call vote, to adopt

Resolution No. 03-023, making an application and authorizing execution of a grant agreement and any amendment thereto, for Economic Development Allocation Over-the-Counter Component for up to \$600,000.

PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

The public hearing is opened at 11:08 a.m. on General Plan Amendment #765.01.07 and Zoning Amendment #318.01.25, amendments to Lassen County General Plan-2000, the Standish-Litchfield Area Plan, and the "M-R" (Mountain Resort) zoning regulations, in order to further the intent of the "Belfast Initiative": remedy inconsistencies between the "Belfast Initiative" and Lassen County General Plan-2000 and the Standish-Litchfield Area Plan; and ensure consistency between the "M-R" zoning regulations and those lands under a Williamson Act Contract and affected by the initiative.

Community Development Director Robert Sorvaag announces the Planning Commission has continued this item to April 2, 2003 and therefore this hearing needs to be continued to April 22, 2003.

No one is present for this item and Chairman Chapman continues the public hearing.

PUBLIC HEARING - REZONE #2002-117, PARCEL MAP 2002-117 AND MITIGATED NEGATIVE DECLARATION #2002-117, MARK MOGLICH

The public hearing is opened at 11:11 a.m. on Rezone Application #2002-117, Parcel Map #2002-117 and Mitigated Negative Declaration #2002-117, filed by Mark Moglich, to divide 161.80 acres into four +/- 15 acre parcels with +/- 100 acre remainder and to rezone the four 15 acre parcels from A-2-B-19, Agricultural Residential Building Site Combining District with a 19 acre average lot size to A-2-B-15, and the southerly 100 acres from A-3, Agricultural District to E-A, Exclusive Agriculture District. The project site is located on the north side of Sunnyside Road, approximately 2 miles east of its intersection with U.S. 395 in the Community of Janesville.

Supervisor Dahle is absent 11:11 - 11:12 a.m.

Community Development Director Robert Sorvaag announces the applicant has requested this hearing be continued to April 22, 2003.

No one is present for this item and Chairman Chapman continues the public hearing.

PUBLIC HEARING - REZONE #2002-27 AND PARCEL MAP #2002-27 LENNIE EADES

The public hearing is opened at 11:12 a.m. on Rezone Application #2002-07 and Parcel Map Application #2002-27, filed by Lennie Eades, proposal to change the zoning on 230 acres of the subject property from A-3-B-80 (Agricultural, Building Site Combining District - 80 acre minimum) to U-C (Upland Conservation) on 150 acres, from A-3-B-80 to U-C-2 (Upland Conservation / Resource Management District) on 50 acres, and from U-C to U-C-2 on 30 acres. In conjunction with the rezone, the applicant is proposing to subdivide the 520 acre subject property into 4 parcels being 240 acres, 120 acres, 80 acres, and 80 acres in size, located 3 miles East of Pittville.

Planner Kent Hector presents the staff report.

No one speaks in opposition, Lennie Eades speaks in favor of the rezoning ordinance requesting the utility condition be changed to require easements rather than installation, and the hearing is closed at 11:18 a.m.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to: adopt Resolution No. 03-024, as recommended by the Planning Commission, which includes the following:

- o Adoption of Negative Declaration #2002-27
- o Approval of Rezone #2002-27
- o Approval of amendment to condition #10 to Parcel Map #2002-27 to require utility easements rather than installation of utilities until the property is developed
- o Approval of parcel Map #2002-27, with conditions as amended

and introduce and adopt, by title only, Ordinance No. 467A-332, rezoning 230 acres the subject property from A-3-B-80 to U-C (on 150 acres), from A-3-B-80 to U-C-2 (on 50 acres), from U-C to U-C-2 (on 30 acres).

HEALTH AND HUMAN SERVICES - SOCIAL SERVICES

IHSS Program Manager Melody Brawley provides an update on activities of the program.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to adopt Resolution No. 03-025, changing the number of advisory committee members from nine to seven; and approve the bylaws of the In-Home Supportive Services (IHSS) Advisory Committee.

IN-HOME SUPPORTIVE SERVICES PUBLIC AUTHORITY

The Board of Supervisors recess and convene as the In-Home Supportive Services Public Authority.

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to adopt Resolution No. IHSS 03-001, establishing an employer-employee relations policy for labor relations with the IHSS employees.

The In-Home Supportive Services Public Authority adjourns and the Board of Supervisors reconvene.

FISH AND GAME COMMISSION

In regard to appointments to fill vacancies on the Lassen County Fish and Game Commission created by the expiration of appointed terms - Supervisor Keefer requests that Rob Hill be retained and notes that Tim Semon has indicated he can no longer serve. Supervisor Hanson wishes to retain Eric A. Bushong and Bob Roe, with Larry Morgan as alternate.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to make the noted appointments.

LASSEN COUNTY FAIR BOARD

For vacancies on the Lassen County Fair Board, created by the expiration of appointed terms - Supervisor Keefer retains Carol Montgomery and Dena Wemple. Supervisor Hanson retains Nancy Satica and wishes to appoint Jerry Hitchings to replace Bill Waltman who has indicated he can no longer serve.

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried to make the noted appointments.

PLANNING COMMISSION

For vacancies on the Lassen County Planning Commission, created by the expiration of appointed terms - Supervisor Keefer retains Fredrick M. Mallery and Supervisor Hanson retains Bob Beckett.

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried to make the appointments.

CONSENT CALENDAR

Supervisor Keefer requests that Item G-1, minutes, be removed from consent 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:

ADMINISTRATIVE SERVICES - PURCHASING ITEM

Receive and file report on Computer Hardware Purchase for LassenWorks.

ADMINISTRATIVE SERVICES - PERSONNEL ITEM

Receive and file Personnel Movement report for February, 2003.

BOARD OF SUPERVISOR'S ITEM

Adopt Proclamation declaring the month of March as "Red Cross Month".

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 February, 2003 and High Desert State Prison Trials Cost Reimbursement Billing for the month of February, 2003.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Alcohol and Drug Advisory Board meeting agenda for March 20, 2003, and minutes of February 27, 2003.
- b. Mountain Counties AIDS Consortium and the Five County HIV Prevention Project quarterly meeting agenda for March 27, 2003.

BOARD OF SUPERVISOR'S MINUTES

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried, with Supervisor Keefer abstaining, to approve minutes of March 18, 2003.

COMMUNITY DEVELOPMENT DEPARTMENT - CODE ENFORCEMENT DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to adopt Resolution No. 03-026, authorizing the submittal of a grant application to the Department of Housing and Community Development for capital expenditures related to code enforcement.

Supervisor Pyle is absent 11:50 - 11:52 a.m.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to introduce, by title only, Ordinance No. 556, amending Title 9 of the Lassen County

Code to provide suspension of restrictions for special events within Susanville Ranch Park; and authorize suspension of park restrictions (camping, campfires, firing of blanks by cannon and muskets) for activities specifically related to the Civil War Re-enactment event only.

BUDGET UPDATE

1. CAO Whiteman states the most telling remark he heard at CSAC last week was the only tax that would be passed is the VLF Trigger and if counties think they will be keeping the funding they better watch their back pocket.
2. CAO Whiteman attended a workshop relating to how planning decisions will be made by county boards and city councils and that it will be based on "environmental justice". He notes there is a task force discussing what this means.

INFORMATION FOR THE BOARD

Public Works Director Larry Millar informs the board members that construction on the animal shelter will begin next week - Chuck Miles will be supervising the plumbing. They hope to have completion by the end of the season although the office construction may have to wait.

CORRESPONDENCE

1. Tuolumne County Resolution regarding State Fire Lookouts, is received and filed.

There being no further business, the meeting is adjourned at 11:56 a.m.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD