

BOARD OF SUPERVISORS

APRIL 15, 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 items and the Board recesses to Closed Session at 9:09 a.m. for: 1) Conference with Legal Counsel: Significant exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9: 1 case; 2) Conference with Labor Negotiator Andy Whiteman: May include the following bargaining units - a) Lassen County Peace Officers Assn. (LCPOA), b) Lassen County Correctional Peace Officers Assn. (LCCPOA), c) United Public Employees of California (UPEC), d) Lassen County Road Workers Assn. (LCRWA), e) Mid-Management, f) Commanders Association, and g) Management; and 3) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment and Richard and Mary Morgan vs. Lassen County, Larry and Lise Wosick, Superior Court Case No. 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, Personnel Director Lynne Margolies, Assistant County Counsel Craig Settlemire and County Clerk Theresa Nagel. Craig Settlemire departs at 9:14 a.m. following discussion of Item 3 and before discussion of Item 1 & 2. Closed Session is recessed at 10:02 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, April 15, 2003, at 10:05 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:

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

2) Conference with Labor Negotiator Andy Whiteman: May include the following bargaining units - a) Lassen County Peace Officers Assn. (LCPOA), b) Lassen County Correctional Peace Officers Assn. (LCCPOA), c) United Public Employees of California (UPEC), d) Lassen

County Road Workers Assn. (LCRWA), e) Mid-Management, f) Commanders Association, and g) Management - no public report required because agreements are not final.

1) Conference with Legal Counsel: Significant exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9: 1 case - no public report required because no final action was taken.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

1. Poet Laureate Violet Stout wishes everyone a Happy Easter.

2. Colleen Mode, spokesperson for residents living at Sierra Housing Project (SHP) in Herlong, reads a lengthy statement relating to the possible closure of the housing project. She indicates that housing is in short supply and the situation will only worsen if Susanville Indian Rancheria (SIR) is allowed to close SHP. She notes that only 73.88% of the homes are currently rented, refers to mismanagement of the project and makes suggestions for better management. She asks the Board to insist that SIR keep the SHP operating.

Chairman Chapman asks Supervisor Hanson to work with County Counsel to properly place this matter on an upcoming agenda.

3. Cynthia Cameron is representing persons in the Hallelujah Junction area who are working to form a fire protection county service area. She wants to be placed on the next agenda and presents a packet of information to Supervisor Hanson.

RECOGNITION COMMITTEE - PRESENTATION

Supervisor Dahle makes the following presentation for years of service:

Thirty-five years: Rosewood Captain's Clock to Jim Watters (Public Works/Road Department). Supervisor Dahle comments on how Mr. Watters goes above and beyond the call of duty in maintaining roads in the North County.

ALCOHOL AND DRUG PROGRAM & PROGRESS HOUSE

Alcohol & Drug Program Director Michael Beard provides a brief overview of the operation of the Progress House Youth Regional Treatment Center Program in Herlong. He indicates a request will be submitted to the Board to pay funds to Progress House that have come to Lassen County from Alpine County. He then introduces Progress House Director Tom Avey. (Supervisor Dahle departs at 10:24 a.m.)

Mr. Avey provides information on what has been achieved at Progress House over the past six months. The total number of clients that have

been served since August 2002 is twenty-six, Lassen County having enrolled nine clients with the remainder coming from ten other counties. There are twenty full time employees which includes childcare workers, social workers, alcohol and other drug counselors. Staff will continue to expand as the clients expand to a maximum of twenty-four. He announces to date the expenses have exceeded the revenues by \$85,000, therefore he believes they have earned the right to receive the funds from Alpine County.

Supervisor Hanson has received no negative comments about the facility and in fact, has received positive comments. (Supervisor Dahle returns at 10:28 a.m.) Supervisor Chapman also adds his compliments noting he was originally against the program due to the poor management of the previous group.

TREASURER / TAX COLLECTOR

Treasurer/Tax Collector Richard Egan presents two bids for the sale of Surplus Property (129-060-0411), 463-900 Raines Road, Janesville. He recommends the bid be awarded to the highest bidder, Joel & Shirlee Nolen (\$51,200).

In answer to a question from Supervisor Chapman, County Counsel John Ketelsen affirms if the escrow falls through, the second highest bidder would be able to purchase the property without having to go out to bid again.

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to authorize the property sale to the highest bidder, Joel & Shirlee Nolen, with the stipulation if the escrow fails it will be offered to the next highest bidder, German, Sergio & Nadia Platonoff (\$50,000); and authorizing the CAO to sign any necessary documents.

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 April 8, 2003.

COUNTY COUNSEL ITEMS

Reject the request to adopt a resolution authorizing the issuance of a TRAN on behalf of the Lassen Union High School District; and direct the Clerk of the Board to execute the memorandum of refusal.

Reject claim of Lynch Trucking, 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.

PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

Receive and file Recap of CCC Prison Trials Cost Reimbursement Billing for the month of March, 2003; and High Desert State Prison Trials Cost Reimbursement Billing for the month of March, 2003.

PROBATION DEPARTMENT ITEM

Approve travel authorization request for Bryan Stovall and Anita Easton to attend the mandatory Standards and Training Corrections (STC) Core Training in Red Bluff, May 7 - 30, 2003, at the estimated cost of \$5,751.

ADMINISTRATIVE SERVICES - PERSONNEL ITEM

Receive and file Personnel Movement report for March, 2003.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Air Pollution Control District Governing Board meeting agenda for April 15, 2003, and minutes of March 18, 2003.
- b. Local Agency Formation Commission meeting agenda for April 14, 2003.
- c. Lassen Transit Service Agency meeting agenda for April 14, 2003.
- d. Lassen County Transportation Commission meeting agenda for April 14, 2003.
- e. Lassen County Fair Advisory Board unapproved minutes of April 8, 2003.

UNAGENDIZED BOARD REPORTS

1. Supervisor Hanson notes that May is Mental Health Month and a celebration is scheduled for May 17th at Memorial Park.
2. Supervisor Hanson visited the site in Constantia, along with Ken Smith and other interested parties, to view the area where ash is being incorporated into the soil as an amendment. The problem of ash building up was discussed.
3. Supervisor Hanson states that yesterday's LAFCO meeting was good and he reports on discussions held relating to the need for fire protection in the Hallelujah Junction area. He wants an item placed on the next agenda to begin the process of forming a county service area.
4. Supervisor Pyle designates the remainder of his discretionary funds (\$644.30) go to the Westwood FFA to be used in their planned construction of a barn.
5. Supervisor Keefer reports that LAFCO is still working on organizational issues and there was a lot of discussion between the city and county representatives without coming to agreement. On June 3, 2003 they will be dealing with policies and procedures.
6. Supervisor Keefer attended a meeting with fire agency representatives. Discussions were held on the desire for coordination

between all parties relating to fuel treatment. An MOU between agencies for coordination and cooperation may be the result of the discussions.

7. Supervisor Dahle will be attending RCRC the next two days. He briefly discusses AB 10X, which relates to fee structure changes in regard to the Air Resource Board and the State Water Resource Control Board.

8. Supervisor Pyle provides some good news in regard to the Williamson Act funding remaining in the State budget.

9. Supervisor Chapman announces he went on a tour of the new Sheriff's Administration Office and he discusses the schedule for moving to the new building.

10. Supervisor Chapman reports on the Transportation Commission meeting and reviews various road projects.

11. Supervisor Chapman reminds everyone the Junior Fishing Derby fish planting will be held tomorrow.

AUDITOR

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously on a roll call vote, to approve increases to the following funds - REVENUES: District Attorney - state revenues received (130-0431-206200) by \$30,000; Self-insurance Reserve - Interfund Revenue (180-1801-2010700) by \$800,200; Self-insurance Reserve - Misc Revenue (from Courts) (180-1801-2011200) by \$36,750. EXPENDITURES: Self-insurance Reserve-Insurance Expenses (180-1801-3001500) by \$836,950.

COUNTY COUNSEL

Sewer easement:

County Counsel John Ketelsen states the agreement for a sewer line easement across the fairgrounds needs some revision to provide if "there is a conflict between the location of the easement and the operations of the fair, the SCSO will relocate the sewer line as needed at no cost to the County". Supervisor Dahle would like to also add the provision that "no tap-in fee shall be charged to the County if a future connection is needed for the fairgrounds".

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to adopt Resolution No. 03-028, granting an easement for sanitary sewer line purposes to Susanville Consolidated Sanitary District on the Lassen County Fairgrounds property, with the above noted additions.

Development Agreement Ordinance:

County Counsel John Ketelsen explained the purpose of the Development Agreement Ordinance is to provide authority to add a land use control device known as "Development Agreements" to the Lassen County Code as Chapter 18.117, pursuant to Government Code Section 65865(b) which allows a county and developer to make commitments to one another at

the time either or both makes a substantial investment in a project. Such agreements would: be used to limit the uses allowed in a development area so that environmental reviews could be more focused; be used to assure comprehensive design as mutually described by the County and the developer; and be used in various ways as an incentive to expand public facilities and benefits included in projects consistent with the General and Area Plans of the County. He explains that any development agreement itself would have to be adopted by a County ordinance. The tool could be used in negotiations with the owners of the property covered by the Belfast Initiative as a way to help make the initiative language and project design consistent with the General and Area Plans.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to introduce, by title only, Ordinance No. 557, adding Chapter 18.117 to the Lassen County Code, authorizing the use of Development Agreements as a land use control device.

UNITED STATES FOREST SERVICE

Eagle Lake Resource Officer Duane Jackson and Forest Land Officer Lois Charlton are present to provide information on the Spalding land exchange. Ms. Charlton informs the board members the Draft EIS is going out on Friday. She reviews steps taken to make the land exchange go faster and responds to Supervisor Pyle's concerns that the exchange be completed timely so the grant funding is not jeopardized.

HEALTH AND HUMAN SERVICES DEPARTMENT

Health and Human Services Director Tom Keefer introduces Administrative Services Manager Diana Wemple.

He provides information on a need for credit cards with specific hotel chains and car rental agencies for use by employees required to travel while conducting county business.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to adopt Resolution No. 03-029, authorizing the County Auditor and County Administrative Officer to establish corporate credit accounts with hotel chains and car rental agencies for use by county employees required to travel while conducting county business.

BUDGET UPDATE

CAO Whiteman reports there was a compromise on the Phillip Morris lawsuit therefore the "check is in the mail" to the State for tobacco taxes.

INFORMATION FOR THE BOARD

1. CAO Whiteman announces that June 13th has been chosen as the date for the County Picnic. Board members agree to this date.

2. CAO Whiteman has checked with CalTrans regarding placing a sign on Highway 36 to direct visitors to the Westwood Visitor's Center. They are waiting on the county to put up arrow signs on the county roads to direct visitors after they turn off the state highway.

Recess 11:34 - 11:45 a.m.

COURT FACILITY MASTER PLAN

Judge Ridgely Lazard is present to provide a report on the status of the County-wide Court Facility Master Plan. He reads a statement about the State of California being in the process of planning to take over the ownership and responsibility of court facilities throughout the State. The planning objectives included: 1) meeting the state standards for size and function; 2) centralizing operations; 3) consolidating operations in one building; 4) remaining on the existing historic courthouse site; 5) maximizing service and accommodations for the public; and 6) maximizing cost effectiveness. The local steering committee consisting of the two local judges, the court administrative officer, a representative from the Administrative Office of the Courts, a community member, a local attorney and the Sheriff met with the consultants three times to provide input and suggestions. They came up with three options, two of which would have the courts remain on the existing historic courthouse site. The consultants analyzed the options and found the existing site would not meet the State standards or planning objectives established by the steering committee. The consultants are now in the process of preparing a draft report on option three for the construction of a new court facility off of the existing site, with the caveat that the existing courtroom be retained for ceremonial use. The report should be available in the next few months. This is information only at this time, and no binding decisions have been made. The State and County will make the ultimate decision with information and suggestions made by the steering committee.

There being no further business, the meeting is adjourned at 12:06 p.m.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD