

BOARD OF SUPERVISORS

APRIL 8, 2003

The Lassen County Board of Supervisors convene in Regular Session at 9:05 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 9:07 a.m. for: 1) 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 2) Conference with Labor Negotiator: County Designated Representative: Lynne Margolies, Personnel Director; Unrepresented Employee: Psychiatrist/MD.

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, Auditor Karen Fouch, Assistant Auditor Sonjia Edwards, Public Works Director Larry Millar and County Clerk Theresa Nagel. Closed Session is recessed at 9:48 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, April 8, 2003, at 9:50 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

The County Clerk announces the Closed Session dealt with: 1) 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 reportable action taken; and 2) Conference with Labor Negotiator: County Designated Representative: Lynne Margolies, Personnel Director; Unrepresented Employee: Psychiatrist/MD - It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried on a roll call vote, with Supervisors

Hanson, Pyle & Keefer voting YES, and Supervisors Dahle, Chapman voting NO, to approve a contract with full time psychiatrist (Dr. Green).

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

1. John Crites announces that CDF has begun work with Antelope Camp Crews on the Susanville West Paiute Creek 6 acre demonstration fuels reduction project.

2. Lassen County Fire Warden Steve Peterson talks about the closing of CDF lookouts. He was part of a meeting with the five major landowners in Lassen County and Thomas Gauthier to discuss options for dealing with this problem. They are doing all they can to work on this issue but so far nothing has happened in regard to keeping the lookouts open. He will keep the Board informed.

CONSENT CALENDAR

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

COUNTY CLERK ITEM

Approve minutes of March 25, 2003.

COUNTY CLERK - PROPOSITION 65 REPORT ITEM

Receive and file report #03-02, filed by Emergency Services Officer Chester G. Jackson and Operations Commander Silas Bollinger, on April 1, 2003 NOTIFICATION OF HAZARDOUS MATERIALS RELEASE: On March 28, 2003, the Susanville Police Department received notification that approximately 75 gallons of red dye diesel fuel had been spilled out of a 105 gallon tank that fell off of the back of a flat bed truck at Fifth and Ash Streets. Material was contained and city crew and County Road Department were to dispose of material. State Warning Center was notified.

OFFICE OF EMERGENCY SERVICES ITEM

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

PUBLIC WORKS DEPARTMENT ITEMS

Authorize the Road Department to begin abandonment proceedings for the removal of a 1.32 mile section of Ward Lake Road from the County

Maintained Road System.

Authorize the Road Department to begin abandonment proceedings for the removal of a .86 mile section of Ryan Road from the County Maintained Road System.

Award bid to Hoblit Motors, Woodland, the lowest bidder meeting the specifications, in the amount of \$28,139.54, for one (1) 2003, 4x4 One-Ton Crew Cab and Chassis; and award bid to Sierra Freightliner, Sparks, the lowest bidder meeting the specifications in the amount of \$49,999.96 for two (2) 2003 Semi-Bottom Hopper Trailers.

SHERIFF'S DEPARTMENT ITEM

Award bid for the purchase of inflatable rescue boat and miscellaneous boat equipment, for the Sheriff's Department to Inflatable Boat Center, Inc., Portland, Oregon, the only bidder meeting specifications, in the amount of \$28,095.55.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Mental Health Advisory Board meeting agendas for March 26, 2003 and April 8, 2003; and unapproved minutes of March 11, 2003.
- b. Lassen County Technical Advisory Committee meeting agenda for April 1, 2003.
- c. Lassen County Planning Commission revised agenda for April 2, 2003.
- d. Lassen County Fair Advisory Board agenda for April 8, 2003.
- e. Lassen County In-Home Supportive Services Advisory Board special meeting for April 23, 2003.

INDIAN ELDERS COUNCIL (IEC)

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to: direct the CAO to examine the financial status of the Indian Elders Council (IEC); and authorize CAO to expend up to \$15,000 from the General Fund's Non-Departmental Budget Unit upon his determination of the financial needs of the IEC.

Supervisor Dahle wants an analysis and press release to explain what has happened in regard to the huge increase in workman's compensation rates, noting this is one of the factors that has affected the IEC budget.

LASSEN COUNTY ALCOHOL AND DRUG PROGRAM AND PROGRESS HOUSE

This item continued to the next meeting.

UNAGENDIZED BOARD REPORTS

1. Supervisor Hanson announces that he was contacted by Congressman Doolittle's office with a request for a letter of support for funding to extend the Sierra Army Depot airstrip. He responded to this request.
2. Supervisor Hanson notes the Herlong Utilities Cooperative (HUC) issues are still rolling along and the county is still evaluating what the pros and cons are in regard to participation in the HUC.
3. Supervisor Hanson comments on the hospital dedication held last Friday and how proud he is of this medical asset.
4. Supervisor Keefer attended the Counties/Schools Coalition meeting and states it was well attended. There were discussions relating to some counties in Oregon who stretched the rules in regard to Title II projects and what could/should be done.
5. Supervisor Keefer attended the CDF Lookout meeting yesterday and there were questions about the ability to use Title II or III funds for the lookouts. He does not believe these funds can be used for this purpose.
6. Supervisor Keefer designates that \$3,900 of his discretionary funds go to the Janesville Town Council to purchase playground equipment for Janesville Park.
7. Supervisor Chapman comments on the hospital dedication held last Friday.
8. Supervisor Chapman reports on conference calls held yesterday with CSAC Executive Committee and with PSA II.

ALCOHOL AND DRUG ADVISORY BOARD

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to accept the letter from Victor Sainte-Marie submitting his resignation from the Lassen County Alcohol and Drug Advisory Board and direct County Clerk to advertise vacancies.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to adopt, 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.

CORRESPONDENCE

1. A letter from Director Dallas Jones of the Governor's Office of Emergency Services stating the U. S. Department of Agriculture granted a Secretarial disaster designation for the county of Lassen due to agriculture losses caused by drought, is received and filed.

2. A letter from Director Dallas Jones of the Governor's Office of Emergency Services stating the U. S. Small Business Administration (SBA) has declared the primary County of Lassen a disaster area due to damages caused by drought, is received and filed.

3. A letter from Director Robert C. Hight of the California Department of Fish and Game in response to the Board's correspondence regarding the lack of Game Wardens in Lassen County and other problems, is received and the County Clerk is directed to send a copy to the Lassen County Fish and Game Commission.

4. A letter is received from Lassen County Fish and Game Commission (Chairman Tim Semon) requesting adoption of a resolution relating to Fisheries Biologist and vacant Wildlife Biologist positions.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to adopt Resolution No. 03-027, requesting the BLM State Director change the Table of Organization for the Eagle Lake Field Office to include a Fisheries Biologist and fill that position as expeditiously as possible and a request to consider filling the vacant Wildlife Biologist position as soon as possible.

5. A letter from Assemblyman Doug Lamalfa, 2nd District, in response to proposed elimination of fire lookouts, is received and filed.

6. A notice from Mallard Cablevision, LLC and SunTel Communications, LLC, of one-time charges and other service rate changes in the SunTel system, effective May 1, 2003, is received and filed.

7. A notice from Lassen County Superior Court Presiding Judge Stephen D. Bradbury that the Court will no longer participate in the County of Lassen's program for worker's compensation as of June 30, 2003, is received and filed.

HIGHWAY 44 FENCING

Supervisor Pyle reviews the past actions in relation to the Highway 44 fencing and the determination in Phase I that, in regard to the need for highway safety, fencing is needed. He states there is no difference between Phase I and Phase II and he cannot understand why all the agencies that supported fencing in Phase I are not supporting it in Phase II.

Wally Roney representing Roney Land and Cattle, discusses his comments to CalTrans and notes his attorney's legal opinion found that CalTrans is in clear violation of the 1998 Memorandum of Understanding.

Forest Service Supervisor Ed Cole provides information on the process being used for Phase II and states they are not in the position to build fencing, but have raised their concern and asked that fencing be addressed one way or another in the NEPA Process. He states the fencing issue is in the hands of CalTrans and the Federal Highway Administration. He notes they are willing to participate in building fencing but they are looking at who will pay for it and who will take the lead. He states it is a safety issue but not overriding other safety issues.

CalTrans District Two Director Brian Crane states the pavement on Highway 44 is in such bad shape it needs to be repaved. He discusses the other safety issues and how they are addressing them. He states that 60% of the accidents on this highway involved snow and ice with only five accidents involving livestock. CalTrans feels fencing is needed but not as a part of this pavement rehabilitation project. They are willing to participate and work in partnership and are willing to supply some support and capital resources.

Supervisor Chapman asks how Phase II is any different from Phase I. Mr. Crane responds they were not in favor of building fencing in Phase I, but they used state funding to move the project forward as the Federal Highway Commission denied funding for fencing. In response to a question from Supervisor Dahle about the fencing that is currently being installed along Highway 139, Crane states that accident statistics show more livestock accidents and they could justify using safety funds for the fencing.

Wally Roney states the Forest Service can require fencing when they provide an easement to CalTrans. Cole does not believe the Forest Service will be taking that position in the Easement Letter of Consent because of the accident statistics that do not support fencing.

Following extensive discussion Supervisor Dahle asks what process can occur to get fencing installed outside of the current project process. Cole responds a separate meeting needs to be held with all involved parties to determine what resources can be put forth.

Wally Roney discusses the subject of liability relating to negligence and also wonders if a letter needs to go to the Federal Highway Commission to set-forth all these issues.

Lassen County Cattlemen's Assn. President Richard Egan states they are in support of fencing Highway 44 and feels the letter of consent is the point at which pressure can be put forth. He believes the

agencies need to make a definite commitment to installing fencing.

Billy Roney speaks to Mr. Crane about the realities of the speed of traffic on Highway 44 and the dangers caused by trucks driving very fast even when cattle are present. She speaks of her experiences on horseback near the highway when moving cattle and also states regardless of what his statistics show there are more cattle/vehicle collisions than he is indicating.

Recess 11:38 - 11:45 a.m.

COUNTY ADMINISTRATIVE OFFICER

CAO Whiteman reports the sales tax revenues for the fourth quarter (\$158,491) increased 29.7% over the same quarter of 2001 (\$122,208). Much of the increase is attributed to increased auto retail outlets in the county and higher prices for fuels subject to sales tax. The overall point-of-sales tax revenues increased 10% for calendar year 2002 above the previous year. The City of Susanville revenues increased 6.6% during the same period.

BUDGET UPDATE

CAO Whiteman discusses the \$12 billion judgment against Phillip Morris and the fact they are not paying the state for their share of the sales tax settlement, consequently the state will probably not pay the counties.

CAO Whiteman states the county departments are preparing their budgets and have been asked to also prepare a 10% reduction budget.

INFORMATION FOR THE BOARD

CAO Whiteman announces the county picnic is tentatively planned for May 30th. Supervisor Chapman and Supervisor Dahle will be gone and Chairman Chapman asks the CAO to consider looking for another date.

HIPAA PRESENTATION

Virginia Lemke makes a presentation on the Health Insurance Portability and Accountability Act (HIPAA).

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

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD