

BOARD OF SUPERVISORS

JUNE 10, 2003

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, June 10, 2003, at 9:30 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. County Counsel John Ketelsen is not present at the beginning of the meeting. Following the flag salute, the invocation is offered by Supervisor Hanson.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Chapman announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Hanson requests that Item J-1, support of legislation, be heard early in the meeting as there are members of the public present for that item.

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to approve the agenda with the noted change.

PUBLIC COMMENT

Chairman Chapman asks for public comment and no comments are received.

UNAGENDIZED BOARD REPORTS

1. Supervisor Hanson comments on the LAFCO meeting and workshop and the review of the budget. He notes that it looks like LAFCO will have a full plate this year and he is not sure the budget will be adequate.
2. Supervisor Hanson and Joe Bertotti were in Sacramento on May 29th to apply for a \$600,000 grant for Rocky Ridge Road.
3. Supervisor Hanson makes the following designations for his discretionary funds: \$500 for Herlong FFA to fund scholarships to attend the National Conference in Louisville; and \$1000 to the Doyle Clinic for infant oral health program.
4. Supervisor Keefer attended the Volcanic Road dedication ceremony and discusses what a nice ceremony it was. He announces that Lassen County received a nice plaque.
5. Supervisor Keefer states the County Fire Safe Plan has been distributed and he stresses this is a draft and comments need to be made if there are any problems.
6. Supervisor Keefer received a complaint about the poor reception quality for Channel 5. Apparently a new antenna installed in Reno cannot handle the extra power load and that is what has caused the problem. Negotiations are underway between Channel 5 and the antenna supplier.
7. Supervisor Dahle would like an application submitted to CSAC Challenge Award Program on the Internet Tax Sale Program.

8. Supervisor Dahle will be attending the NACO Conference in Reno and will be involved with the Agriculture and Natural Resource Committee. Discussions will be held on the issue of roads/trails on public lands (RS 2447).

9. Supervisor Dahle designates \$500 from his discretionary funds for the Ladies Pioneer Club in Nubieber.

10. Supervisor Pyle will be attending the Carson Wandering Skipper Recovery Team meeting in Reno.

11. Supervisor Chapman has asked the CSAC Executive Committee to take a position of oppose unless amended on the Boxer Wilderness Bill.

12. Supervisor Chapman designates the balance of his discretionary funds (\$1100 +/-) be allocated to the Susanville District Library.

13. Supervisor Chapman reminds everyone that Friday, June 13th is the County picnic.

#### LEGISLATION

Union Representative Jim Swistowicz, from Sierra Army Depot, presents and discusses a draft letter supporting Congressman Doolittle's amendments to Defense Appropriations bills.

It is moved by Supervisor Hanson, seconded by Supervisor Dahle and carried to approve and authorize the Chairman to sign a letter supporting Congressman Doolittle's two amendments in the Defense Appropriations Bill and the Defense Appropriations for Military construction.

#### UNAGENDIZED BOARD REPORTS CONT.

14. Supervisor Chapman reads a Father's Day poem from Poet Laureate Violet Stout.

#### PUBLIC HEARING - ROAD ABANDONMENT RYAN ROAD

The public hearing is opened at 10:01 a.m. to consider abandoning Ryan Road (CR237) in its entirety (.86 mi.) from the County Maintained Road System.

Public Works Director Larry Millar presents the staff report indicating the section of road will be removed from the County maintained system but will remain a public easement. No one speaks in favor of or in opposition to the abandonment and the hearing is closed at 10:03 a.m.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to adopt Resolution No. 03-046, abandoning Ryan Road (CR237) from the County Maintained Road System.

#### BIG VALLEY PEST ABATEMENT DISTRICT

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to appoint Roger Cruikshank to fill a vacancy on the Big Valley Pest Abatement District Board created by the resignation of Dale Albaugh.

PUBLIC HEARING - ROAD ABANDONMENT WARD LAKE ROAD

The public hearing is opened at 10:05 a.m. to consider abandoning a 1.32 mile portion of Ward Lake Road (CR 308) from the County Maintained Road System.

Public Works Director Larry Millar presents the staff report indicating the section of road will be removed from the County maintained system but will remain a public easement. No one speaks in favor of or in opposition to the abandonment and the hearing is closed at 10:07 a.m.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to adopt Resolution No. 03-047, a 1.32 mile portion of Ward Lake Road (CR 308) from the County Maintained Road System,

LOCAL REUSE AUTHORITY

The Board of Supervisors recess and convene as the Local Reuse Authority.

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried to approve and authorize the County Administrative Officer to sign the contract amendment for Consultant Services with Stantec Corporation (formerly the Spink Corporation) for additional land surveying tasks to include: a) creation of the Susanville Road Parcel from Pole Line Road to Yuba Street; b) creation of the "Green Belt" Parcel and Utility Easement Parcel; and c) creation of the western boundary of the Chapel and parking lot boundary exceptions from the Fort Sage Unified School District Public Benefit Conveyance parcel. Funding will be provided by the 2002-2003 grant from the Office of Economic Adjustment in the amount of \$25,540, and in-kind match from other Lassen County Departments in the amount of \$3,193.

The Local Reuse Authority adjourns and the Board of Supervisors reconvene.

CONSENT CALENDAR

Supervisor Chapman requests that Item G-9, investment policy, be removed from the consent calendar 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 May 27, 2003.

COUNTY CLERK / CLERK TO THE BOARD ITEM

Adopt Resolution No. 03-041, amending Resolution #86/87-335, adopted November 12, 1986, to show that one member of the Board of Supervisors

was absent.

BOARD OF SUPERVISORS ITEMS

Adopt Proclamation honoring California Highway Patrol Officer Dan Lucero upon his retirement.

Adopt Proclamation honoring Steven Peterson upon his retirement from the California Department of Forestry and Fire Protection.

Approve release of AB 75 Dental Trust funds to the Lassen Oral Health Task Force in the amount of \$8,479.79 per the proposed budget.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION ITEM

Adopt Resolution No. 03-042, approving a Joint Powers Agreement (JPA) between Lassen County and the State Department of Water Resources regarding groundwater data collection (AB303 Grant); and authorize Chairman to sign Joint Powers Agreement.

PUBLIC WORKS DEPARTMENT - SURVEYOR'S ITEM

Adopt Resolution No. 03-043, approving Parcel Map Waiver #2003-32, Langslet.

TREASURER / TAX COLLECTOR ITEM

Adopt Resolution No. 03-044, renewing delegation of authority to the Treasurer/Tax Collector for investing and reinvesting funds of the County and other depositors in the County Treasury.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Planning Commission revised agenda for June 4, 2003.
- b. Local Agency Formation Commission of Lassen County Special Meeting agenda for June 2, 2003.
- c. Susanville City Council regular adjourned meeting agenda for June 4, 2003, and regular meeting agenda for June 4, 2003.
- d. Lassen County Mental Health Advisory Board meeting agenda for June 10, 2003, and unapproved minutes of May 13, 2003.
- e. Lassen County Fair Advisory Board meeting agenda for June 10, 2003.
- f. Lassen Transit Service Agency meeting agenda for June 9, 2003.
- g. Lassen County Transportation Commission agenda for June 9, 2003.

TREASURER INVESTMENT POLICY

Treasurer Richard Egan presents two suggested changes to the revised Lassen County Investment Policy which came from the Treasury Oversight Committee:

Under Section IV (B) Ethics and Conflicts of Interest (1 (b)) Prohibitions - add the wording "... except for those that do not deviate from products and services offered to the public at market rate".

Under Section XI Authorized Investments - add subsection N - LOCAL GOVERNMENT POOLS Investments in local government pools, subject to Resolution by the Board of Supervisors.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve the revised Lassen County Investment Policy dated May 5, 2003, with the noted additions.

#### ADMINISTRATIVE SERVICES - PERSONNEL DIVISION

Personnel Director Lynne Margolies presents a request to approve reclassification of Alcohol and Drug Division Admin Clerk (Range 8, Position No. 9088) to Senior Admin Clerk (Range 10), and reclassification of Fair Receptionist (Range 6, Position No. 2077) to Sr. Account Clerk (Range 11).

Supervisor Dahle asks for an explanation on how the need for reclassifications continues to occur. Following an explanation from Ms. Margolies, Supervisor Chapman states he would like to have this handled during the budget process. Supervisor Dahle wants to know just what has changed in the department to alter the duties of these positions. He is not saying the reclassifications should not occur, but more information is needed. Health and Human Services Director Tom Keefer responds the Alcohol and Drug Program has expanded considerably.

Supervisor Keefer agrees that more information is needed.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried on a roll call vote, with Supervisor Chapman voting NO, to approve reclassification of Alcohol and Drug Division Admin Clerk (Range 8, Position No. 9088) to Senior Admin Clerk (Range 10), and reclassification of Fair Receptionist (Range 6, Position No. 2077) to Sr. Account Clerk (Range 11); with the stipulation that more backup explanation information be submitted with any future reclassification requests.

Recess 10:24 - 10:30 a.m.

#### PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

The public hearing is opened at 10:31 a.m. to consider General Plan Amendment #765.01.07 and Zoning Amendment #318.01.25, Lassen County, 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 affected by the initiative under a Williamson Act Contract.

Assistant Community Development Director Bertotti and Planner Kent Hector present the staff reports. Bertotti reviews the internal inconsistencies between the Belfast Initiative and the General Plan-2000 and the Standish-Litchfield Area Plan, and the suggested language to alleviate the inconsistencies. He reviews the Planning Commission considerations and final recommendations relating to the need to develop a comprehensive development plan. Mountain Resort Zoning (MR) does not allow any agriculture use whatsoever. It is acknowledged this is appropriate for Dyer Mountain but it was decided that allowing pasturing of animals could be accommodated but animal husbandry is a much different use.

County Counsel John Ketelsen reviews Version #1 of Section 19.1 and notes he is on Version #5 and Mr. McCain has submitted two more versions. There has not been a version prepared that he would recommend to the Board. The proponents are taking the stance that establishing another layer of process that does not already exist is not in conformance with the Elections Code, that no changes to an approved initiative shall be made without a further election. Counsel states the initiative must be consistent with State Law. He does not feel the negotiations with Mr. McCain are at impasse as yet.

In response to questions from Supervisor Chapman, Counsel states the Board is under mandate to make clerical and ministerial changes to implement the initiative, make amendments to the General and Area Plan and be sure the initiative is consistent with State Law.

Supervisor Chapman states after the initiative was passed by the voters, the Board made it very clear their commitment was to make it work and not to make any changes to the initiative. The question is how to make it work within the context of what state law requires and how it relates to the General Plan and Area Plans.

Mr. McCain asks staff several questions relating to issuance of building permits and approval of a comprehensive development plan. Supervisor Chapman points out wording in the initiative that appears to address the questions he has asked relating to consistency with CEQA and Mr. McCain agrees.

Speaking in opposition to the Planning Commission recommendation:  
Mr. McCain states that staff has gone beyond Board direction as Section 19.1 was not requested and violates the intent and purpose of the initiative. He distributes the Dyer Mt. Initiative and reads a lengthy statement, with the conclusion that as long as current building permits are released then litigation can be avoided and negotiations can continue on the matters in dispute. He wants the Board to delete Item 18, delete Section 19.1 or replace with his wording and change Sections 19.2 and 19.3 to Policies 19-F and 19-G.

Speaking in favor:

No one speaks in favor and the hearing is closed at 11:48 a.m.

Supervisor Hanson states this is a lot of information to digest and he sees a need for further clarification prior to making a decision. Supervisor Dahle notes there are differences between the Belfast and Dyer Mt. Initiatives and that is the only reason we are having these discussions. Supervisor Pyle asks Counsel about the Williamson Act issues. Counsel states that he and McCain are not in agreement. He reads the State Law to require zoning consistent with the Williamson Act to cover any property under contract. He notes the property owners under contract can only have uses permitted by the contract, regardless of the zoning and on that both parties are in agreement. Supervisor Keefer addresses the issue of animal husbandry usage on the 80 acre (or two 40 acre parcels) and his feeling this use should be allowed.

Supervisor Chapman notes that Mr. McCain has made references to the Belfast Initiative (BI) and the Dyer Mt. Initiative (DMI) being the same and has stated the staff is to take such administrative and clerical steps as may be required to implement the initiatives. He calls the board members attention to both initiatives showing the DMI refers to "staff" but in the BI "staff" has been replaced with either "County of Lassen" or "Lassen County" - showing there are differences in the two initiatives. He states there is nothing that the voters or the Board can do that is contrary to state law. He also notes under the BI the County of Lassen is directed by the voters to take whatever action is necessary, to implement the initiative. He states in the Belfast Initiative the job for the Board is to make the initiative work. He feels the Planning Commission recommendations are good and he would like to see the process move forward. He feels the representations made today by Mr. McCain in many respects are designed to frustrate the ability of the county to make the initiative work under state law and to make it consistent with state law. His biggest concern is listening to the threats of litigation if not done the proponents way. He states the Board does not want to change the initiative but we have the responsibility to define how to make it work.

It is moved by Supervisor Hanson and seconded by Supervisor Pyle to continue the negotiations on Section 19.1 for implementation of the Belfast Initiative; and to process the present pending individual single family home building permit.

Supervisor Dahle does not feel the building permit should be processed until all issues are worked out.

The motion carries on a roll call vote with Supervisor Dahle voting NO.

Noon recess 12:12 - 1:33 p.m. Supervisor Pyle and Supervisor Dahle

are absent.

UNAGENDIZED BOARD REPORTS CONT.

15. Supervisor Chapman notes that he attended the Civil War Re-enactment at the Susanville Ranch Park and states that Trail Coordinator Peter Heimbigner did a fabulous job and commends the Community Development Department for the success of this event.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

It is moved by Supervisor Keefer (after noting the First District Supervisor is absent), seconded by Supervisor Hanson and carried, with Supervisor Pyle and Supervisor Dahle absent, to adopt Resolution No. 03-045, approving an application for funding and the execution of a grant agreement and any amendment thereto from the USDA Rural Development, Rural Business Enterprise Grant (RBEG) for renovations to the Westwood Warehouse Building; and authorize Chairman to sign application for funding, grant agreement and any amendments.

HEALTH AND HUMAN SERVICES DEPARTMENT

The item relating to Social Services Realignment is continued to June 17, 2003. (Supervisor Dahle enters at 1:43 p.m.)

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Trail Coordinator Peter Heimbigner introduces discussion of the proposal to issue a Revocable License for Sewer Lateral between County of Lassen and JoAnne Peden.

Supervisor Chapman wants to be sure it is understood if a service access is provided, and a trail is sited and tied-in to the service road, that the trail would be open to and used by the public. There needs to be a provision in the license that clearly defines this.

Further in-depth discussion is held on the meaning of revocable license and what it could mean in the future to owners of the property. Ms. Peden would rather have an easement that would not be able to be revoked within thirty days. She would rather redo her building plans. Supervisor Dahle would be happy to make a motion to pass this, but it does not require her to use it. He states maybe in the future discussions with the Sanitary District may lead to an easement, which makes more sense. Supervisor Chapman requests staff to be sure to include Ms. Peden in any discussions relating to the placement of a trail in the area.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried, with Supervisor Pyle absent, to authorize the CAO to sign a Revocable License for Sewer Lateral between County of Lassen and JoAnne Peden. License will allow private property owner to install sewer service from lot on Cherry Terrace (APN# 103-051-05) across approximately 200 feet of the Susanville Ranch Park to Susanville Consolidated Sanitary District's main line.

PUBLIC WORKS DEPARTMENT - ROAD DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried, with Supervisor Pyle absent, to authorize the Chairman to sign the State Match Agreement No. X03-5907(038) with the California Department of Transportation (CalTrans) for State funds in the amount of \$184,638, which is the unobligated balance of the county's State Matching funds from previous fiscal years.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried, with Supervisor Pyle absent, to authorize the Public Works Director to sign Contract Change Order with Baldwin Contracting Company for the Center/Johnstonville Road Rehabilitation Project, in an amount not to exceed \$280,000. County Counsel John Ketelsen reenters at 2:09 p.m.

Supervisor Dahle announces that he has a conflict on the next item because his brother works for J.F. Shea Company, and he departs the room.

Public Works Director Larry Millar states that due to the available funding above the bid amount he proposes extra work in the form of culvert replacement and increasing the quantity of base.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried, with Supervisor Pyle and Supervisor Dahle absent, to authorize the Public Works Director to sign Contract Change Order with J. F. Shea Company, Inc. for the County Road A-2/Bieber Road Construction Project, for authorized expenditures in an amount "not to exceed" \$920,395, which is the maximum STIP construction funding available for changes on this project.

Supervisor Dahle reenters at 2:14 p.m.

SHERIFF'S DEPARTMENT

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried, with Supervisor Pyle absent, to approve the lease agreement with the Department of Forestry and Fire Protection for the use of the Likely Mountain Vault that houses the Sheriff's Department's radio repeater covering the period of August, 1998 through the present as well as a five-year rental period with other administration and application fees; and authorize the Sheriff to sign the lease agreement.

COUNTY ADMINISTRATIVE OFFICE

Mt. Lassen Assisted Living:

CAO Whiteman met last week with Mt. Lassen Assisted Living Director Diana Roberts, Supervisor Pyle, Supervisor Chapman, Health and Human Services Director Tom Keeffer and Public Guardian Dan Bruce to discuss the upcoming closure of the facility. He informs the board members

the client capacity is 60, but fire codes only allow 6 persons using either wheelchairs or walkers. There is also a limit on the number of mental health clients that can be mixed with regular clients. The owners have been experiencing a monthly loss of \$7,000 which is down from the \$20,000 per month loss three years ago. Supervisor Chapman states that Dan Bruce has been working with the State but has been unsuccessful. He notes the State will be paying much more for the same clients that have been moved to Alturas (\$2200 more per month). He states that all angles have been looked at but there is no solution. He suggests that RCRC and CSAC have some discussions to address the actions or non-actions by the State that has contributed to the closure.

SIR Trust Lands:

Supervisor Chapman announces a conflict of interest due to a business transaction with Susanville Indian Rancheria (SIR) and departs the room.

Tribal representatives Leo Guitierrez and Tim Keesay are present.

CAO Whiteman notes that tomorrow at 5:00 p.m. is the extended deadline to submit comments on Trust Lands Application. He states they have been working with SIR to develop a Memorandum of Understanding (MOU), but have not come to an agreement yet. He has prepared a draft comment letter to the Bureau of Indian Affairs for the Board to consider. He notes the Tribal Council want to continue to negotiate.

Supervisor Dahle states we have had a good relationship with the Tribal Council and he wants to maintain it. He encourages the Council to work on developing a working relationship with the City. He reviews wording he would like added to the letter - remove the last sentence in paragraph one and replace it with the following to appear just before "Land Use and Planning": "For the reasons detailed below, the County is opposed to the conversion into trust. However, should the County and the Rancheria reach agreement on a process that would assure future development on trust lands is consistent with planning policies, ordinances and development standards of the City and County, the Board would reconsider its position."

It is moved by Supervisor Dahle and seconded by Supervisor Keefer to approve and authorize Chairman to sign letter from Board of Supervisors to Bureau of Indian Affairs with the above noted change.

Mr. Keesay questions how many homes would be reasonable in this area since it is designated a scenic view area. He also notes the Sanitary District does not know how it would serve 3000 homes there. He notes that SIR is willing to enter into an MOU for meeting the County requirements in the development of the 52 planned homes.

The motion carries with Supervisor Pyle and Supervisor Chapman absent.

Supervisor Chapman reenters at 2:42 p.m.

BUDGET UPDATE

Following discussion it is decided the budget hearings be held on July 8th beginning at 1:30 p.m. and all day on July 9th.

CORRESPONDENCE

1. The 2003 and Revised 2002 Department of Finance Population Estimates for Lassen County received from Lassen County Department of Community Development, is received and filed.

2. A notice from Mallard Cablevision, LLC & SunTel Communications, LLC announcing they filed for protection under Chapter 11 of the United States Bankruptcy Code on May 9, 2003, is received and filed.

There being no further business, the meeting is adjourned at 2:48 p.m.

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CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD