

BOARD OF SUPERVISORS

JUNE 17, 2003

The Lassen County Board of Supervisors convene in Regular Session at 9:04 a.m. Vice-Chairman Hanson 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: 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.

Present in the Closed Session are Supervisors Robert Pyle, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer Andy Whiteman, Public Works Director Larry Millar, Personnel Director Lynne Margolies and County Clerk Theresa Nagel. Supervisor Chapman enters at 9:09 a.m. Closed Session is recessed at 9:24 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, June 17, 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. 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 a 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 because no agreement has been reached as of this point in time.

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. Morning Glory Dairy owner Mike O'Kelly informs the board members that the prisons have always said they honor the Good Neighbor Policy of supporting local businesses. Prison Industries (PI) has always issued a waiver to allow eggs and milk to be purchased from his business, but they have decided they want to keep the business for themselves even though it would violate the Good Neighbor Policy. In 1993 and 1998 this same action was proposed and Representative Leslie came to his aid and stopped it. The cost to the prisons for his milk is \$.01 less than from Prison Industries and he sells eggs for \$.42 a dozen versus their cost of \$.88 a dozen. It will cost the two local prisons an additional \$150,000 per year to purchase from PI and he estimates an additional \$50,000 for Pelican Bay. He notes this will put inmates to work and his employees will be out of work. Additionally he delivers 3, 4 or 5 times a week and PI will only deliver 2 times a week. Since there is not enough storage room for this infrequent delivery the prisons will have to spend more money to construct additional warehousing. He asks the Board for help in protesting this action before it takes place.

Supervisor Hanson understands this is not the only commodity this is happening to.

Chairman Chapman directs the CAO to prepare and place on the next agenda a letter to the proper persons protesting this proposal.

2. Poet Laureate Violet Stout reads a poem thanking the Recognition Committee for inviting her to the County Picnic.

3. Supervisor Keefer introduces Don Posten who has assumed the position of CDF Unit Chief upon the retirement of Steve Peterson. Mr. Posten briefly speaks to the Board about his past assignments and experience.

#### UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle will attend RCRC on Wednesday and Thursday. He requests that Item H-4, building purchase, be heard after the board reports as there are members of the public present for that item.

2. Supervisor Keefer reports the RAC held their first meeting of this session last Thursday and will begin the next round of Title II Grant reviews in September or October.

3. Supervisor Hanson speaks about the Mormon Cricket invasion - worst in 60 years and have arrived in Doyle.

4. Supervisor Hanson reports the new warden for the Federal Prison is scheduled to arrive in October and it is expected inmates will begin arriving next April.

5. Supervisor Hanson discusses the Honey Lake Conservation Team who

will take over Honey Lake from the Army and will have it for three or four years until the State is ready to take over.

6. Supervisor Hanson announces the Mental Health Advisory Board met and are considering adding members.

7. Supervisor Hanson met with West Patton Village CSD and the Army in reference to the Public Benefit Conveyance and they have declared impasse. It may not sound good but actually sometimes it's good because it will take the whole water and sewer issue in a different direction and it may be better for everyone.

8. Supervisor Chapman thanks everyone that participated in putting on the County Picnic last Friday.

9. Supervisor Chapman announces a forest tour and fire safe council field trip will be held on July 29th. It will begin with a briefing at the Eagle Lake Ranger District then proceed to the field trip. Forester Frank Stewart will attend and Plumas County Supervisor Dennison was invited. An invitation is extended to CDF Unit Chief Posten.

10. Supervisor Chapman reports on the CSAC meeting and gives an update on what is happening with the State budget crisis. Discussions were held on the need to look at restructuring California State Government as it is not working. He says don't expect a budget to be passed soon because the focus now is on the recall of Governor Davis.

#### RECOGNITION COMMITTEE - PRESENTATION

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to adopt a Proclamation recognizing Norberto Cordoba upon his retirement from the Public Works Department - Road Division.

Chairman Chapman makes the following presentations:

Retirement proclamation and plaque: Norberto Cordoba (Public Works Department - Road Division);

Twenty years: a desk clock to Keith Barnum (Sheriff's Department).

#### COUNTY ADMINISTRATIVE OFFICE

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to authorize the CAO to proceed with purchase of a 1236 sq. ft. commercial building on .8 acres in Bieber (APN 001-161-09) in the amount of \$42,400, and execute necessary paperwork. Funds to be paid from Economic Development Fund.

#### IN-HOME SUPPORTIVE SERVICES ADVISORY BOARD

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 to appoint Cynthia Olsen to fill a vacancy on the In-Home

Supportive Services Advisory Board.

Chairman Chapman directs the CAO to place a letter to our legislators on the next agenda opposing AB 1470, pay for In-Home Supportive Services.

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

#### CONSENT CALENDAR

At the request of the County Clerk, Chairman Chapman continues the minutes of June 10, 2003 to the next agenda.

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

#### ADMINISTRATIVE SERVICES - PERSONNEL ITEM

Receive and file Personnel Movement report for May, 2003.

#### COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION ITEM

Receive and file report from the Planning Commission: File No. 704.37, Lassen County, Report on General Plan Conformity per Government Code §65402: Acquisition of 4 acres currently owned by Edward Barrera, for expansion of the County's Janesville Park. The four-acre parcel is located on the east side of Church Street and adjoins the existing park in Janesville. APN 129-140-42.

#### PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

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

#### PUBLIC WORKS DEPARTMENT - SURVEYOR'S ITEM

Adopt Resolution No. 03-050, to approve Parcel Map Waiver #2002-02, White.

#### MISCELLANEOUS CORRESPONDENCE ITEM

Receive and file the following correspondence:

a. Lassen County Air Pollution Control District Governing Board meeting agenda for June 17, 2003, and minutes of May 20, 2003.

#### HEALTH AND HUMAN SERVICES DEPARTMENT

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried on a roll call vote, with Supervisor Chapman voting NO, to authorize increase in 2002/2003 budgeted revenues and expenditures:

1) to correct appropriations to show anticipated revenues - Increase Revenues: Social Services SI Tax - Sales and Use Taxes Revenue 166-0851-2000800 by \$500,000; Social Services SI Tax - Vehicle License Fee Revenue 166-0851-2007508 by \$30,000;

2) increase Expenditures: Social Services Realignment - Transfers Out 166-0851-3007000 by \$530,000. (GASB 34 Conversion correction to correct appropriation line to reflect the total amount already approved to be transferred into funds 120 and 121 from the Social Services Realignment Trust and additional revenue anticipated to be received and transferred out.)

#### BOARD OF SUPERVISORS

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to adopt Resolution No. 03-051, supporting the Ash Creek Wildlife Area.

#### BUDGET UPDATE

CAO Whiteman reports he is currently going over the budgets with departments and hearings are scheduled for July 8th and 9th.

#### INFORMATION FOR THE BOARD

CAO Whiteman reports he just found out that Progress House will not receive a license from the Department of Health Services due to staffing problems. People with the appropriate credentials are not willing to come to Herlong. The last day of operation will be June 27th.

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

The public hearing is opened at 10:16 a.m. to solicit comments regarding submittal of a grant application for \$35,000 to be funded by the State Department of Housing and Community Development (HCD) through the Community Development Block Grant Program.

Community Development Director Robert Sorvaag presents the staff report. No one speaks in opposition to grant application. Scott McMillan, Standish Hall owner, speaks in favor of the grant application and states they are planning to develop a restaurant in the building. The hearing is closed at 10:19 a.m.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to adopt Resolution No. 03-048, making an application for a feasibility analysis for renovations to the Standish Hall and authorizing execution of contracts, circulation of a Request for Proposals (RFP) and related documents, if funded.

#### COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

In regard to 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, County Counsel John Ketelsen informs the board members that an agreement has been reached with Everd McCain on the revision to Section 19.1 of the amendments to General Plan-2000, Standish-Litchfield Area Plan and "M R" Zoning Regulations. He reviews the new language.

Supervisor Chapman asks Counsel if this needs to go back to the Planning Commission since their recommendation has been changed. Counsel responds it can be referred back but it is not necessary. Supervisor Chapman asks if the Planning Commission expects their language would be changed and Counsel responds he does not know what their expectations are, but when a recommendation is made it should be expected the Board may make changes as it has the power to adopt, reject or modify what is recommended. Supervisor Chapman states that he just wants everyone to know this is a variation from standard procedure. He also wants to know if there is language included that gives the power to interpret to any of the proponents as this seems to be what has occurred here. Counsel responds there was the choice of fixing the inconsistencies between the initiative, general plan and area plan rather than have the initiative legally challenged as inconsistent. There were also some ambiguities in the initiative because the land was not taken out of the area plan as was done with the Dyer Mt. Initiative. Also there was a lack of definition of a Community Development Plan and a need to have Section 19.1 mean something without doing violence to the initiative. Supervisor Chapman asks for an explanation of the wording: "In reviewing any proposal(s), as set forth in subparagraph (b), submitted for approval, the County will defer, to the greatest extent possible, decisions regarding location, use, density and intensity of uses to the property owner(s)." Counsel responds that the zone allows for a list of uses and a range of densities and intensities, for instance the use, number and location buildings will be left to the owner(s) so long as the zone permits what is proposed, but the County still has control over anything that affects health, safety and welfare matters reflected in the development standards, statutes, ordinances and regulations of the County, State and Federal Government. Supervisor Chapman realizes development must meet the State law and the County can say no if it does not, but the interpretation of State law can become debatable (as

has happened before) and it can land in court.

Supervisor Pyle wants to know why the Dyer Mt. Initiative is even mentioned in Section 19.1. He states each initiative should stand on its own and there should be no reference to Dyer Mt. in regard to Belfast. Counsel explains that both initiatives make use of the "M R" Zone defined in the first initiative and he goes on to explain that the reference is meant to explain that the intent of 19.1 is to reconcile the objectives of both initiatives in such a way as to be consistent with the General Plan. Supervisor Pyle feels uncomfortable with this and wonders how the DMI proponents feel about the proposed language that includes reference to their project. He wants to keep any reference to the DMI out of this document. Everd McCain feels the language prepared is very workable and states that leaving the DMI reference out of 19.1 would be fine.

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried on a roll call vote, with Supervisor Chapman voting NO, to adopt Resolution No. 03-052, which includes the adoption of General Plan Amendment #755.01.07, approval of Zoning Amendment #318.01.25 and attachment of the new Section 19.1 language.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to introduce and adopt, by title only Ordinance No. 467-AB amending the "M-R" Zone.

PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT - ECONOMIC DEVELOPMENT DIVISION

The public hearing is opened at 10:55 a.m. to solicit comments regarding submittal of a grant application for \$35,000 to be funded by the State Department of Housing and Community Development (HCD) through the Community Development Block Grant Program.

Community Development Director Robert Sorvaag presents the staff report. No one speaks in opposition to the grant application. West Patton Village Community Services District representatives Arnold Young and Vivian Peterson speak in favor of the grant application and the hearing is closed at 10:59 a.m.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to adopt Resolution No. 03-049, making an application for a feasibility analysis for water line rehabilitation in the West Patton Village Community Services District (WPVCS D) and authorizing execution of contracts, circulation of a Request for Proposals (RFP) and related documents, if funded.

CORRESPONDENCE

1. Correspondence from Lassen County Local Agency Formation Commission with copy of Resolution 2003-04 adopting final budget, is received and filed.

2. A letter from US Army District Engineer, Colonel Michael J. Conrad, Jr. announcing opening of new office in Redding, is received and filed. Supervisor Dahle notes this office is taking a real aggressive position and explains a situation that occurred in Plumas County relating to irrigation checks.

INFORMATION FOR THE BOARD CONT.

CAO Whiteman announces he found out last week the Carson Wandering Skipper was located on land adjoining Honey Lake, that the County will be getting from the Army.

UNITED STATES FOREST SERVICE

Assistant Forest Fire Management Officer Christi Whitcome is present to give a Fire Program/Season Update. Fire season officially started on June 1st and there have already been six fires (5 human caused and 1 lightning caused). She reviews new personnel assignments and reports the Chester Air Tanker Base construction has been completed. The Interagency Fire Center is scheduled to be occupied in Fall of 2003. She reviews the air support and other resources available and status of lookouts that will be operational. There is an upcoming field trip and the lookout situation will be discussed.

Supervisor Dahle feels it is very important to at least staff lookouts when a lightning storm is predicted.

There being no further business, the meeting is adjourned at 11:18 a.m.

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CHAIRMAN OF THE BOARD OF  
SUPERVISORS

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD