

BOARD OF SUPERVISORS

OCTOBER 28, 2003

The Lassen County Board of Supervisors convene in Regular Session on Tuesday, October 28, 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

Chairman Chapman announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

County Clerk Nagel requests that Item H-3, Homeland Security Program Equipment, be heard close to 10:00 a.m. to accommodate Emergency Services Chief Chip Jackson who has expanded fire responsibilities due to the Southern California fires.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle 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 Dahle has forms for submittal of legislation suggestions to RCRC for their consideration.
2. Supervisor Keefer states that he will not be able to attend the Herlong property transfer ceremony due to another obligation; recognizes the County Safety Committee as they received the highest score ever received from Trindel, which will result in a \$40,000 bonus.
3. Supervisor Hanson notes a BLM Resource Management Plan scoping meeting will be held on November 13th; on the same day the Herlong signing ceremony and tour of the federal prison will be held; a meeting is scheduled for November 19th by the BLM relating to water exportation, etc.
4. Supervisor Chapman notes the CSAC meeting is scheduled for the week of November 17th and he and Supervisor Dahle will be departing on November 18th. He introduces discussion about the November meeting schedule with the conclusion to not set any

special meetings.

#### OFFICE OF EMERGENCY SERVICES

Emergency Services Chief Chip Jackson provides information on his request for revenue and expenditure increases to allow the purchase of Homeland Security Program Equipment and he answers questions.

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried unanimously, on a roll call vote, to approve Revenue and Expenditure Increases to allow the purchase of Homeland Security Program Equipment: Increase revenues to the Emergency Services Fund 136-661-2007200 by \$250,000 Federal - Other; approve increases to expenditures to the Emergency Services Fund 136-0661-3006200 by \$230,000 Capitalized Equipment and 136-0661-30027001 by \$20,000 Non-capitalized Equipment.

#### CONSENT CALENDAR

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 October 21, 2003.

#### COUNTY CLERK / REGISTRAR OF VOTERS ITEM

Grant request from the City of Susanville, that the Board of Supervisors consolidate a general municipal election to be held on Tuesday, March 2, 2004, with the statewide primary election pursuant to § 10403 of the elections code.

#### PUBLIC WORKS DEPARTMENT ITEMS

Adopt Resolution No. 03-073, authorizing the Director of Public Works to execute Likely Mountain Communications Vault Lease No. L-1889 for the purposes of installing equipment for the County's radio system.

Award bid to Doyle Motors, Susanville, the lowest bidder meeting specifications, in the amount of \$30,037.48 for one (1) 2004 4x4 One-Ton Crew Cab and Chassis.

#### SHERIFF'S DEPARTMENT ITEM

Approve Financial Aid Application to the State of California Department of Boating and Waterways for 2004/2005 Financial Aid; authorize Sheriff to sign contractual application/agreement; and authorize Chairman to sign Agreement for Financial Assistance.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Air Pollution Control District Governing Board meeting agenda for October 21, 2003.
- b. Lassen County Alcohol & Drug Advisory Board meeting agenda for November 4, 2003, and minutes of September 30, 2003.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISIION

Joint session of the Board of Supervisors; Local Reuse Authority; Community Development Commission; and Housing Authority, to consider the budgetary and future organizational relationship of said agencies with each other and the Community Development Department; discussion of steps necessary to activate community redevelopment agency powers.

Community Development Director Robert Sorvaag asks Assistant Community Development Director Bertotti to review the packet of information.

Assistant Community Development Director Bertotti reviews the proposal for assigning the Local Reuse Authority function of the County Administration Office, and adding the function of community redevelopment activities to the Economic Development/Housing Division of the Department of Community Development. The first two areas identified for possible redevelopment are Westwood and Herlong. A contractor will be hired to organize the Redevelopment Agency (RDA) (\$100,000 budgeted).

Supervisor Dahle asks several questions and states there is an opportunity in the Bieber area relating to power facilities at Big Valley Lumber and he feels there might be an ability to capture redevelopment dollars. Bertotti responds one of the items on the agenda is identification of areas for possible redevelopment projects and setting priorities among them and the consultant could be directed to look at the opportunities in the Big Valley Area. Supervisor Dahle states it only makes sense to perform redevelopment in areas where funds can be recaptured.

Supervisor Hanson states the big concern is that funding not just be used to hire consultants and do studies - the need is to get something "on the ground". He wants clarification that the planned use of the \$500,000 Prison Mitigation Fund loan is to fund the LRA and redevelopment activities. CAO Whiteman questions why the money is going to the LRA rather than directly to the RDA. Auditor Fouch states the LRA is an agency to receive funds and grants and can advance start-up funds to the

RDA via loans. She states the RDA funds have to be kept separate. County Counsel John Ketelsen has concerns about certain statements and clarifies the LRA can lend funds but has no powers relating to redevelopment - the Community Development Commission will be the RDA.

The Local Reuse Authority; Community Development Commission; and Housing Authority recess and the Board of Supervisors resume to take action.

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

- ◆Amend previously adopted ED/Housing Operations budget 112-0941 from \$340,724 to \$375,244.
- ◆Adopt LRA budget of \$659,938 for the remainder of FY 2003/04.
- ◆Adopt Resolution No. 03-074, rescinding and replacing Resolutions 95-086 and 00-012, relating to the organization and operation of the LRA.
- ◆Authorize filling of Economic Development/Housing Chief position.

The Board of Supervisors recess and convene as the Community Development Commission.

It is moved by Commissioner Dahle, seconded by Commissioner Hanson and carried to direct preparation of formal bylaws for operation of the Lassen County Community Development Commission which was formed but not activated in 1993.

The Community Development Commission adjourns and the Local Reuse Authority convenes.

It is moved by Commissioner Hanson, seconded by Commissioner Pyle and carried to:

- ◆Authorize release of Request for Proposals for services necessary to organize and implement redevelopment agency activities in the communities of Westwood and Herlong.
- ◆Authorize the County Administrative Officer to enter into a contract for services with a qualified Economic Development consultant in an amount not to exceed \$25,000.

The Local Reuse Authority adjourns and the Housing Authority convenes.

It is moved by Commissioner Dahle, seconded by Supervisor Keefer and carried to authorize Executive Secretary of the Housing Authority to make arrangements to facilitate the

transfer of Section 8 housing program administrative duties to another local service provider.

The Housing Authority adjourns and the Board of Supervisors reconvene.

Recess 10:40 - 10:45 a.m.

PUBLIC HEARING - ABATEMENT COSTS, CLARK

The public hearing is opened at 10:46 a.m. to consider abatement costs for the removal of non-operable and/or unlicensed vehicles on John L. Clark property located at 714-675 Carolyn Way, Janesville (APN 129-450-20), and to consider assessment of said costs upon the property.

The County Clerk administers the oath to Lewis Dean and Robert Sorvaag for testimony they may give before the Board of Supervisors.

Code Enforcement Officer Lewis Dean presents the staff report. No one speaks for or against the abatement and assessment of costs and the hearing is closed at 10:48 a.m.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to adopt Resolution No. 03-071, confirming abatement costs and assessing all County costs, including administrative costs, against the property in the same manner as property taxes are levied.

PUBLIC HEARING - ABATEMENT COSTS, SKILLEN

The public hearing is opened at 10:49 a.m. to consider abatement costs for the removal of non-operable and/or unlicensed vehicles on property owned by Kevin Donald Skillen located at 475-555 Rice Canyon Rd., Susanville, approximately 7 miles east of Susanville, (APN 117-520-36), and to consider assessment of said costs upon the property.

Staff members remain sworn. Code Enforcement Officer Lewis Dean presents the staff report. No one speaks for or against the abatement and assessment of costs and the hearing is closed at 10:51 a.m.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to adopt Resolution No. 03-072, confirming abatement costs and assessing all County costs, including administrative costs, against the property in the same manner as property taxes are levied.

## BLM LAND USE PLAN

BLM Field Manager Dayne Barron introduces Land Use Plan Project Manager Eli Ilano who is present to provide an update on the Land Use Planning Project.

They will be developing three land use plans for Alturas, Eagle Lake and Surprise areas. He presents information on recent and upcoming events and the social and economic outreach workshop objectives. He also presents a working draft Alturas - Eagle Lake - Surprise Resource Management Plan and Environmental Impact Statement.

Supervisor Chapman notes the Susanville Indian Rancheria is missing from the list of tribal governments on page 18 of the working draft.

Supervisors Pyle and Hanson will attend the November 20th meeting with the Sonoran Institute and the BLM.

## COUNTY CLERK / RECORDER

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to approve increases in the 2003/2004 budgeted revenues and expenditures to allow for the payoff of the lease purchase agreement with CitiCapital for the acquisition of the new voting system: increase revenues - Capital Project - CCC Mitigation Fund #152-0521-2012400 and expenditures - Capital Project - CCC Mitigation Fund #152-0521-3002500 in the amount of \$29,562 from Clerk Trust #339-0391-7603001.

## BOARD OF SUPERVISORS

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to approve and authorize the Chairman to sign a letter to U.S. Representative John Doolittle regarding H.R. 2557 - Water Resource Projects in Lassen County.

## INFORMATION FOR THE BOARD

1. CAO Whiteman announces the Auditor's Office received the State Controller's "Excellence in Financial Reporting Award".
2. CAO Whiteman states that evaluations are being performed and the Public Defender has asked for her performance evaluation to be performed by the Board of Supervisors instead of the CAO. Chairman Chapman states it is more appropriate for the CAO to perform that function.

## VETERAN'S DAY PROCLAMATION

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to adopt the Veteran's Day Proclamation.

## BIG VALLEY LUMBER

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to authorize a letter of support for the prospective new buyers of Big Valley Lumber Company to Public Utilities Commission (PUC) and Pacific Gas & Electric (PG&E) requesting the 5¢ power contract be reinstated.

## COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Community Development Director Robert Sorvaag indicates the funding is available from the California Clean Water, Clean Air, Safe Neighborhood Parks and Coastal Protection Act of 2002 Per Capita Grant Program and there is a need to begin discussions on the selection of projects for funding.

Supervisor Dahle feels the funds need to be divided in a fair manner.

Supervisor Keefer feels each board member should look at the needs in their areas and submit proposals for evaluation. He feels the city has lots of opportunities for recreation and parks, but there are outlying communities with no park facilities.

Supervisor Chapman was hoping that \$200,000 of the \$1.2 million available could be used for development of meeting/restroom facilities at Susanville Ranch Park (SRP) with the remainder used in outlying areas.

Supervisor Keefer would like to have each member come up with a plan for needs in their districts.

Supervisor Chapman suggests the \$1 million be divided between the four supervisorial districts with the remaining \$200,000 used as SRP and if one district has something that needs more money then discussions could happen in regard to transferring funds.

Kevin Justice of Lassen Land and Trails Trust provides maps on suggested use of the funds to purchase property for the Bass Hill Wildlife Area and railroad property.

It is moved by Supervisor Dahle and seconded by Supervisor Keefer to make the following tentative allocations: District Three - \$300,000; District Four - \$250,000; District One - \$200,000; District Five - \$250,000; District Two for Susanville Ranch Park - \$200,000.

Discussion is held and it is moved by Supervisor Pyle to change the allocation for District One to \$250,000 and decrease the allocation for Susanville Ranch Park to \$150,000. Motion dies for lack of a second. Further discussion is held.

Supervisor Dahle amends his original motion to make changes to District One and Five resulting in the following allocations: District Three - \$300,000; District Four - \$250,000; District One - \$225,000; District Five - \$225,000; District Two for Susanville Ranch Park - \$200,000. The second concurs and the motion is carried unanimously on a roll call vote.

Noon recess 11:49 a.m. - 1:04 p.m.

#### STUDY SESSION - CRIMINAL JUSTICE SYSTEM

Chairman Chapman introduces the Criminal Justice System Study Session and states that no decisions will be made today.

Supervisor Dahle states this study session is about financing the justice system and how money can be saved and maintain the same level of service - it is not about how the judicial process works. He did not expect this to be a meeting of the public, but a meeting of law enforcement and the Board of Supervisors working together to find better ways to manage the available funding. He hopes the justice departments can work together so extreme cuts will not have to occur next year.

Supervisor Keefer has similar feelings. He was impressed with the consulting work that Dr. Kalmanoff performed throughout the nation in regard to streamlining the justice process for a financial savings. He notes the public safety department's budgets have increased 35% while other general fund departments increased 20%. He states the County is going to have to look for budget cuts next year. He notes Dr. Kalmanoff's interviews of local law enforcement produced thoughts on how the system could be improved and streamlined. He felt the most important recommendation is to have a Criminal Justice Coordinating Commission (CJCC) to meet and discuss issues and come to a mutual understanding of how to make changes.

CAO Whiteman reviews his memo to the board members with background information, budgetary policy considerations and recommendations. He notes that more money is spent to defend than to prosecute in Lassen County (Public Defender - \$638,450; District Attorney - \$519,800).

Supervisor Hanson does not have much to add and is looking forward to hearing from those present. He would expect to look

to a CJCC for guidance.

Supervisor Pyle does not have any comments and wants to hear from those present.

Betty Hoffman talks about a woman arrested in her own home for public drunkenness and suggests cutting out the bum arrests.

Eileen Spencer assumes she will be accused of causing a riot in next Tuesday's paper then goes on to say rather than public justice it should be called public jeopardy in Lassen County. States Lassen County is unchecked corruption - there is no justice - DA does political prosecutions - she has written DA several letters in past year and none have received a response.

Kevin Jones feels today's session is going to be open season on Cops. He states the County has lots of hardworking officers and others in the justice system who will not be able to defend themselves today. He notes if a person has complaints there is a complaint process to be used.

Sherry Penill talks about an incident where she was arrested for being drunk in public in her own home and was released from jail at 1:00 a.m. with no ride home. States there are lots of hardworking officers in the community.

Christina Love has complaints about CPS and tells her experiences.

Vicky Jorn feels the crime her daughter committed did not deserve the punishment received. She also feels the Proposition 36 (drug treatment) funding is not being used properly in Lassen County. She feels that revamping can occur and there is a real need to take a hard look at rehabilitation. Maybe an in-house substance treatment facility. Feels there are people in jail who should not be treated as felons and also people should not be released from jail at 2:00 or 3:00 a.m.

Carl Parks talks about the once-a-month justice committee meetings started by Sheriff Jarrell which were continued under Sheriff Freitas but stopped a few months ago. He would like to see the meetings resumed in Big Valley every other month. Sheriff Freitas responds that he has already taken steps to resume these meetings next month.

Janet Taten tells her story regarding poor treatment by CPS.

June McCloud emotionally talks about being born and raised in

Susanville and the respect for law enforcement that she was taught. She feels the officers that work at the High School need to make friends of young people if they expect to be listened to. She also relates stories of more recent law enforcement encounters (here and in other counties) that were very unpleasant.

Mervin Delgado did not know the Public Defender budget was bigger than the District Attorney budget. He thought the meeting today was to make justice work better and to accomplish savings and he would like to see the meeting stick to that forum. He feels the people elected the Sheriff, District Attorney, Judges and Board of Supervisors to provide public safety.

Supervisor Chapman responds the newsmedia created an expectation that people would be able to express themselves today and he intends to let that happen.

Pastor Rocky Schlange works with law enforcement (riding with them and talking to them) and has watched most every circumstance the officers encounter from minor to major incidents. Every time the Sheriff's Deputies and City Police Officers have conducted themselves professionally and with honor. He feels it would be a wrong move to cut the budgets and let officers go.

John Zenith tells stories to show his dissatisfaction with the DA, former Police Chief, Superior Court Judges, County Clerk, Lassen County Board of Education, and Richmond School District Board of Trustees.

David Williams feels Public Defender Toni Healy's analysis of the justice system is accurate. He specializes in suing public officials who screw-up and is kept too busy in Lassen County. He thinks there is a need for a change in attitude in the criminal justice system - sees a lack of own recognizance releases - heavy sentences for missing court appearances - excessive referrals to probation - heavier sentences for repeat drunk driving than in Plumas County. Has highest respect for Judge Bradbury who has integrity.

Linda McAndrews has reviewed both the Healy and Kalmanoff reports and sees misrepresentations in the Healy report in relation to domestic violence crimes. She notes the Kalmanoff report verifies that many misdemeanor domestic violence cases were originally filed as felonies and she wonders what questions were asked and how they were asked when the 26 counties were

surveyed. She states the Department of Justice report shows Lassen County has a higher than average incidence of domestic violence so we would have a higher than average arrest and prosecution of this crime. She notes neither report addresses the other costs to the taxpayers that are related to domestic violence (i.e. victims absenteeism, children staying home taking care of mom, emergency room visits). She has seen nothing but professionalism from the criminal justice officers. She is glad to have aggressive domestic violence arrests and prosecution and notes that 70% of these cases also involve child abuse. Ms. Andrews thanks DA Burns and his office and asks do we really want to go backwards. She states infractions for these kinds of cases is not appropriate because the people with money would pay the fines while the poor would be incarcerated. She notes there is no treatment for batterers in Lassen County. She feels victims report these cases here because they know how to get help and know they will be taken seriously, therefore this leads to higher rates of arrests. In September, 38 women and children were provided shelter because of abusive treatment.

Terri Stevens sees both sides of the issues and reads a statement that points out the respect for law enforcement that she learned and the fact that Larry Griffith may have saved her life in the past when she needed help. But she feels too often overzealous officers escalate a harmless situation and relates a recent incident when she was arrested for public drunkenness while a passenger in a car that was stopped.

Joe Keagan expresses his dissatisfaction with the District Attorney and tells about a break-in that occurred on his property which he feels was not investigated properly or prosecuted.

Lt. John Mineau states that he is proud to be a peace officer in Lassen County and states he is also a stakeholder as a resident and parent. He is proud of the low crime rate in the county and takes great comfort in the safety here - unlike what he saw while living in Sacramento County. Disagrees with the stance that the "bottom line" is the budget - he feels the "bottom line" is public safety.

John Hubbard moved here two years ago from Phoenix because crime is lower and the cost of living is lower. He states you cannot put a price on safety for his wife and family.

Sheriff Freitas informs the board members that all the local criminal justice principals met a week ago and they intend to continue the meetings. He believes the community supports the

type of enforcement his department does. He quotes President Teddy Roosevelt - "No man is above the law nor is any man below the law. Nor shall I ask any man's permission before I enforce it." He states that is the way he feels about law enforcement.

Police Chief Chris Gallagher states that he cares for this community and will make sure this is a safe place to live. He takes exception to some things included in the Healy and Kalmanoff reports - would like to have accusations backed up with facts and wants to move forward. He states that lots of persons are put in jail for being drunk-in-public because we have a substance abuse problem here. His policy is to put persons in jail until they sober up with the exception of repeat offenders. He will be harsh on DUI's and driving after a license has been removed. He notes that he would like to be included in any future studies because Dr. Kalmanoff did not include him. He feels the first justice system meeting arranged by Judge Bradbury was a good start and expects them to continue and bring about good changes.

CHP Lt. Linschoten echoes the comments from the Sheriff and Police Chief and also states that he sees some benefit from both reports. He will continue to emphasize his aggressive enforcement policy.

Public Defender Toni Healy says the Police Chief is a decent man and they have some common ground. The District Attorney has the political courage to dismiss a case if she shows him a person is innocent. She feels that she and the Sheriff could find common ground if they ever talked - she and the Chief Probation Officer share common ground. She really admires Judge Bradbury and is happy he took the first step in getting everyone together. She feels someone from the Board of Supervisors should be included in these meetings.

District Attorney Bob Burns came here with an eye towards where to make improvements and save dollars. States the Kalmanoff report is correct that we spend more in the criminal justice system and the result is good. He will work to the extent that he can, to create change to save money. He has heard from a lot of folks today, some with good experiences and some not so good, but whatever your experience budgets cuts are not the solution. All you will see is more individuals who will have unanswered claims for justice.

Chief Probation Officer Whipple notes several of the Probation positions are grant funded and that has not been discussed. Notes there are eight juveniles in Juvenile Hall today and five

are from out-of-county which generates money to Lassen County.

CAO Whiteman states the challenge is to find ways to make savings in the criminal justice system.

Supervisor Chapman asks if the CAO is going to encourage the continuance of the CJCC meetings and CAO Whiteman responds that he will, and hopes he is invited to the next meeting.

Supervisor Chapman takes note that the meetings have begun.

Supervisor Keefer feels the Board needs to be actively involved and his concerns are that all the right people are included and they will meet on a regular basis. He thinks the commission should be established by the Board.

Supervisor Dahle feels the CJCC has taken the first step and does not feel the Board has to impose - he just hopes a member would be invited. Supervisor Keefer would be content as long as he is assured they will continue. Supervisor Chapman feels the Board could revisit the formation of the commission if the group does not come forth with constructive ideas. Supervisor Hanson thinks having the group get together is making a positive step.

Supervisor Pyle is glad to see the CJCC has begun meetings and wants to get a report back from them, but has concerns that it may not work and may need to be appointed by the Board. He states the County cannot continue to deficit spend - let's not wait for next year to be forced to make cuts. We need to work together.

Supervisor Dahle wants to be educated on how things can be changed. He has learned a lot from this session and hopes a member of the Board would be invited to participate on the CJCC. Supervisor Keefer also feels this was a good session. Supervisor Chapman feels this was one of the best study sessions the Board has had and states that decisions need to be made with knowledge. He has always been a supporter of law enforcement and feels what matters the most is we have a low crime rate and that could be put at risk with budget cuts. Best thing to do is talk and find better ways.

There being no further business, the meeting is adjourned at 4:00 p.m.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD