

BOARD OF SUPERVISORS

NOVEMBER 18, 2003

The Lassen County Board of Supervisors convene in Regular Session at 9:08 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 9:09 a.m. to discuss: 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Judlin vs. Lassen County, Case # CIV S-02-0345; and 2) Employee performance evaluation: County Administrative Officer McFerrin A. Whiteman.

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, Chief Probation Officer Snerp Whipple and County Clerk Theresa Nagel. Lynne Margolies, Snerp Whipple and John Ketelsen depart at 9:15 a.m. Closed Session is recessed at 10:06 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, November 18, 2003, at 10:09 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: 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Judlin vs. Lassen County, Case #CIV S-02-0345 - motion by Supervisor Dahle, seconded by Supervisor Hanson and carried to give approval for legal counsel to enter into settlement negotiations with plaintiff's counsel; and 2) Employee performance evaluation: County Administrative Officer McFerrin A. Whiteman - board members raised significant issues with CAO Whiteman and will await his response.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Pyle requests the meeting be adjourned today in memory of Arnold Hasselwander. Supervisor Chapman also wants the meeting adjourned in memory of Jeffrie Esparza and Fred Money.

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

PUBLIC COMMENT

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

RECOGNITION COMMITTEE-PROCLAMATION

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to adopt a Proclamation recognizing Kristine Mahan upon her retirement from the Health and Human Services Department.

RECOGNITION COMMITTEE PRESENTATION

Chairman Pyle makes the following presentations:

Retirement: Kristine Mahan (Health and Human Services Department)

Fifteen years: a two pen desk set to Karen Tamar Dean (Health and Human Services) and David Farano (Health and Human Services)

SAFETY COMMITTEE PRESENTATION

Chairman Chapman notes that Lassen County received the highest score ever achieved since the beginning of Trindel's Safety Award Program and presents

Certificates of Appreciation to each member of the County-wide Safety Committee. Committee members present - John Mineau, Christina "Tina" Anderson, Sonjia Edwards, Cathy Hilts, Pamela Yeates, Susan Osgood, Donna Minch, Sharon Johnson, Sheila McGarva, Jacqueline "Jackie" Stovall, Catherine "Cass" Harrington, Stephanie Mallery, Karen Del Carlo, Paul "Rocky" Langslet, Robert "Bob" McGarva, James "Jim" Watters, James "Jim" Davis, Kathy Waters, Norma Sheetz, Kyla Curley. Committee members not present - Vianna Robbins, Craig Hemphill, Marcia McKee, Ann Hendrix, Sam Porter, Paula Lawton, Robin Jones, Michelle "Mike" Schull, Roy Thiels, Lilizean "Lily" Adachi, John Luond, Brenda Spaniol, Shirley Johnson-Wright, Rodger Clark.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman notes that he saw Supervisor Hanson on Channel 12 News last night and Supervisor Hanson acknowledges he attended the inauguration of Governor Schwarzenegger. Supervisor Hanson reports on: LRA Herlong Property signing ceremony and tour of Federal Prison; Herlong Utility Co-op meeting; and BLM Resource Management Scoping meeting. Upcoming events are: community meeting to discuss water exportation from Dry Valley and Honey Lake Valley tomorrow from 4:00 - 6:30 p.m.; and Sonoran Institute meeting on the BLM Resource

Management Plan on November 20th.

2. Supervisor Pyle reports on the topics discussed at the Eagle Lake Interagency Board meeting - Spalding Wastewater Project, Spalding Marina construction schedule, lake level continues to drop, fuels treatment plans for Spalding and Stones areas, (Counsel departs at 10:33 a.m.) and the status of the new Fish and Game Eagle Lake Management Plan.

3. Supervisor Keefer reports that he attended the Lassen County Fire Safe Council meeting and wants a report made to the Board of Supervisors on the goals of the Fire Safe Council at a future meeting. Notes he has a final draft of the Fire Safe Plan. Reports on RAC meeting held November 6th. Reports on the LAFCO meeting noting they finally adopted rules and also voted to write a letter to the County asking for County Counsel opinion on a possible conflict of interest in regard to the LAFCO Legal Counsel. (Counsel returns at 10:35 a.m.) Supervisor Keefer attended the Statewide RAC meeting in Sacramento and the Lassen County Economic Council meeting.

4. Supervisor Keefer designates that \$1500 of his discretionary funds be allocated to the Milford Community Association for continued development of the community park.

5. Supervisor Dahle thanks Jim Chapman, Larry Millar and Andy Whiteman for attending the Co. Rd. A-2 Ribbon Cutting Ceremony; discusses plans for a ribbon cutting at the Family Resource Center; and announces he will leave for the CSAC Conference following today's meeting.

6. Supervisor Chapman discusses the Co. Rd. A-2 Ribbon Cutting and the viewing of the Bieber Family Resource Center; reports on the Prop 10 Commission meeting; reports on the PSA II conference call meeting, Veterans Day Ceremony and the LRA signing ceremony; expects the CSAC Conference this week to be very interesting.

7. Supervisor Dahle reports on the unique Veterans Day Celebration held in Big Valley and how successful it was.

8. Supervisor Chapman announces he took out papers to run for Supervisor yesterday.

9. Supervisor Dahle and Supervisor Pyle announce they have also taken out papers to run for their positions in March.

UNITED WAY CAMPAIGN 2003/2004

Chris Beard presents information on the Lassen County United Way Campaign Kickoff and distributes a list of local agencies that United Way contributed to last year. She notes that Lassen County employees have been very generous in the past and encourages everyone to donate \$1 per pay period.

LASSEN COUNTY CHILDREN AND FAMILIES COMMISSION

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and

carried to accept the letter from Karol Merten submitting her resignation from the Lassen County Children and Families Commission, and direct County Clerk to advertise vacancy.

PSA 2 - AREA AGENCY ON AGING

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to appoint Joleen Anderson, George Oakley and Jack Kessler to fill vacancies on the Lassen County Advisory Council for two year terms.

CONSENT CALENDAR

Supervisor Dahle requests that Item G-9, A-2 final payment, be pulled for separate consideration.

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 October 28, 2003.

AUDITOR AND TREASURER DEPARTMENTS ITEM

Receive and file Treasurer's Investments Report and Auditor's verification for the month of September, 2003.

COUNTY COUNSEL ITEMS

Reject claim of John L. Womack, in its entirety, and direct County Clerk to send Notice of Rejection; and reject claim of Antonio Jimenez, in its entirety, and direct County Clerk to send Notice of Rejection.

PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

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

PUBLIC DEFENDER ITEM

Adopt Resolution No. 03-075, approving a contract with Robert P. Grant to provide investigative services for the Public Defender, from December 1, 2003 through November 30, 2004; and authorize County Administrative Officer to sign the contract.

PUBLIC WORKS DEPARTMENT ITEMS

1) Award bid for the purchase of Liquid Propane for various County facilities within the Doyle, Ravendale, Standish, Susanville and Westwood areas to Amerigas, Susanville, in the amount of \$0.37/gallon

(firm margin above BPN) and to Ed Staub & Sons, Susanville, for the Bieber area in the amount of \$0.39/gallon (firm margin above BPN), the lowest bidders. 2) Award bid for the purchase of heating oil/Diesel #2 for various County facilities within the Bieber area to Don Harbert Oil, Bieber, in the amount of \$0.08/gallon (firm margin above OPIS) and to Ed Staub & Sons, Susanville, for the Susanville and Westwood areas in the amount of \$0.0855/gallon (firm price above OPIS), the lowest bidders.

PUBLIC WORKS DEPARTMENT - SURVEYOR DIVISION ITEM

Adopt Resolution No. 03-076, approving Parcel Map # 2001-131, Carver, and accepting the described easement as shown on the map.

TREASURER ITEM

Receive and file Treasurer's Fund Balance Report for September, 2003.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. PSA 2 Area Agency on Aging meeting agenda for November 3, 2003, and minutes of October 6, 2003.
- b. Lassen County Planning Commission meeting agenda for November 5, 2003.
- c. Lassen County Fair Advisory Board meeting agenda for November 4, 2003, and minutes of November 4, 2003.
- d. Local Agency Formation Commission of Lassen County meeting agenda for November 10, 2003.
- e. Eagle Lake Interagency agenda for November 13, 2003.

PUBLIC WORKS DEPARTMENT

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried, with Supervisor Dahle abstaining, to authorize the Public Works Director to sign Final Pay Estimate with J. F. Shea Co., Inc. for the County Road A-2/Bieber Lookout Road construction project in the amount of \$282,714.09.

ADMINISTRATION SERVICES - PERSONNEL DIVISION

Personnel Director Lynne Margolies presents and discusses a request for reclassifications of Health and Human Position #9124 from Services Psychiatric Nurse (Range U 24, Classified, NonExempt) to Chief, Mental Health Clinical Records/Administration (Range MM 26, Classified, NonExempt); Position #2005 from Secretary (Range U 12, Classified, NonExempt) to Senior Admin Clerk (Range U 10, Classified, NonExempt); Position #9138 from Admin Clerk (Range U 8, Classified, NonExempt) to Senior Admin Clerk (Range U 10, Classified, NonExempt), and Position #9121 from Program Manager (Professional) (Range MM 28, Classified,

NonExempt) to Program Manager (Range MM 26, Classified, NonExempt), effective November 18, 2003, or as soon thereafter as possible subject to recruitment times and proper notification per appropriate Lassen County MOU's. (Supervisor Chapman departs at 10:00 a.m.)

Supervisor Keefer notes this is not following the previous recommendation that prior to making reclassification recommendations a full analysis be performed on the impacts to the entire county organization. This is being treated differently than other reclassifications. (Supervisor Chapman returns at 10:02 a.m.) Ms. Margolies explains what actions have been taken and states this is in response to a request from Interim H&HS Director Gauthier. CAO Whiteman notes the H&HS reorganization was performed in response to Board direction and these reclassifications are a result of the reorganization. Further discussion is held.

Board members indicate they are not ready to take action on this recommendation and desire further information. Chairman Chapman continues the item to the December 9, 2003 agenda.

UNITED STATES FOREST SERVICE

Community Liaison Heidi Perry provides an update on Resource Advisory Committee (RAC) 2004 Proposals. She distributes a list of RAC members as of November 17, 2003; an updated list of 2003 RAC Proposals covering a variety of projects on private and National Forest lands across the county; and a list of twenty-two 2004 RAC Project Proposals. Presentations on the 2004 proposals will be held on December 10th and the RAC will start the selection process on December 11th.

ADMINISTRATIVE SERVICES - PURCHASING DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried, with Supervisor Chapman voting NO, to approve lease agreement with Ray Morgan Company for three (3) copy machines in the Welfare Department for 60 months at the rate of \$1901.17 per month.

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to approve the surplus of 11 vehicles from Fleet Maintenance and 18 assorted vehicles and heavy equipment from the Road Department and approve an advertised sealed-bid auction.

AGRICULTURE COMMISSIONER

Bid Award:

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to award bid to McArthur Farm Supply, McArthur, the lowest bidder meeting specifications, for weed spraying herbicides, in the

amount of \$15,349.35.

Pest Abatement District:

Agriculture Commissioner Ken Smith notes that County Counsel is still reviewing the proposal to form a Pest Abatement District in Honey Lake Valley and suggests it may not be appropriate to take any action today.

Chairman Chapman continues this item to December 9, 2003.

(County Counsel absent 11:27 - 11:29 a.m.)

LASSEN COUNTY FAIR

2003 Budget Adjustments:

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried unanimously, on a roll call vote, to approve revenue and expenditure appropriation increases: Increases of \$40,199. in the 2003 Lassen County Fair budgeted revenues and expenditures as detailed on the Expenditure/Revenue Transfer Form and Budget/Appropriation Transfer Form to address the expectation that the projected total operating expenditures will exceed the approved budget; and decreases of \$8,534.43 from the Operating Reserves and \$31,664.57 from Fair 2000 Trust.

2004 Fair Budget:

Fair Manager Claud Neely presents, discusses and answers questions in regard to the 2004 Lassen County Fair Budget. Supervisor Dahle will be making a motion to approve this budget, but does not want to see a \$40K change made at the end of next year.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried unanimously, on a roll call vote, to approve Lassen County Fair State Budget for period of January 1, 2004, through December 31, 2004, with total "Proposed" Resources Available of \$712,115 and total "Proposed" Expenditures of \$592,428, and a projected Reserve Percentage of 20.2%.

LAFCO

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to approve and authorize Chairman to sign an agreement between LAFCO, City of Susanville and County of Lassen for county and/or city services.

CRIMINAL JUSTICE SYSTEM

Supervisor Pyle does not feel a board member needs to be on the Criminal Justice Coordinating Commission (CJCC) and does not want to create any friction by asking for a board member to be included. Other board members agree and want the draft letter revised to remove

that request. County Counsel John Ketelsen notes that he has been invited to attend the meetings but the CAO has not yet been invited. Supervisor Chapman feels it is important to have some budgetary link on the committee and the CAO would fill that need.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to direct the CAO to rewrite the letter and to authorize the Chairman to sign the revised letter to Criminal Justice Agency regarding the status of the Lassen County Criminal Justice System.

INFORMATION FOR THE BOARD

1. CAO Whiteman announces a progress meeting will be held this afternoon with the Indoor Arena Consultant.
2. Supervisor Chapman announces that Assemblyman Dave Cox will be here on December 19th and would like to meet with various board members and the public. He suggests the Board of Supervisor's room could be used for a town hall meeting.

STATE PRISON WORK CREWS

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to authorize the CAO to draft a letter for the Chairman's signature, strongly opposing the proposal to begin charging for California Correctional Center (CCC) work crews.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:58 a. m. in memory of Arnold Hasselwander, Jeffrie Esparza and Fred Money.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD