

BOARD OF SUPERVISORS

JANUARY 27, 2004

The Lassen County Board of Supervisors convene in Regular Session at 9:10 a.m. 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 9:12 a.m. for a conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 3 cases.

Present in the Closed Session are Supervisors Jim Chapman, Lloyd Keefer, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer Andy Whiteman, Alcohol & Drug Deputy Director Michael Beard, Personnel Director Lynne Margolies and County Clerk Theresa Nagel. Supervisor Pyle enters at 9:13 a. m. Supervisor Dahle enters at 9:23 a.m. Michael Beard departs at 9:25 a.m. Closed Session is recessed at 9:30 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, January 27, 2004, 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 Dahle.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces the Closed Session dealt with a conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 3 cases - claims of Louis & Yvonne Hawkes, Timothy Ochotorena, and Rex James Rivera. Motion by Supervisor Chapman, seconded by Supervisor Keefer and carried, with Supervisor Dahle abstaining, to reject claim of Louis & Yvonne Hawkes in its entirety, and direct County Clerk to send Notices of Rejection; motion by Supervisor Dahle, seconded by Supervisor Pyle and carried, to reject claims of Timothy Ochotorena and Rex James Rivera in their entirety, and direct County Clerk to send Notices of Rejection.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

County Clerk Nagel received a call in regard to Item D-3, Northwest Lassen Fire Chief Dennis Miller will not be present

due to road conditions.

Supervisor Chapman requests the meeting be adjourned in memory of Supervisor Pyle's mother, Bernice Pyle.

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

PUBLIC COMMENT

Violet Stout gives her sympathy to Supervisor Pyle at the loss of his mom.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle: will be attending the RCRC Board meeting; he reports the land swap with the Big Valley High School, which will also benefit the Family Resource Center, is moving forward; reports he will be in Washington, D.C. for RCRC, February 17-24, 2004.

2. Supervisor Keefer: reports he attended the Herlong Town Hall Meeting and was impressed with the well attended, great meeting; he attended the Community Advisory Meeting relating to corrections; briefs board members on the Economic Development Coordinating Council meeting which had great turnout and was one of the best meetings that has been held; briefly discusses when and how to receive a report from the Forest Supervisor on the newly adopted Sierra Nevada Framework; announces that another two acres of property is available adjacent to the Janesville Park which he feels is a great opportunity and he explains how it would benefit the park.

3. Supervisor Chapman: briefs the Board on the Annual Chamber of Commerce Dinner; provides information on the PSA II meeting held via conference call -as Chairman he is having to address a controversy between the new Executive Director and an executive board member from Modoc County; discusses issues relating to the affect the State Budget may have on the prisons - also he was contacted by the CSAC Legislative Representative to see if he would be interested in having his name put forth for nomination for appointment to a task force to look at CDC and CYA facilities in the state for possible closure. He feels it is important that we keep a close eye on the significant discussions this task force will have.

4. Supervisor Hanson: briefs the board members on: Herlong Town Hall Meeting; BRAC 2005 issues.

CONSENT CALENDAR

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

COUNTY CLERK ITEM

Approve minutes of January 20, 2004.

AUDITOR AND TREASURER DEPARTMENTS ITEM

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

COMMUNITY DEVELOPMENT DEPARTMENT - ED HOUSING ITEM

Adopt Resolution No. 04-005, amending Resolution #04-001, to correct the dollar amount for Building Permit fee waivers from \$1,796. to \$9,140.

TREASURER ITEM

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

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Technical Advisory Committee meeting revised agenda for February 3, 2004.
- b. Lassen County Alcohol and Drug Advisory Board meeting agenda for January 27, 2004, and minutes of December 18, 2003.

ADMINISTRATIVE SERVICES - PURCHASING DIVISION

It is moved by Supervisor Keefer, seconded by Supervisor Chapman and carried to approve a one year contract with Frontier Communications, in the amount of \$3979.97, for High-speed Communications Line for the Financial System, (installation charge of \$2,738.12) with a continuing monthly base charge of \$1,241.85.

PUBLIC WORKS DEPARTMENT

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to increase Expenditure Appropriation 127-1271-3006100 in the amount of \$35,000; and increase Revenue Appropriation 127-1271-2002100 by \$35,000 (\$10,000 for a mold issue discovered during the remodel of a basement area in the Courthouse Annex; and \$25,000 for installation of a "comminutor" into the sewer line leading from the Adult Detention Facility).

COUNTY COUNSEL/COUNTY CLERK

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to introduce, by title only, Franchise Ordinance No. 559, between Lassen County and Rapid Communications, LLC - Westwood area.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
Community Development Director Robert Sorvaag presents the Lassen County Fire Safe Plan and individual Community Fire Safe Plans.

Discussions are held with Supervisor Chapman reviewing the maps for the Susanville Area specifically in the Inspiration Point area and suggesting the line defining the responsibility area for the Susanville Fire District be moved farther west to include all the houses in this area. Supervisor Keefer would like to see better mapping to reflect the actual fire break work that has been performed.

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to receive and accept Lassen County Fire Safe Plan and individual Community Fire Safe Plans for the following individual and grouped communities: Bieber-Nubieber, Doyle, Herlong, Lake Forest Estates, Little Valley, Madeline, Milford, Pittville, Ravendale, Termo, Richmond-Gold Run-Johnstonville, Standish-Litchfield, Stones-Bengard-Spalding, Susanville, and Westwood-Clear Creek, including the recommended changes to the Susanville maps.

CDF representative Charles McCall urges the board members to look closely at fixed water systems as the fire plans are modified.

Recess 10:42 - 10:52 a.m.

COUNTY ADMINISTRATIVE OFFICE

Tax Recoupment:

CAO Whiteman presents a letter he sent to Briar Tazuk, Principal of Dyer Mountain Associates, LLC, relating to the Property Tax Recoupment, Change of Zoning, Dyer Mountain. He also states that Dyer Mountain has paid all back interest payments along with the interest payments for January and February, 2004. It has been determined that Dyer Mountain Associates does not have any secured property in Lassen County. He also notes they have paid \$261,550 into the County Trust Fund for the project's EIR of which \$142,000 has been spent to date.

Tax Collector Richard Egan reviews the past arrangements in regard to the tax recoupment fee. County Counsel John Ketelsen reviews how an agreement needs to be constructed to clearly set-forth the arrangements agreed to and the action that will be taken if they default.

Supervisor Chapman explains in detail what bothers him about delaying the tax recoupment payment is the doubt it creates in regard to the dedication of the developers to follow through with the project. He feels the entire tax should be paid before further consideration of the project takes place.

It is moved by Supervisor Pyle and seconded by Supervisor Keefer to direct staff to go forward with preparation of an agreement with conditions as outlined by County Counsel.

Helen Williams asks the board members to take no action today.

Following further lengthy discussion, Supervisor Pyle withdraws his motion.

Mr. Egan states if no action is taken collection of the tax will proceed because the original agreement expired over a year ago. Supervisor Chapman feels the payment of the past interest, and acceptance of the checks, is defacto extension of the agreement. Auditor Fouch indicates the checks have been received, but not yet cashed.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried unanimously, on a roll call vote, to direct the Auditor to cash the interest checks with the understanding this is implied extension of the prior agreement, to March 1, 2004; and stipulating on March 1, 2004 the principal shall be paid in full or further collection efforts will proceed.

Nor-Cal Contract:

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve contract with Nor-Cal establishing administrative fees that will be assessed to the ambulance providers in Lassen County.

INFORMATION FOR THE BOARD

1. CAO Whiteman received a response from the Bureau of Indian Affairs (BIA) in relation to the County's comments on the Rancheria land transfer. BIA has indicated an EIR is not required. There is a deadline for response and he requests direction. Clerk Nagel notes this is not on the agenda and Chairman Hanson directs the matter be placed on the next agenda.
2. CAO Whiteman informs board members the plans for a Quad Cities meeting in Plumas County have been cancelled - a meeting will be held in Lassen County on March 30th.
3. CAO Whiteman states a report from the District Attorney will be presented sometime in February and Supervisor Dahle would like it scheduled the last meeting of the month.

4. CAO Whiteman announces the joint City/County meeting is scheduled for February 17, 2004 at Lassen Career Network.
5. Supervisor Chapman wants it noted in the minutes that information was received from the County Clerk on the cost of the Governor Recall Election - \$115,010.

ADMINISTRATIVE SERVICES - PERSONNEL DIVISION

Personnel Director Lynne Margolies and County Counsel John Ketelsen review certain aspects of the Lassen County Policies that are before the Board for consideration.

Extensive discussion is held, with direction given to remove the following wording from the resolution: "Section 1010 ADMINISTRATIVE LEAVE shall be deleted". The administrative leave policy is to be discussed in-depth at a later date, in compliance with the Board of Supervisor's response to the Grand Jury.

Supervisor Chapman points out various corrections needed on the resolution amending the personnel rules and regulations. He also wants wording added to indicate the day to day supervision of the Public Defender, Agriculture Commissioner and Child Support Services Director is under the CAO. He states the Personnel Director was originally envisioned as being a part of the CAO Office - not a separate County Department and he questions why it is now shown that way. (County Counsel John Ketelsen departs at 12:04 p.m.) CAO Whiteman sees the Personnel Director as a department head as it is an at-will position. (County Counsel returns at 12:05 p.m.) Supervisor Chapman does not believe the Board ever directed the Personnel Director to be a separate department. Lynne Margolies strongly expresses her opinion about the importance of this position being a separate department. She announces that she has submitted her resignation to assume a new position in another county. Further extensive discussion is held.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to approve the following Lassen County Policies:

- 03-P06 - County, Paid Time Off and Paid or Unpaid Leave, less Sections:
 - 2.1 (State Disability Insurance and Coordination of Benefits),
 - 2.15 (Administrative Leave), &
 - 3.3 (Definition - Domestic Partner);
- 03-P07 - Fitness for Duty Examinations, Medical Transfer, Demotion or Termination;
- 03-P08 - Alternative Work Schedules;
- 03-P09 - Job Sharing;

03-P10 - Paid Leave During an Emergency;
03-P11 - Background Investigations;
03-P12 - Purchasing;
7-1993.1 Tobacco Smoke Free Work Site (Revision); and
02-P07.1 Training and Tuition Reimbursement (Revision).

Supervisor Chapman suggests action be taken on Sections 2.1, 2.15 and 3.3 of Policy No. 03-P06 at a later date, but prior to July 1, 2004. He asks for a copy of the State Law relating to these sections along with an analysis to determine if the State Law can stand alone without further County policy.

It is moved by Supervisor Chapman, seconded by Supervisor Keefer and carried, with Supervisor Pyle voting NO, to adopt Resolution No. 04-006, amending various sections of the Lassen County Personnel Rules and Regulations and deleting various sections that are covered by newly approved Lassen County Policies, with the changes previously directed.

It is directed that Section 1010 ADMINISTRATIVE LEAVE, be continued to a study session.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:28 p.m. in memory of Supervisor Robert Pyle's mother, Bernice Pyle, a long-time resident of the community.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD