

BOARD OF SUPERVISORS

FEBRUARY 10, 2004

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, February 10, 2004, at 9:31 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 Hanson announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

CAO Whiteman states the City of Susanville has requested that Item H-7, loan request, be removed from this agenda.

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

PUBLIC COMMENT

1. Briar Tazuk of Dyer Mt. Associates (DMA) expresses his great concern over recent action by the Board. He invites the board members to come to their offices so they can be shown what has been done and where they are headed. He welcomes the public to attend and notes that Roseburg Resources also wishes to be in attendance. At a minimum they would like to appear before the Board.

2. Nick Ceaglio speaking as a citizen states he is a member of the Westwood CSD Board of Directors and a Westwood School District trustee as well as an employee of Dyer Mt. Associates. He states part of the lack of communication is his responsibility and asks the board members for consideration as the Dyer Mt. Project has already spent lots of money, they maintain an open door policy and have changed the nature of the community. He states they want to rekindle a positive relationship with the county, and states they are alive and well and dedicated to bringing amenities to Lassen County.

3. Alex de Martimprey states he has been involved working with Bob Sorvaag for many years on the potential of developing Dyer Mt. as a ski resort. He reviews the discussions that have taken place over the years. States he has not seen anything Dyer Mt. has said they would do that they have not done, with the

exception of understandable delays. He notes that somehow the train has gotten derailed. He discusses what occurred to Mt. Shasta's ski resort plan and notes the support of the Board is vital. He feels the recoupment fee is a small and trivial issue but has caused very negative publicity. He feels inaccurate statements have come forth which has made the public think waiver of the fee is permanent. He presents a petition from Westwood residents supporting the project.

4. Eileen Spencer states she and her family have always been in support of the DMA project, but she has to pay her taxes and does not want the county to finance Dyer Mt. She indicates she has received her information from Supervisor Pyle. She asks the chairperson to recuse himself from any future votes on Dyer Mt. because he signed the argument in favor of Dyer Mt. and the rebuttal to the argument against the measure. She states he is somehow financially involved with Dyer Mt. Chairman Hanson responds that he has discussed with counsel the signing of arguments and it is only a perceived conflict not a real conflict. He states that he was merely exercising his rights of free speech. Supervisor Pyle clarifies that only a small part of the information from Eileen came from him.

5. Briar Tazuk states the comments from Eileen Spencer reflect the confusion by the public as people think they know the facts, but do not have the facts correct.

6. Lassen County Fire Warden Don Posten discusses what is happening with the State Responsibility Area (SRA) fees (AB 1049). He notes there is no distinction between parcel sizes in determining the fee and this has led to the question of legality of the fee. He states the new administration is asking for language to clean-up the legislation. CDF is also working to clean-up the map issues, developing an appeal process and developing a website. He states that CDF did not propose or support the fee and the new administration does not support it either. Several organizations are considering lawsuits but must wait until billings go out.

7. Livestock Committee Member George Marsters informs the board members that Fair Manager Claud Neely took it upon himself to change the Fair Premium Book by removing the tagging and weighing of animals section, without the support of the Fair Advisory Board or the Livestock Committee. He states they need direction from the Board to the Fair Manager to not go forward with this action. Supervisor Keefer asks for a closed session next week to deal with the matter under a performance evaluation. Chairman Hanson so directs. In response to a question County Counsel John Ketelsen states the Fair Advisory Board can meet in closed session to do an evaluation of the Fair Manager for a report to the Board of Supervisors.

8. Laurel Marsters trusts the Board will do what is best for

the youth of the community.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle suggests a study session be held by the Board with DMA. Supervisor Chapman states open communication is what he has wanted for a long time and states the County has not backed away from supporting the Dyer Mt. Project. Chairman Hanson directs a study session be held next week at 1:30 p.m.
2. Supervisor Dahle attended the installation of the new RCRC President Vern Moss; discussions were held on air quality issues relating to diesel motors which will impact all of California. He announces that he will be the RCRC representative for CSAC on the Western Interstate Region for a two year term - will have input on PILT funding and natural resource issues.
3. Supervisor Keefer notes there are ongoing issues in lower Baxter Creek relating to water rights and the Water Master - he is trying to get a meeting with the Water Resources Department and they keep canceling the meetings.
4. Supervisor Pyle attended: Westwood CSD meeting where refurbishing the water system spring house was discussed; Spalding CSD - discussions regarding waste water project; met with George Emmerson to discuss possible use of the SPI millsite and found that he is very supportive of a County/City collaboration.
5. Supervisor Chapman attended: Nortec meeting - SPI closure was discussed; CSAC Board of Directors meeting - lengthy reports on the discussions that were held on local government initiative relating to funding. He notes the CA County Magazine has pictures of him from the conference.

BUREAU OF LAND MANAGEMENT

Eagle Lake Field Office Assistant Field Manager Don Holmstrom is present to provide an update on development of the new land use plan for BLM lands. He is working with Community Development Director Robert Sorvaag to finish the Cooperating Agency MOU with the County and it is close to being finalized. He encourages the County to send a representative to the meetings that will be held on Tuesday, Wednesday and Thursday next week. He introduces Project Manager Sue Noggles who announces they are working with contractor Jones and Stokes. She reviews the meetings they have held and work they have been doing. Notes they are on a fast time track and appreciate when representatives show up for meetings. States the next official comment period will occur between September and December, 2004 when the final draft is ready. The final EIS will be published in May, 2005 with a thirty day protest period in May/June, 2005 and the final plan released in September, 2005.

Recess 10:54 - 11:02 a.m.

UNAGENDIZED BOARD REPORTS CONT.

6. Supervisor Hanson discusses ongoing problems with wandering cattle and states the Farm Bureau and Cattlemen are very concerned about these cattle in the Herlong/Wendel area; announces the Honey Lake Conservancy Team hope to transfer the lake to the State more quickly than first expected; discusses motorcycles creating some noise issues on private property; notes maintenance issues are arising in regard to residences on roads that are not maintained by the county.

7. Supervisor Chapman feels the BLM needs to look at developing more off-road recreation sites to provide areas for motorcycles; reports on the Transportation Commission discussions relating to the truck accidents on the west end of Main Street and states a Task Force will be formed.

CONSENT CALENDAR

Supervisor Hanson requests that Items G-5 and G-6, prison prosecution reimbursement reports, be pulled 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 January 27, 2004.

ADMINISTRATIVE SERVICES ITEM

Approve the donation of surplused items to the Herlong Family Resource Center in accordance with Government Code Section 25372.

BOARD OF SUPERVISORS - FISH & GAME COMMISSION ITEM

Adopt Resolution No. 04-007, expressing appreciation to California Department of Fish and Game for providing two additional game wardens to patrol Lassen County.

COUNTY COUNSEL ITEM

Reject claim of Brice Creighton, in its entirety, and direct Clerk to send a Notice of Rejection.

PROBATION DEPARTMENT ITEM

Accept Juvenile Accountability Incentive Block Grant (JAIBG) for equipment purchases in the amount of \$7,335, with a \$815 match for a total project amount of \$8,150 for FY 2003/2004; and authorize the Chairman and Chief Probation Officer to sign the Certification and the Chief Probation Officer to sign the grant.

PUBLIC WORKS - ROAD DEPARTMENT ITEM

Adopt Resolution No. 04-008, accepting the Disadvantaged Business Enterprise Program and annual goal of 2.25% for the Federal Fiscal Year 2003/2004.

TREASURER / TAX COLLECTOR ITEM

Adopt Depository Services Resolution No. 04-009, for Governmental Entities establishing a checking account to be used by the Treasurer's Office for the purpose of processing Electronic Benefit Transfers (EBT) payments.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Planning Commission meeting agenda for February 4, 2004.
- b. Lassen County Technical Advisory Committee meeting agenda (second revision) for February 3, 2004.
 - c. Honey Lake Valley Pest Abatement District Formation Committee meeting agenda for February 11, 2004.
- d. Lassen Transit Service Agency meeting agenda for February 9, 2004.
 - e. Lassen County Transportation Commission meeting agenda for February 9, 2004.

PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

Supervisor Hanson asks how much money is left in the prison prosecution reimbursement fund and how the costs of Diversified Management is paid. Auditor Fouch responds the fund has in excess of \$200,000 and the Diversified Management costs are reimbursable. Supervisor Dahle states that discussions have occurred at RCRC to try to develop a solution to the outstanding reimbursements from the State. Supervisor Chapman would like an additional sheet added to the monthly reports to show how the funds are being spent. He reviews how the program works and the benefit of continuing with Diversified Management.

County Clerk Nagel and Auditor Fouch express their reasons for supporting the valuable work that Diversified Management provides.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to receive and file Recap of CCC Prison Trials Cost Reimbursement Billing for the month of January, 2004; and High Desert State Prison Trials Cost Reimbursement Billing for the month of January, 2004.

ADMINISTRATIVE SERVICES - PERSONNEL DIVISION

Personnel Director Lynne Margolies presents information on recommended personnel changes for Family and Child Protective Services. Discussion is held.

It is moved by Supervisor Chapman, seconded by Supervisor Keefer and carried to: approve a 10% premium for a bachelors degree in social work or a related field from an accredited institution for Social Worker I and II; reclassify Position #9207 Secretary (Range 12) to Administrative Secretary (Range 15); and authorize on-call social workers with BA's or Masters, transferring from other counties, to transfer in at E Step, with no benefits, while performing temporary, hourly services or enter at C Step with benefits, if they become full-time employees.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION
Supervisor Chapman excuses himself and departs the room.

Community Development Director Robert Sorvaag presents a draft response to the Bureau of Indian Affairs (BIA) Finding Of No Significant Impact (FONSI) for the Susanville Indian Rancheria (SIR) Fee to Trust Application. He states there are matters that were not addressed in the FONSI and also reviews what the affects will be if the land goes into trust.

SIR Environmental Manager Tim Keesey displays a map of Indian Allotments and Homesteaded lands north of Susanville, circa 1862-1920, and notes many of the lands were lost to the Indians by various nefarious means. He refers to other lands on the east side of Highway 139 that he feels are usable for housing. He thinks the BIA has addressed the environmental issues.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried, with Supervisor Hanson voting NO and Supervisor Chapman absent, to authorize the Chairman to sign a letter of response to the Regional Manager of the BIA.

Supervisor Chapman returns.

COUNTY COUNSEL/COUNTY CLERK

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried unanimously, on a roll call vote, to adopt, by title only, Ordinance No. 559, Franchise Ordinance between Lassen County and Rapid Communications, LLC - Westwood area.

PUBLIC WORKS DEPARTMENT

It is moved by Supervisor Pyle, seconded by Supervisor Chapman and carried to approve the Encroachment Permit between Rodney Theobald and the County of Lassen for an encroachment onto the

County Road Right of Way, Fourth Street (CR WW04) in Westwood (APN 125-153-01); and authorize the Road Field Supervisor to sign.

COUNTY ADMINISTRATIVE OFFICE

City/County Meeting:

CAO Whiteman presents a draft agenda for City/County meeting on February 17th.

Board members make suggestions for changes to the draft agenda.

Community Development Director Robert Sorvaag will be providing copies of the Economic Development Strategy Plan and the Lassen County Community Action Plans to the board members prior to the meeting.

Employee Evaluations:

CAO Whiteman presents a report on Employee Performance Evaluations which is received and filed.

INFORMATION FOR THE BOARD

CAO Whiteman announces the Public Defender's Office has moved and the Child Protective Services is in the process of moving.

CORRESPONDENCE

1. A Letter from Center for Urban Watershed Renewal Honey Lake LLC transmitting a \$95,000 donation and requesting a letter from the County indicating acceptance and approval of the donation is received.

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to approve a letter accepting donation and authorize Chairman to sign.

2. A letter from HL Power Company requesting the County send a letter opposing the removal of the Union Pacific Railroad tracks from Flannigan to Wendel and the spur from Wendel to Susanville is received.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to a approve a letter of opposition and authorize Chairman to sign.

Noon recess 12:06 - 1:34 p.m. Supervisor Chapman is not present

STUDY SESSION

CAO Whiteman reviews the County Administrative Leave Policy and offers to answer questions. (Supervisor Chapman enters at 1:36 p.

m.) County Counsel John Ketelsen provides further background information.

Extensive discussion is held among board members on the potential uses of administrative leave.

Supervisor Chapman would like wording added that within a specified period of time the CAO communicate with the Board Chairman any action taken to place a person on administrative leave and a confidential report be provided to the board members. He states there needs to be accountability.

Further discussion is held.

It is moved by Supervisor Dahle, seconded by Supervisor Chapman and carried to approve Section 1010 - Administrative Leave Policy by adding it to Personnel Policy 03-P06 County Paid Time Off and Paid or Unpaid Leave with the addition of subsection (d) that within a specified period of time the CAO communicate with the Board Chairman any action taken to place a person on administrative leave and a confidential report be provided to the board members.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 2:10 p.m. in memory of Pike Garnier and Milton Mallery, both life-long members of the community.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD