

BOARD OF SUPERVISORS

MARCH 9, 2004

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, March 9, 2004, at 9:32 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

Chairman Hanson announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to approve the agenda as posted.

PUBLIC COMMENT

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

PUBLIC EMPLOYEE DISCIPLINE/DISMISSAL/RELEASE (Gov. Code, §54954.5)

Fair Manager Claud Neely thought he had been given specific directions at the last meeting and was surprised when he received a letter last week informing him that the discipline/dismissal/release item would be on this agenda.

Supervisor Keefer states he has received lots of contacts from constituents and asks specific questions of Mr. Neely.

Supervisor Pyle states that Claud lacks the willingness to work cooperatively with the Fair Advisory Board and others. He asks County Counsel to review the events that have occurred over the last week relating to placement of this item on the agenda and Counsel does so.

Fair Advisory Board (FAB) Chairman Jeff Hemphill states the FAB is dysfunctional because they are not treated with any respect or integrity. He gives examples of incidents relating to the Fair premium book and the placement of the new restrooms.

FAB Member Jim Jeskey comments on the success of the last few fairs. Notes there has been communication problems but thinks

they have mostly been resolved due to the discussions Claud has initiated with individual FAB members.

Chuck MacKay has had no problems working with Claud in relation to car races at the fairgrounds. Notes that racing has put lots of money and time into the fairgrounds and thanks Mr. Neely for getting racing back and says it is the best it has been.

Standish 4-H Leader Susan Harwell states she has worked with four fair managers and Mr. Neely is the best - he is a true working manager. She comments on the good condition of the grounds and barns.

Barbara Howe has been involved with the fair since 1942 and states the best manager in that time was Abe Jensen, but Mr. Neely is second best. She reviews the livestock activities and feels the sales committee is causing the trouble, but also feels it will be fixed.

Concessionaire Ben Linschoten (GL&L Smokehouse) has been at the fair for 20 years and feels Mr. Neely is the best manager with the exception of Mr. Jensen.

FAB member Carol Montgomery feels the FAB has had some problems and Claud tried to initiate discussions with each of the members. She observed some individuals on the FAB that wanted to improve things and some that were not interested in mending fences. She feels Mr. Neely recognized there was a problem and tried to work to fix things. She feels it would be helpful for the FAB to receive some direction from the Board of Supervisors (BOS) on rules and responsibilities. She feels when something occurs it should be addressed at that time, not put on a list to hit Claud with all at once.

Anna Marie Harnden, an active 4-H member, states that Mr. Neely is good to 4-H and FFA.

Tom Neely reads a statement supporting his father - when the fair was in a mess it was Claud that rose to the occasion and with the help of BOS saved the fair. A new manager was hired and again the fair got in a mess and again Claud stepped up. He comments on the improvements to the fairgrounds that Claud has accomplished following 30 years of poor maintenance - fair is in better financial shape than when Claud took over - has put on good fairs and has asked for community input - upgraded old wiring and made many improvements to buildings and grounds. Claud has brought big name entertainment to the fair. States Claud is dedicated to the fair and even spends his vacation time

doing work there. States Claud has been there in time of need and you can count on his honest and frank opinions. He thinks the BOS owes him two more years as fair manager.

Darin Neely echoes his brother's comments.

Al Martin states over the 50 years he has been involved with the fair there has never been a more dedicated fair manager than Claud Neely. States he knows working with boards is the hardest thing in the world - too many members have their own agendas and do not care about all areas of the fair. He cannot say that Claud is the best manager ever, but he is the second best (note - Al Martin was also a fair manager).

Michele Zubillaga reads a statement and states she feels the fair premium book issue was a lame excuse - there are some other underlying reasons for the FAB member complaints.

Jack Haslem agrees with other comments and also notes a big improvement Mr. Neely has made is the grandstand elevator for disabled persons. He notes that fairs all over the country are trying different things to make a go of it. States the fairgrounds have really improved under Claud Neely and no one worked better with the youth. He encourages keeping a good thing going and states "don't change horses in mid-stream".

Agriculture Commissioner Ken Smith states the fairgrounds are in fantastic shape. Notes that Claud comes into work early and stays extra late - feels Claud is doing a fantastic job.

Renelle English states in reference to the location of the new restrooms that was determined by the California Construction Authority, not the fair manager.

Supervisor Chapman felt the previous action of the BOS was to wait until after the fair to continue the fair manager performance review. Notes that at times Mr. Neely has been difficult to deal with but he has seen Claud's relationship with the City Rodeo Committee improve. Feels we must focus on what is good for the fair and community and states the fair manager and FAB need to resolve their differences.

Supervisor Dahle states there are two sides to every story and notes both the fair manager's and BOS's shortcomings were discussed in closed session. He would like to have another closed session to further discuss the issues and not take any action today. He feels the differences can be worked out.

Supervisor Keefer received lots of phone calls, both from supporters and persons that have problems with Mr. Neely. He has concerns because the same issues keep coming back every year. States maybe it is a good idea to not take any action today.

Supervisor Pyle agrees with the statements made by Supervisors Dahle and Keefer and if Mr. Neely will agree to sit down with the BOS and County Counsel he will not pursue action today. States the BOS responsibility is to the entire community, not just those persons appearing today. He wants what is best for the entire county.

Supervisor Keefer sees a real need for the BOS to have an open session to define the roles and responsibilities of the FAB and fair manager - the sooner the better.

Supervisor Dahle feels the FAB is the eyes and ears of the community for the BOS and if there is a communication problem between any of these entities it will not be successful.

Supervisor Chapman renews his request for a one-on-one meeting with the FAB. He states that he has also received lots of phone calls from both sides of the issue and feels the BOS need to clearly resolve the responsibilities of the FAB - the sooner the better.

Supervisor Pyle states that Claud Neely has done a lot for the fair and he won't take that away from him, but feels Claud lacks the willingness to communicate effectively with the BOS, the FAB and others. He tells Mr. Neely that it can't just be "my way or the highway".

Supervisor Hanson feels it is best to keep Mr. Neely where he is for the best interest of making this year's fair successful.

Renelle English states listening to these discussions makes her the most optimistic she has been since 1996 - she is impressed with the BOS statements on moving forward.

Chairman Hanson asks Mr. Neely if he is willing to sit with himself, the CAO and County Counsel for discussions and to set a meeting with the FAB after new members are seated. Mr. Neely is agreeable.

Recess 10:32 - 10:39 a.m.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman expresses appreciation to the board members for the support he received during his re-election - it rejuvenated him to find that people are paying attention to what the Board does; requests the meeting be adjourned in memory of Ruth Stout; notes that election day was County Clerk Nagel's birthday and states she and her staff did an excellent job - Lassen was the first county to report vote results to the State on election night - they should be commended for an excellent job; notes that Isaac Roop Day is Friday, March 12th; presents items for the next agenda - letter relating to the Junior Fishing Derby, proclamation honoring Harold Abbott-50 Year Attorney Anniversary, CSAC Excess Insurance Authority vacancy, letter relating to Indian Gaming Local Benefit Committee; discusses the committee appointed by the Governor to investigate State Prison operations; distributes an article relating to mental health service problems in other counties; and discusses the organization of a Highway 36 safety task force.

2. Supervisor Pyle discusses the financial problems Westwood Fire District is experiencing in relation to the increased costs for the CDF Amador Plan and more training regulations. Discussion is held among board members on the problems all fire districts are experiencing. Chairman Hanson asks Supervisor Keefer to work with the CAO to schedule a study session on this issue.

3. Supervisor Keefer reports the meeting with the State Water Department (re: Lower Baxter Creek) had to be rescheduled for today at 5:00 p.m.; and notes he cannot attend the CSAC meeting next week.

4. Supervisor Dahle reports on his trip to Washington, D.C. and the various issues that were addressed.

5. Supervisor Dahle designates \$500 of his discretionary funds to the Ladies Pioneer Club of Nubieber. He also shows pictures of a fallen down building adjacent to the Club and states he wants aggressive clean-up of such facilities because they are a hazard (nails pointing upward).

6. Supervisor Hanson congratulates Supervisors Pyle, Chapman and Dahle on their re-elections; notes the Hallelujah Junction Fire District is moving forward; states they are trying hard to retain the rail line from Flanigan to Wendel to Susanville; provides update on the activities relating to stray cattle in the Wendel and Herlong areas; suggests that sole source contracting with Prison Industries be looked into by the Governor's Task Force on State Prisons.

#### ALCOHOL AND DRUG ADVISORY BOARD

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried to appoint James D. Hall and Mary Murphy to fill vacancies on the Alcohol and Drug Advisory Board.

#### LASSEN COUNTY FAIR BOARD

The Board of Supervisors recess and convene as the Lassen County Fair Board.

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to accept the letter from Vicki Pyle resigning from the Lassen County Fair Advisory Board, and direct Clerk to advertise vacancy.

The Lassen County Fair Board adjourns and the Board of Supervisors reconvene.

#### MENTAL HEALTH ADVISORY BOARD

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to accept the letter from Kevin Mannell submitting Cathy Hilt's resignation from the Mental Health Advisory Board, and direct Clerk to advertise vacancy.

#### PSA 2 - AREA AGENCY ON AGING

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to receive the notice of vacancy on the Lassen County Advisory Council due to the passing of George Oakley, and direct the County Clerk to advertise the vacancy.

#### CONSENT CALENDAR

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 February 10, 2004, February 17, 2004 and February 24, 2004.

#### COUNTY CLERK - ELECTIONS DIVISION ITEM

Receive and file Certification of March 2, 2004 Consolidated Presidential Primary Election; and pursuant to Election Code Section 15400 declare all persons that were elected and the results of each measure voted on.

#### BEHAVIORAL AND PUBLIC HEALTH SERVICES - ENVIRONMENTAL HEALTH ITEM

Approve the Declaration of Intent Not to Apply for FY 2003/2004 Emergency Medical Services Appropriation (EMSA); and authorize Chairman to sign the declaration.

#### COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION ITEM

Enter into Memorandum of Understanding (MOU) between Lassen

County and the Bureau of Land Management for cooperating agency status during National Environmental Policy Act (NEPA) Decision Making and Land Use Planning related to development of the Northeast California Resource Management Plans and associated Environmental Impact Study (EIS); and designate the Community Development Director or his designee as the principal county contact.

#### MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Honey Lake Valley Pest Abatement District Formation Committee meeting for March 8, 2004, and minutes of February 11, 2004.
- b. Lassen County Technical Advisory Committee meeting agenda for March 2, 2004.
- c. Mountain Counties HIV Advisory Council (MCHAC) meeting agenda for March 18, 2004.
- d. Lassen County Planning Commission revised meeting agenda for March 3, 2004.
- e. Lassen Transit Service Agency meeting agenda for March 8, 2004.
- f. Lassen County Transportation Commission meeting agenda for March 8, 2004.

#### ADMINISTRATIVE SERVICES - WAGE NEGOTIATIONS

CAO Whiteman presents a request from appointed department heads to discuss the Wage and Benefit Agreement with the County of Lassen. He requests direction from the board members and notes there is a conflict for him to negotiate since he receives the same benefits as appointed department heads. Discussion is held with the consensus it is all right for the CAO to be the negotiator.

#### COUNTY COUNSEL

County Counsel John Ketelsen presents information relating to State Responsibility Area Fire Protection Fees (SB 1049) litigation by California Farm Bureau Federation and certain landowners versus CDF, the State Treasurer and 56 counties, assessors and tax collectors (including Lassen and its assessor and tax collector).

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to authorize County Counsel to accept service and coordinate with other counties in responding to the law suit.

#### COUNTY ADMINISTRATIVE OFFICE

It is moved by Supervisor Keefer, seconded by Supervisor Pyle

and carried, with Supervisor Dahle voting NO, to authorize CAO to enter into negotiations for the purchase of property (APN #129-140-41) for fair market value based on an independent appraisal, subject to Board approval of the final purchase agreement; and to be paid from Prison Mitigation Funds.

Supervisor Dahle states his no vote is because he does not feel the Prison Mitigation Funds should be used for the purchase. Supervisor Keefer states using Park Bond Funds creates a timing issue.

#### INFORMATION FOR THE BOARD

1. CAO Whiteman announces that Jack Blackwell cannot attend the Quad County meeting.
2. Community Development Director Robert Sorvaag announces a meeting of the Long Valley Groundwater Management District will be held at 5:00 p.m. following the Quad County meeting.
3. CAO Whiteman announces the County has received the Child Support Computer Systems billing for their share of the Federal fine for non-compliance.
4. CAO Whiteman announces the City and County have met twice to discuss a Visitor's Bureau and are trying to get a meeting set with the Chamber of Commerce. They are planning a website to promote the county better.

Supervisor Chapman states that more is needed than a website to promote economic growth. He sees the need for a position something like an Economic Ombudsman financed by both the City and County.

Community Development Director Robert Sorvaag talks about how his department works with the Chamber to help persons who contact the Chamber in relation to business opportunities.

Supervisor Keefer sees the need for more than just internet promotion.

Supervisor Hanson would hate to take money from current programs.

Supervisor Chapman states a position is needed, separate from County staff - if we have a prospective business come forth there will be a helper to get them through the processes and governmental regulations. It needs to be a facilitator. States we need to create such a position if we don't have one or if one exists, as suggested by Mr. Sorvaag, then we need to get the word out. He suggests maybe a consultant or a funded position - someone to cut through the public agencies who will work with

County, City and State staff.

Supervisor Dahle states what business people need is help on what hoops they have to jump through to get a project approved.

Supervisor Keefer states the need is for a separate person to act as a facilitator/marketing person. He suggests the Coordinating Council can be a good sounding board but a facilitator is needed.

Assistant Community Development Director Bertotti tells the board members that their department performs functions to help businesses get through the processes and help them with other agencies.

CAO Whiteman states he will meet with the Chamber and City and discuss the suggestion of an Ombudsman position and what it would cost. He also states maybe the Indian Gaming funds the City will be receiving (approximately \$26,000) could be used to help fund a position.

#### CORRESPONDENCE

1. A thank you letter from Evelyn Mapes and family to the Board for acknowledging Julian Mapes' contributions to the County, is received and filed.
2. A Fourteen Day Notice of Proposal to Implement Developer Fees from Johnstonville Elementary School District Superintendent / Principal Dave Urbanac advising a public hearing will be held 7:00 p.m. March 16, 2004 at 704-795 Bangham Lane, Susanville, to consider a resolution implementing school facilities fees in accordance with Education Code Section 17620, is received and filed.
3. A letter from California Department of Health Services informing of the funding allocation Lassen County will receive for FY 2003-2004 to carry out Child Health and Disability Prevention (CHDP) program requirements mandated by Welfare and Institutions Code: CHDP State-only (State General Fund) \$13,465 and Medi-Cal Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) Funds (State General Fund) \$22,209. Requests submittal of new CHDP Administrative Budget Summary, No County/City Match by March 5, 2004, is received and filed.
4. A letter from Rapid Cable, Rapid Communications, LLC announcing 2004 rates and new offerings for the Westwood and Clear Creek areas, is received and filed.
5. Announcements from Department of Transportation Right of Way Field Office - acquisition of properties for highway purposes and request that the State's pro-rata share of general and special county and/or city taxes be cancelled: James M.

Carroll and Sharon I. Carroll, Trustees; James H. Strong and Betty J. Strong; Carl E. Anderson and Co.; William Thrasher and Karen Thrasher; Edwin Hawkins and Bonnie Hawkins; Bruce Thomas Arnold; Dewey Eugene Pasquini; Myron Chester Hawkins, Charles David Hawkins, Edwin Alvin Hawkins, Janet Marie Mays, and Karen Sue Thrasher; Lassen County; Thomas L. Arnold, Jane Arnold, Carolyn Mensch and Richard J. Mensch; Peter Ross Gorman; Big Valley Lumber, are received and filed.

6. A letter from the State Controller's office to County Clerk Theresa Nagel acknowledging receipt of Lassen County invoice for the October 7, 2003 statewide special election, is received and filed.

#### UNION PACIFIC RAIL LINE

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to approve, and authorize the Chairman to sign, a letter of support for Modoc County's request to Congressman Doolittle's office for \$1.9 million Grant to Purchase Union Pacific Rail Line.

#### ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:52 a.m. in memory of Ruth Stout, a longtime community member who was very involved with youth groups.

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CHAIRMAN OF THE BOARD OF  
SUPERVISORS

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD