

BOARD OF SUPERVISORS

JUNE 22, 2004

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, June 22, 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) Bill Bixby and County Clerk Theresa Nagel. Following the flag salute, the invocation is offered by Supervisor Hanson.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces a Closed Session held at the end of the June 15, 2004 meeting dealt with Public Employee Employment, pursuant to Subdivision (b) of Government Code Section 54954.5: County Administrative Officer - no reportable action was taken.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

James Moore, representing the Susanville Fire Department, introduces "Pluggie", the remote control red talking fire hydrant, and explains he will be used to educate children on fire safety. Pluggie was financed by donations of \$7,000 from the Children and Families Commission and \$1,000 donated by Supervisor Chapman from his discretionary funds. Fire Chief Stu Ratner describes their fire safety trailer which is set-up like a home and will be used along with Pluggie.

Supervisor Dahle would like to have this program travel to outlying areas and Supervisor Chapman responds this is already in the works.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle reports on the RCRC meeting - main topic of discussion was the Sierra Nevada Conservancy and their vote to support a combination of the two proposed bills (Calavares voted NO as they support the Leslie Bill).
2. Supervisor Dahle makes the following designations from his discretionary funds: \$1,000 to Big Valley Recreation District and \$1,000 to the Bieber Family Resource Center.
3. Supervisor Keefer reports on the RAC Field Trip to view the

Janesville Fuel Break, the Diamond Mountain Fuel Break, and white-top eradication around the BLM Building - there was some feeling the Diamond Mountain Fuel Break work should be located closer to the housing areas; reports on the Economic Development Coordinating Council meeting which was well attended and excellent discussions were held; City of Susanville representative Luann Rainey requested a follow-up meeting on economic development; provides information on Solid Waste fee changes that will be considered at the Solid Waste Meeting today.

4. Supervisor Pyle notes that he and the CAO will be attending the EMCC meeting tomorrow; reports that he continues to hound Burlington Northern to get crossing arms on Co. Rd. A-21 - they have indicated they will not finance the project and expect funding to come from the federal transportation funds; he would like to have a local letter writing campaign to Burlington Northern.

5. Supervisor Chapman announces a retirement dinner will be held on July 21st for Fire Chief Steve Rose and he would like a proclamation honoring Steve Rose placed on the July 13th agenda; announces that he met the new City Administrator and found him to be a pleasant person; notes the City proposes to place an item on the ballot for an increase to the sales tax of one-half cent to be used to construct a sports complex/swimming pool; reports that Adam Crowther received the 2004 California Arts Scholar; attended the Lassen High Alumni Picnic and discusses a talk by a man attending his 65th reunion -he had just attended the 60th D-Day Anniversary event and spoke about persons from Lassen County that lost their lives in WWII; reports on the CSAC discussions of the State Budget; notes that Lassen County Times Editor Woody Morgan will be leaving the area and asks the Board if they would like to present Woody with a new award he has devised entitled the "Spirit of Peter Lassen Award", for persons who have left a mark on our community (board members express their desire to do so and how much Woody will be missed).

BOARD OF SUPERVISORS

Jim Swistowicz informs the Board that Sierra Army Depot (SIAD) employees are concerned that if we do not make enough noise during the Base Realignment and Closure (BRAC) process SIAD will suffer.

Supervisor Hanson indicates plans are in place to get State representatives here when SIAD is ready to entertain them. Also notes he is working to get Congressman Doolittle here, and also Senator Feinstein.

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

to Congressman John Doolittle regarding support for utilization of Amedee Airfield.

COMMUNITY DEVELOPMENT COMMISSION

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

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to adopt Resolution No. 04-006-CDC, approving and transmitting the Report for the proposed Redevelopment Plan for the Sierra Army Depot to the Board of Supervisors.

Consultant Lloyd Zola of LSA Associates reviews the proposed Redevelopment Project for Sierra Army Depot.

County Counsel John Ketelsen announces there are no known conflicts among the members of the CDC and Board of Supervisors.

The Community Development Commission & Board of Supervisors convene jointly.

The public hearing is opened at 10:27 a.m. to accept public comments on the proposed Redevelopment Plan for the Sierra Army Depot.

Supervisor Chapman discusses the possibility of funds from redevelopment being taken by the State and how that could be avoided.

Economic Development Specialist Monica Cochran presents the staff report and submits the following documents for the public record: proof of publication, declaration of mailing, proposed redevelopment project for Sierra Army Depot, Rules Governing Participation and Preferences by Property Owners and Business Occupants, and Sierra Army Depot Redevelopment Project Plan.

No one speaks in favor of or in opposition to the plan.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to close the public hearing at 10:34 a.m.

The Community Development Commission adjourns and the Board of Supervisors reconvene.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Motocross noise monitoring contract:

Community Development Director Robert Sorvaag and Planner Rick Simon provide the staff report relating to noise monitoring at

Honey Lake Motocross Park to meet the requirements of the court order.

Assistant County Counsel Craig Settlemire provides further information on the court order and the steps taken to find an impartial person to perform the monitoring.

Supervisor Keefer asks how the testing results compare to the noise regulations and Simon responds at the May 22/23 race there was no exceedance of the maximum noise level allowed by the noise element and only a couple of minor exceedancies of the lower noise limits. This event was probably the largest that will be held during the year. On the second and third races there was no exceedancy of any noise limits. He reviews how the firm was chosen to perform monitoring.

Supervisor Keefer reports that he attended the third race and saw all the work that Mr. Wosick has performed to mitigate noise from the track - cutting the level of the track two feet down and installation of hay bales on the side of the track facing the Morgan property.

Mary Morgan distributes a written statement with attachments and reads the statement setting forth her dissatisfaction with the noise monitoring, and the sound barrier that has been constructed. Supervisor Keefer asks from what location the pictures were taken that she submitted and she responds from Site #2 (SE corner of Morgan's property which is above their home). County Counsel John Ketelsen asks if she is opposing the noise monitoring contract with Wilson, Ihrig and Associates and she responds that she is not.

Larry Wosick responds to comments made by Mrs. Morgan and states the first event had 900 entries and sound monitoring showed they did not exceed any noise limits. He distributes and reads a statement indicating he is here in an effort to save his facility from closure - if the contract for noise monitoring is approved in its current form (\$70,000 for one year) the facility will not be able to survive this financial burden. (Supervisor Chapman is absent 11:10 - 11:12 a.m.) He understands monitoring needs to be performed as required by the court order but states the Planning Department went "overboard" with the scope of work that resulted in an agreement that would effectively put the facility out of business. He believes the court imposed the monitoring to keep the facility within noise standards, not to force it out of business. He refers to delays by the Planning Department in getting the agreement in place and lack of response to his requests to participate in preparation of an

agreement (court order states the County may delegate responsibility for monitoring to the real parties in interest). He reviews events that have occurred since the court order to show the shortcomings regarding noise testing since it was taken over by the Planning Department last November. States they are not opposed to the noise monitoring, but the ridiculous scope of work the Planning Department has come up with. The scope of work has been reduced by the contractor at each event, but this contract has not been updated. It is of great concern to him that data from the November 2, 2003 testing has not been provided by the Planning Department and they failed to perform testing on May 2nd and May 9th. Also the contract states County staff will determine the number of weekends to be monitored even though the court order states "all motocross activity". He asks the Board to delegate the noise monitoring to the Real Parties in interest as allowed by the court order and states they have proven to be capable and responsible to carry out the court order, while the Planning Department has fallen short in this responsibility.

He also points out the statement by Robert Sorvaag, in his letter of May 28th, that the "Wosicks have reviewed the scope of services and fees included in the Contract for Services, and have been provided with a copy of the Funding Agreement for review" is not truthful. Mr. Wosick had asked Rick Simon for the documents and was told by Simon that he would have to obtain permission from Counsel before giving Wosick copies. Mr. Wosick did not receive these documents until June 8th. Rick Simon acknowledged that he intended to give the documents to the Wosicks, but he did not obtain approval from County Counsel before the meeting (June 8th) came and went, and he never provided the copies.

Larry Wosick informs the board members that he has been asked to take over the prestigious amateur event held for 37 years at Mammoth Lakes, if his facility is still in operation.

Supervisor Keefer expresses his concern over the events that have already had monitoring performed by the contractor, and feels the Board is obligated to approve the contract, but what work is done from this point on can be considered. Counsel states it was vital to obtain good sound monitoring data and that is why the CAO signed the agreement. Supervisor Keefer is upset that two races occurred and the County did not have monitoring performed.

Supervisor Dahle asks if the court order stated an end date and Mr. Settlemire responds it was open ended. Mr. Ketelsen states

one of the reasons for obtaining good data was to go back to court to request an end to the monitoring since the noise standards have not been exceeded. Supervisor Keefer states the County should support the Wosicks in efforts to go back to court to end the monitoring. Supervisor Chapman concurs with Supervisor Keefer and feels the court order was to establish sound testing data due to the disputes between the experts - he feels the data is there and the decision made by the Board has been sustained. He states that businesses should not have to face this type of treatment - there is something wrong with the picture of treating businesses in this fashion - this is not economic development - not the way to draw businesses to the County. He does not like the Board's decisions being undermined by staff actions such as has occurred - need to get this court order modified.

Mr. Settlemire thinks we have the data now to support a motion to modify the judgment and we should support the applicant in such a motion. He notes that none of the races have exceeded the noise criteria and recommends that Counsel's Office work with the applicant to get the motion before the court - estimates that would take 30-60 days.

Supervisor Dahle suggests the monitoring contract be approved, the next couple of races be monitored and the court be petitioned for modification of the order. Supervisor Pyle wants the County to petition the court to discontinue the monitoring.

Larry Wosick asks if the monitoring continues with this firm, that the scope of work be reduced to get the basics - what this contract calls for is overkill. Notes that Sunday is the busiest race day and makes suggestions on how proper/complete monitoring could be performed at less expense.

CAO Bixby suggests the Wosick's attorney work with County Counsel to discuss the scope of work and contract wording. County Counsel John Ketelsen agrees with the CAO and also suggests it is better to perform best testing for a short period of time rather than less testing for a long time. Mr. Bixby notes there is the ability to modify the contract after it is approved.

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried on a roll call vote, with Supervisor Chapman and Supervisor Dahle voting NO, to ratify the contract with Wilson, Ihrig and Associates, Inc. for Noise Monitoring and Reporting Services at the Honey Lake Motocross Park by independent contractor at a cost of \$6,500 for the initial event and \$5,000

per event thereafter.

Funding agreement:

Supervisor Chapman asks who drafted the Funding Agreement with Honey Lake Motocross Park Operator, and Rick Simon responds that he did.

County Counsel John Ketelsen states the question is if we really need this agreement and notes the court order states the operator is responsible for payment of costs.

CAO Bixby requests this item be withdrawn from the agenda. Chairman Hanson withdraws the agreement.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Community Development Director Robert Sorvaag presents the recommendations of Planning Commission (PC Resolution 05-10-04) in regard to Design Guidelines for the Community of Westwood, and states there is little or no opposition in the community to the guidelines.

Supervisor Chapman expresses his concern over the paint color chart included in the packet. Supervisor Pyle states this chart is in the Revitalization Plan and that is not being adopted today. Supervisor Chapman wonders why it was included in the packet in that case.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried to adopt Resolution No. 04-034, approving the Design Guidelines for the Community of Westwood.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Community Development Director Robert Sorvaag notes the County received a Local Groundwater Assistance Fund - AB 303 Grant and acknowledges that Jim Uptegrove sat on the Governor's Committee reviewing the applications.

Planner Maurice Anderson presents information on the GIS/GPS Work Station to be used with Department of Water Resources data to provide more accurate understanding of groundwater characteristics in the County.

Dr. Thomas Gross, Professor at Colorado School of Mines provides a review of seismic refraction studies at Long Valley and Dry Valley.

Noel Eaves, Department of Water Resources (DWR) provides preliminary estimates of groundwater discharge from Long Valley

and Dry Valley Creeks into Honey Lake Valley. Bob Sorvaag states this information has been forwarded to the BLM and Washoe County. (Supervisor Chapman absent 12:40 - 12:44 p.m.)

Michael Ward, DWR Northern District, distributes and reviews Honey Lake Basin Watershed Inventory Units. (Supervisor Pyle absent 12:45 - 12:49 p.m.)

Supervisor Hanson has reservations that this good scientific data will not be used by Washoe County in regard to the housing development and consideration for purchase of water from Fish Springs and Dry Valley.

DWR representative announces the next round of AB 303 Grant Funding will begin soon.

Recess 12:56 - 1:03 p.m. Supervisor Chapman is not present.

CONSENT CALENDAR

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

COUNTY CLERK ITEM

Approve minutes of June 15, 2004.

AUDITOR'S ITEM

Approve an appropriation transfer of \$5,500 to the 2003/2004 Grand Jury budget from the Non-Departmental budget. Increase Grand Jury Special Departmental Expense 100-0451-3002800 in the amount of \$5,500. Decrease Non-Departmental Special Department Expense 100-0101-3002800 in the amount of \$5,500.

BOARD OF SUPERVISORS ITEM

Approve, and authorize Chairman to sign, County Administrative Officer Employment Contract with Bill Bixby.

BEHAVIORAL & PUBLIC HEALTH SERVICES DEPARTMENT ITEM

Approve Standard Agreement #04-74031-000 with State Department of Mental Health for FY 2004-2005 in the amount of \$368,038 for specialty mental health services to Medi-Cal beneficiaries; and authorize the CAO to sign. Funding is provided by the Department of Mental Health.

COUNTY ADMINISTRATIVE OFFICER ITEM

Authorize CAO to make Employee equity adjustments for June 11, 2004.

PUBLIC WORKS DEPARTMENT - ROAD DEPARTMENT ITEM

Award bid for the purchase of traffic paint to TMT - Pathway, LLC, Salem, Oregon, the lowest bid meeting specifications, in the amount of \$49,887.34.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Fair Advisory Board meeting minutes of June 8, 2004.
- b. Application for Alcoholic Beverage License - Spanish Springs Ranch, 512-450 Hwy 395 North, Ravendale.
- c. Local Agency Formation Commission of Lassen County meeting agenda for June 14, 2004.
- d. Highway 36 Town Hill Safety Taskforce meeting agenda for July 14, 2004, and minutes of June 9, 2004.

UNAGENDIZED BOARD REPORTS CONT.

5. Supervisor Hanson makes the following designations from his discretionary funds: \$1,000 to Ft. Sage Family Resource Center for the Family Wake-up Call Program; \$750 to Leavitt Lake CSD for playground equipment; \$750 to Herlong Library; \$500 to Standish-Litchfield Fire District to upgrade equipment; \$500 to Doyle Fire District.

6. Supervisor Hanson reports on the Air Resources Board meeting; notes a hearing will be held on July 20th relating to the State Responsibility Area fees and he requests an item be placed on the July 13th agenda for comments from the Board.

BEHAVIORAL & PUBLIC HEALTH SERVICES DEPARTMENT - ENVIRONMENTAL HEALTH DIVISION

Supervisor Dahle wants staff to be kind to businesses in regard to the regulations because the County has not really made them aware of the CUPA regulations.

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to adopt Resolution No. 04-035, adopting revised fees for the Certified Unified Program Agency (CUPA) operation by the Lassen County Environmental Health Department.

COUNTY ADMINISTRATIVE OFFICE/COMMUNITY DEVELOPMENT DEPARTMENT

A letter from Office of Historic Preservation announcing the Standish Hall/Mercantile will be considered for nomination to the National Register of Historic Places on August 6, 2004, and seeking local government comments is received.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to authorize Chairman to send a letter in support.

COMMUNITY DEVELOPMENT DEPARTMENT

Community Development Director Robert Sorvaag reports the railroad line between Susanville and Wendel was abandoned in 1985. The section between Wendel and Flanigan has not been abandoned and Ralph Sanders, Honey Lake Power, will be meeting with railroad representatives to try to negotiate keeping this section in operation.

Supervisor Chapman wants staff to find out how to start the process to preserve the corridor between Wendel and Susanville.

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried to direct staff to proceed with necessary actions to preserve the Susanville to Wendel rail corridor and to preserve the Wendel to Flanigan rail lines.

COUNTY ADMINISTRATIVE OFFICE

CAO Bixby presents a written Report of Findings on the Family and Child Protective Services Department by State Children's Services Operations Bureau (CSOB).

Behavioral & Public Health Director Kevin Mannel provides a verbal report on the reorganization of Behavioral & Public Health and Family & Child Protective Services Departments and the reassignment of positions and recruitments. He reviews the other elements that are being addressed or the future plans to addressing them - fiscal aspects of program; new guidelines and creating baselines for the program; service to the public.

Supervisor Chapman thanks Kevin Mannel for finally giving the Board such a report and asks for regular monthly updates. He would also like to have a representative from CSOB address the Board in regard to the seriousness of the issues and if or, if not, the issues are being adequately addressed.

Supervisor Dahle feels the CAO has put together a team that can get the job done. Supervisor Keefer supports both the CAO and Mr. Mannel, and asks if this is the extent of the audit the State performs. Mr. Mannel responds this is not an extensive audit, only a quick snapshot and it could have been much more significant in regard to non-compliance. Mr. Mannel was able to get help from a manager out of another county who brought their policies and procedures which will be helpful.

Supervisor Chapman has been very pleased with the great improvements to the Mental Health Department since Mr. Mannel has been in charge and he has confidence the same management style will greatly improve CPS.

There being no further business, the meeting is adjourned at
1:54 p.m.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD