

BOARD OF SUPERVISORS

JULY 13, 2004

The Lassen County Board of Supervisors convene in Regular Session at 9:06 a.m. Chairman Hanson asks for public comment and no comments are received. Deputy County Clerk Osgood announces the Closed Session items and the Board recesses to Closed Session at 9:07 a.m. for: 1) Conference with Legal Counsel: Significant exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (one case); 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment, and Richard and Mary Morgan, v. Lassen County, Lassen County Board of Supervisors; Larry and Lise Wosick. Superior Court Case #36349; and 3) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Michelle Casilla v. County of Lassen.

Present in the Closed Session are Supervisors Robert Pyle, Lloyd Keefer, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer Bill Bixby, Community Development Director Robert Sorvaag, Rick Simon, Personnel Director Ron Vossler, Assistant County Counsel Craig Settlemire and Deputy County Clerk Susan Osgood. Supervisor Dahle enters at 9:08 a.m. and Supervisor Chapman enters at 9:10 a.m. during the Casilla case. Robert Sorvaag, Rick Simon and Craig Settlemire departed at 10:04 a.m. after the Wosick case. Closed Session is recessed at 10:14 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, July 13, 2004, at 10:16 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 Deputy County Clerk Susan Osgood. Following the flag salute, the invocation is offered by Supervisor Dahle.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Deputy County Clerk Osgood announces the Closed Session dealt with: 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Michelle Casilla v. County of Lassen - The action of the Board was to approve as final an agreement settling pending litigation between Michelle Casilla and the

County; 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment, and Richard and Mary Morgan, v. Lassen County, Lassen County Board of Supervisors; Larry and Lise Wosick. Superior Court Case #36349 - No public report required as no action taken; and 3) Conference with Legal Counsel: Significant exposure to Litigation Pursuant to Subdivision (b) of Government Code Section 54956.9 (one case) - No public report required as no action taken.

#### AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Hanson requests Item H-8, letter submitting comments on the proposed rule making for State Responsibility Area (SRA) fees, be removed from the agenda as it is no longer necessary.

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

#### PUBLIC COMMENT

Poet Laureate Violet Stout reads a poem entitled "Virginia - aka - Jake" honoring Virginia Lemke on her retirement.

#### UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman gives each Board member a copy of pictures he had taken of the Board last November.
2. Supervisor Pyle reports he attended an Emergency Medical Care Committee meeting that will be discussed later in today's meeting. He attended the Land Stewardship Council meeting at Mountain Meadows Reservoir on June 29th. The Council is put together by PG&E and through the bankruptcy settlement they have about 140,000 acres they have to give away; there's about \$100 million worth of property with 961 parcels in the Sierra Nevada and Cascade. The Council has been appointed and they will study lands and make recommendations to PG&E. Land will all be donated to state agencies, local agencies or to conservation easements to private partnerships.
3. Supervisor Keefer reports last week he and staff attended the Lassen County Chamber of Commerce Board of Directors meeting. Staff gave an update on economic development activities in the County in an effort to maintain ongoing communication and coordination with the Chamber. The Strategic Plan is almost ready and he will meet again with Chamber to talk about how strategies could be implemented and how the Chamber might be involved in that. Also gave update on Honey Lake Motocross issue.

4. Supervisor Dahle reports he attended "A Day in the District" with Tom Esgate which will be discussed later; he will be going to NACO meeting in Phoenix where he will bring up Wilderness Study Areas (WSA) and International Mountain Biking Association (IMBA); he invites Board members to Big Valley Days being held in Adin July 17 - 18. The cogeneration plant is trying to get fired up on August 1st making steam and they may see some employment. 5. Supervisor Hanson attended LAFCO meeting where work plan 2003/2004 was discussed; will attend HUC meeting with Joe Bertotti on Wednesday and has also been attending weekly BRAC meetings.

#### LASSEN FIRE SAFE COUNCIL

Lassen County Fire Safe Council Chairperson Doreen Beckman introduces herself to the board.

Lassen County Fire Safe Council (LCFSC) Director Tom Esgate presents a request for Title III Funding in the amount of \$100,000, to support the LCFSC Operating Budget for 18 months.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve the request for Title III Funding in the amount of \$100,000, to support their operating budget for 18 months.

Esgate reports to the board on the success of "A Day in the District" and future projects in other areas of the county.

#### CONSENT CALENDAR

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

#### COUNTY CLERK ITEM

Approve Minutes of June 22, 2004.

#### COUNTY CLERK / REGISTRAR OF VOTERS ITEM

Approve request from the Westwood Community Services District for consolidation of a special tax election, authorizing the imposition of a parcel tax, with the November 2, 2004 General Election.

#### ADMINISTRATIVE SERVICES - PERSONNEL ITEM

Receive and file Personnel Movement report for June, 2004.

#### BOARD OF SUPERVISORS ITEM

Adopt Proclamation honoring Susanville Fire Chief Steve Rose upon his retirement.

#### COUNTY COUNSEL ITEM

Reject claim of Erica Strey, in its entirety, and direct County Clerk to send Notice of Rejection.

#### PROBATION DEPARTMENT ITEM

Approve the Placement Agreement with Crystal Creek Boy's Camp for placement of youths with a juvenile court commitment to a camp, at a rate of \$85 per day per ward, or \$2,550 per month per ward for the period of July 1, 2004 through June 30, 2007; and authorize the Chairman to sign the agreement.

#### PUBLIC WORKS DEPARTMENT ITEMS

Approve agreement with Ryan and Murphy Group for Right of Way Appraisal Services for the Lassen County Road Department; and authorize the Director of Public Works to sign the agreement.

Authorize the Chairman to sign the Federal Apportionment Exchange Program and State Match Program, Agreement No. X03-5907 (041) with the California Department of Transportation (CalTrans).

#### MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Application for Alcoholic Beverage License - Janesville Payless, 463-770 Main Street, Janesville.
- b. Lassen County Technical Advisory Committee meeting agenda for July 14, 2004.
- c. Local Agency Formation Commission (LAFCO) meeting agenda for July 12, 2004.
- d. Lassen County Planning Commission meeting agenda for July 7, 2004.
- e. Letter from Mary A. Morgan regarding noise monitoring at Honey Lake Motocross Park dated July 7, 2004.
- f. Lassen Transit Service Agency meeting agenda for July 12, 2004.
- g. Lassen County Transportation Commission meeting agenda for July 12, 2004.
- h. Lassen County Fair Advisory Board meeting agenda for July 13, 2004.
- i. Lassen County Mental Health Advisory Board meeting agenda for July 13, 2004.

#### ADMINISTRATIVE SERVICES - PERSONNEL DIVISION

Supervisor Chapman requests that all position change requests be accompanied by a current job description. He also states the board has previously requested six month reports on the status of all positions.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried to approve changing the Supervisor II position in Family and Child Protective Services from Range 24 to Range 27 on the Mid-Management Pay Scale, (Position # 9153).

Supervisor Chapman asks questions about the temporary appointment job description for Ms. Linda D. Waddell. Personnel Director Ron Vossler explains this would be as Acting Supervisor II at a Range 30. CAO Bixby states it would be easier to think of this as a contract and that he will provide each board member a copy of the job description for this position.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to approve temporary appointment of Ms. Linda D. Waddell, Range 30, Step E, in Family and Child Protective Services.

BEHAVIORAL AND PUBLIC HEALTH SERVICES - ALCOHOL AND DRUG DIVISION  
Alcohol and Drug Program Deputy Director Michael Beard presents information on Proposition 36, Substance Abuse and Crime Prevention Act, Outcomes Report for FY 2002/2003. The board had requested cost and outcome measures of clients participating in the program. Information is based on county jail cost from jail personnel, prison costs based on CDC website and sentence estimates were from penal code. One example of the 18 month study compares cost of two parolees who successfully graduated: If incarcerated for 130 days it would have cost over \$10,000 vs. treatment cost of \$1,866, for a savings of over \$20,000 for the two parolees. Supervisor Dahle thanks Mr. Beard for the information.

Supervisor Chapman is absent 11:00 - 11:01 a.m.

UNAGENDIZED BOARD REPORTS CONT.

6. Supervisor Hanson recognizes Shayla Ashmore as the reporter for the Lassen County Times and welcomes her to the board meeting.

COMMUNITY DEVELOPMENT COMMISSION

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

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to adopt Resolution No. 04-007-CDC, finding that the use of taxes allocated from the Sierra Army Depot Redevelopment Project for the purpose of increasing, improving, and preserving the community's supply of low-and moderate-income housing

outside the project area will be of benefit to the project.

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

#### COMMUNITY DEVELOPMENT DEPARTMENT - ED HOUSING DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to adopt Resolution No. 04-036, electing to receive all or any portion of the tax revenues pursuant to Health and Safety Code Section 33676 and 33607.5 with respect to the Proposed Redevelopment Plan for the Sierra Army Depot Redevelopment Project.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to award contract for professional services to Paul Roberts + Partners in the amount of \$29,500 for renovations to the Standish Hall/Mercantile; and authorize CAO or designee to execute contract.

#### BOARD OF SUPERVISORS

##### SIAD Redevelopment Plan:

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to introduce, by title only, Ordinance No. 560, adopting Redevelopment Plan for the Sierra Army Depot Redevelopment Project.

##### Railroad Crossing:

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to approve, and authorize the Chairman to sign, a letter to Bob Grimes, Burlington Northern Santa Fe (BNSF) Railroad, regarding County Road A-21 - BNSF Railroad Crossing.

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to approve, and authorize the Chairman to sign, a letter to Bree Arnett, Utilities Engineer, Public Utilities Commission, regarding County Road A-21 -BNSF Railroad Crossing.

#### PRELIMINARY BUDGET

Acting Deputy CAO Irene Doyle presents the preliminary budget; states it is a department request; not all funds are balanced; states she and Auditor Karen Fouch have been meeting with all departments. Adoption of the preliminary budget allows departments to continue to operate, but they cannot hire or buy fixed assets until final budget is adopted. The State has said to look at spending cuts for two years. This is a 3 year projection; it looks like the county will be giving up approximately \$80,000 in monthly allocations (sales tax and VLF) which is half a million dollars for six months. There will be

cash flow issues; planning on recommending holding a great deal of General Fund in reserve to carry the county through the 3 year cycle.

CAO Bixby states his intention is to spend down cash reserves and cash balances over a 3 year period; will need to have reductions in staffing, hopefully through attrition rather than lay-offs, at least for the first part of this year and continuing through the 3 year cycle. In FY '03 \$800,000 in Teeter funds were transferred to the General Fund and \$1.1 million in other reserves were transferred to the General Fund through the "GASB implementation" - these were single, one-time revenues and are not recurrent revenues; need to set those aside in the General Reserve as part of this budget process. From FY 03 to this year PERS costs have increased about \$700,000 in the General Fund and the two General Fund dependent funds Public Safety and Probation. Over the same period of time Workers Comp has increased by about \$129,000 in the General Fund alone. From last year to this year salaries increased by \$488,000 and PERS contributions have increased by over \$1 million countywide. Negotiated salary increases for next year will be in the range of 3% on a countywide basis and estimates from PERS indicate they will have another 3% increase. He states his concern is that even if the state gets on an even keel the county simply can't afford what we have now; will have to make reductions in staffing (where most of money goes) to get it down to a manageable level. The next few years are going to be very challenging. CAO states that the Deputy CAO and Auditor Karen Fouch are reviewing every budget and cutting amounts, it will then go to the CAO for final reductions. Deputy CAO Doyle states that if the preliminary budget is adopted today it can be published that the budget is available to the public; August 17th is set aside hopefully to hold budget hearings and public hearings. There will be some changes to be made and some policy issues the board will have to determine. Public safety, probation and other General Fund reliant departments will have to be looked at very carefully.

Supervisor Chapman thanks the Deputy CAO and Auditor for the work they've done on the budget. He would like to know how the proposed spending plan differs from the budget adopted last year and how to reconcile the two.

He hopes that during the budget hearing Prop 65 will be discussed. It is now qualified to be on the ballot and if it passes all of the cuts that have been proposed that impact the funding stream will get rolled back to December of last year.

CAO Bixby states that with both the former Deputy CAO and CAO

gone he does not know what their intentions and plans were; thinks conditions have totally changed. He states he would be glad to meet with Supervisor Chapman and address his concerns.

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried on a roll call vote, with Supervisor Chapman voting NO, to adopt the Fiscal Year 2004/2005 Preliminary Budget.

#### HEALTH AND SOCIAL SERVICES DEPARTMENT REORGANIZATION

CAO Bixby states the Board started reorganization last year which proved to be highly effective in some areas and not quite as effective in others. He is trying to build on actions of last year and improve upon them; create separate departments within the health and social service field that are overseen by a Deputy CAO with a fiscal staff to manage their finances.

Supervisor Keefer states that it would have been helpful to have had organizational charts showing the structure both before and after.

Supervisor Chapman would like to ask the board to continue discussion on this item and take action at a later time; would like to include job descriptions for realigned positions, structure of department, and any ordinances and resolutions so everything can be done at once; feels discussion should be integrated with the budgetary process. He supports the steps Mr. Bixby has taken and appreciates the work he's doing particularly with realignment of Family and Child Protective Services. Supervisor Chapman speaks extensively on the history and problems of the Health & Human Services Department.

CAO Bixby intends to use Behavioral Health as a model and expand it to other areas that are in Health & Social Services; the county handbook and various codes would have to be brought into compliance. He requests that the board authorize the position of Deputy CAO so work on this issue can move forward, and the other agenda items can be brought back to the board.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to create the position of Deputy County Administrative Officer for Health and Social Services at a Range 36.

#### INFORMATION FOR THE BOARD

1. CAO Bixby introduces the new Deputy CAO for Health and Social Services Kevin Mannell.
2. CAO Bixby states the Administrative Draft EIR for Dyer

Mountain is available in the Community Development Department.

Recess 12:04 p.m. - 1:32 p.m. Supervisor Chapman is absent.

#### QUINCY LIBRARY GROUP

Quincy Library Group (QLG) Forester Frank Stewart presents information on the QLG Pilot Project. He notes two significant events: 1) The Sierra Nevada Framework revision was passed with standards and guidelines that he thinks will allow full implementation in cutting trees up to 30 inches in diameter 40% crown closures and DFPZ, which was the original intent of the act. 2) Senator Feinstein has extended QLG Bill through '09 so there will be an opportunity to address the social economic aspect of managing public lands and providing the needed fire protection to the communities in the watersheds from the fuel loads that exist on adjoining national forest lands.

Stewart speaks about potential appeals from environmental groups that will challenge projects and the need to set aside money in QLG contingency fund to fight appeals; would probably act as interveners coming in on behalf of the Forest Service. Lassen County's share would be \$11,000.

Supervisor Keefer feels there is a tremendous amount of risk if the appellants are successful in terms of impact to economic activity here in Lassen County.

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to give \$11,000 as Lassen County's share towards the QLG intervention lawsuit contingency fund.

#### EMERGENCY MEDICAL CARE COMMITTEE

CAO Bixby states Lassen Ambulance has notified NorCal EMS that it no longer wishes to be a 911 provider. The Emergency Medical Care Committee (EMCC) met on June 23, 2004 and made the recommendation that the Board of Supervisors move forward with a Request for Proposals on the ambulance system in Lassen County and take a look at establishing an Exclusive Operating Area as recommended by the EMCC.

Susanville Nursing and Rehabilitation Center Administrator Chuck Williams discusses the problem he has experienced since the county has gone to one ambulance service. Residents that have to be transported to the hospital in the evenings have no way to get

back to the facility; the ambulance will not transport them. Mr. Reger has explained that he does not get paid for that. Mr. Williams would like the Board to change the Ambulance Ordinance or address this problem when they request the RFP.

Kevin O'Loughlin, NorCal EMS states that the RFP would be how the county or EMCC wants to write it; its how you want to develop standards for the county and would be developed by a contractor for the county. Air flight is usually not included in RFP but kept separate.

Supervisor Chapman enters 2:00 p.m.

John Yeates, Paramedic and Safety and Risk Manager of Mountain EMS, responds to the issue of transporting nursing home patients back to the facility. The issue is confusing; there are strict MediCare and MediCal rules that prohibit certain kinds of transport and it is actually illegal to transport a patient under certain conditions even if they would like to do it. The other ambulance service chose to do transport. He states they will respond to 911 calls, but they no longer can afford to be the designated 911 provider. He feels there are certain problems that are fixable if they are addressed: primarily the prison situation (who have their own ambulance and hospital), the dispatching situation, some fees incurred such as those paid to NorCal EMS; subsidy from city/county. He suggests changing the ordinance to make the EMS system work better with cooperation and some changes. Mr. O'Loughlin states that if the county does put out an RFP for one or both areas, Lassen Ambulance and South Lassen EMS could bid on them, and Mr. Yeates concerns can be addressed.

Discussion is held on RFP costs. Emergency Services Chief Chip Jackson states he has spoken with Dr. Narad of Chico State who prepared the original contract work for the county and would be the consultant the county looks at. A lot of money has been spent, a lot of work has been done and can still be used for an RFP. Chip Jackson states he has been contacted by a minimum of three other agencies who are asking questions and showing interest. He and county staff have a meeting with Dr. Narad next week to see what it would take to do an RFP. If, on August 1st, 911 service was discontinued, he has asked NorCal to go into a contingency plan and bring outside providers in to backfill and take care of the area. At that point the county would be in a state of medical emergency.

Dr. Michael Roche, Chief Physician at High Desert State Prison, states the prison has an infirmary, not a hospital, with very

limited service and depends on an ambulance service to transport to a hospital; feels strongly that response time in ambulance industry is critical.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried unanimously, on a roll call vote, to direct staff to: "Move forward with a Request for Proposals (RFP) on the ambulance system in Lassen County and take a look at establishing an Exclusive Operating Area" as recommended by the Emergency Medical Care Committee; including the area served by South EMS in the RFP(s); and request Northern California EMS to provide for interim ambulance service in areas where service is withdrawn.

There being no further business, the meeting is adjourned at 2:55 p.m.

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CHAIRMAN OF THE BOARD OF  
SUPERVISORS

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD