

UNAPPROVED MINUTES

BOARD OF SUPERVISORS

AUGUST 10, 2004

The Lassen County Board of Supervisors convene in Regular Session at 9:09 a.m. Vice-Chairman Keefer 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: 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: (deCross - PERB# 03-2240, Kellen - PERB# 03-3121); and 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Health Rural Environment, and Richard and Mary Morgan, v. Lassen County, Lassen County Board of Supervisors; Larry and Lise Wosick. Superior Court Case #36349.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, and Brian Dahle; County Counsel John Ketelsen, County Administrative Officer Bill Bixby, Assistant County Counsel Craig Settlemire, Personnel Director Ron Vossler, Community Development Director Robert Sorvaag, Planner Rick Simon, and County Clerk Theresa Nagel. Supervisor Hanson is absent. Craig Settlemire, Bob Sorvaag and Rick Simon depart at 9:33 a.m. following discussion of the Morgan/Wosick case. Closed Session is recessed at 9:40 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, August 10, 2004, at 9:43 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, and Brian Dahle; County Counsel John Ketelsen, County Administrative Officer (CAO) Bill Bixby and County Clerk Theresa Nagel. Supervisor Hanson is absent. Following the flag salute, the invocation is offered by Supervisor Keefer.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

County Counsel announces the Closed Session dealt with: 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Health Rural Environment, and Richard and Mary Morgan, v. Lassen County, Lassen County Board of Supervisors; Larry and Lise Wosick. Superior Court Case #36349 - In the absence of action by either of the real parties in interest, the Board directed the County Counsel's Office to initiate a motion before

the Court within the next 30 days for modification of the order and direction on the meaning of the Court's Order; and 2) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: (deCross - PERB# 03-2240, Kellen - PERB# 03-3121) - The Board took action to approve tentative agreements settling pending litigation between the County of Lassen and both Laine Kellen and Mariam deCross, the details to be prepared by Counsel for execution by the County Administrative Officer.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

1. Larry Wosick reminds the Board that it has been 60 days since the last time he was here and he will be billed for another \$15,000 for noise testing. He states during the testing the ambient noise was shown to be higher than noise from the track. Now have 150 hours of testing and the facility continues to be in compliance with the County noise element - in fact the highest noise produced during testing was from a bird. He feels it is important that he and County Counsel work together and notes that 30 days ago a letter was sent to his attorney and the Morgan's attorney which contained some misinformation - probably because counsel was not aware of which part of the hill was used during a tested race. He would like to see a correction letter in regard to the location of the race, so the misinformation does not become an issue in court. He wants to be kept in the loop by working with County Counsel during preparations for a court motion. He presents information on two prestigious events scheduled for next year and how they could be jeopardized if the noise issues are not resolved. He expresses his appreciation for the continued support from the Board and was glad to hear the closed session action announcement. Supervisor Keefer notes that it would be very helpful if Mr. Wosick's attorney would respond to County Counsel and Mr. Wosick responds that his attorney indicated his calls had not been returned.

2. Tax Collector Richard Egan informs the board members that he received the new water master rates from the Department of Water Resources and they have quadrupled.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle comments on an article in the RCRC Newsletter "Barbed Wire" which details several items in the State Budget; notes the Big Valley Mill is getting close to "fire-up"; he is working with Modoc County to get a preschool

and day care set-up at the Bieber Family Resource Center - they are looking for a modular building.

2. Supervisor Pyle met with Burlington Northern Railroad representatives to discuss crossing arms - they may be able to obtain some crossing arms removed from a crossing in Klamath Falls; Public Works Director Larry Millar is looking into installing flashing lights at the A-21 Railroad Crossing.

3. Supervisor Chapman attended a multi-agency meeting and received information on a grant that will be applied for to use in establishing a family resource center for the Honey Lake/Susanville area; asks that an appreciation proclamation for Peter and Susan Couso be placed on the August 24th agenda for their donation of maps/indexes/headstone pictures of the Susanville Cemetery; reports on the Transportation Commission meeting.

4. Supervisor Keefer requests the meeting be adjourned in memory of Marie "Becky" Ramirez - former employee of the District Attorney's Office; reports on the RAC process schedule; discusses the water master rate increase and a meeting that will be held to discuss alternatives to State Water Master services - Supervisor Dahle notes in the North County they hire their own water master and do not use the State services.

ALCOHOL AND DRUG ADVISORY BOARD

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to appoint Mike Phelps to fill a vacancy on the Alcohol and Drug Advisory Board.

IN-HOME SUPPORTIVE SERVICES

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to appoint Edna "JoAnn" Viscotha and Betty DeMoulin to fill vacancies on the In-Home Supportive Services Advisory Board.

CONSENT CALENDAR

Supervisor Dahle requests that Item G-6, parcel map, be removed from the consent calendar 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 July 27, 2004.

COUNTY CLERK / REGISTRAR OF VOTERS ITEM

Approve Board of Trustees of the Susanville School District, request to the Board of Supervisors to consolidate a school bond

election, with the General Election on Tuesday, November 2, 2004.

AGRICULTURE COMMISSIONER ITEM

Approve FY 2004/2005 California Department of Food and Agriculture Pest Detection Contract (\$4,963.30), and Nursery Inspections (\$3,447.13); 2) approve contract with California Department of Pesticide Regulation for Pesticide Use data entry (\$400.00); and 3) authorize Chairman to sign agreements.

AUDITOR AND TREASURER DEPARTMENTS ITEM

Receive and file Treasurer's Investments Report and Auditor's verification for the month of June, 2004.

DISTRICT ATTORNEY ITEM

Approve contract for special investigative services with Richard C. Hack in relationship to homicide case People v. Benjamin Wai Silva, to cover the period of September 1, 2004 through August 31, 2005 to be paid from special budget unit set up for costs of homicide cases (103-0437-3002300); and authorize the County Administrative Officer to sign contract.

HEALTH AND SOCIAL SERVICES DEPARTMENT - PUBLIC HEALTH DIVISION ITEM

Approve the Declaration of Intent Not to Apply for FY 2004/2005 Rural Health Services Program funding; and authorize the County Administrative Officer to sign the declaration.

PROBATION DEPARTMENT ITEM

1) Accept Juvenile Accountability Incentive Block Grant (JAIBG) for equipment purchases (safety vests and desks) in the amount of \$5,546, with a \$616 match for a total project amount of \$6,162 for FY 2004/2005; 2) adopt Resolution No. 04-041, agreeing to provide all matching funds required for said project; agreeing that liability is responsibility of the grant recipient; affirming that grant funds shall not be used to supplant expenditures controlled by County; and authorizing Chief Probation Officer or designee to submit proposal and sign Grant Award Agreement (after it has been approved by County Counsel); and 3) authorize Chairman and Assistant Chief Probation Officer Debbie Rives to sign the certification.

TREASURERS ITEMS

Receive and file Treasurer's Investments Report for the month of June, 2004; and Treasurer's Fund Balance Report for June, 2004.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

a. Local Agency Formation Commission (LAFCO) of Lassen County

meeting agenda for August 9, 2004.

b. Planning Commission meeting agenda for August 4, 2004.

c. Technical Advisory Committee meeting agenda for August 11, 2004.

d. Architectural Review Committee special meeting agenda for July 26, 2004.

e. Application for Alcoholic Beverage License - Eagle Lake Marina, County Rd. A1, Eagle Lake, CA.

PUBLIC WORKS DEPARTMENT - SURVEYOR DIVISION

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried, with Supervisor Dahle abstaining, to adopt Resolution No. 04-042, approving Parcel Map # 2002-90, Dahle.

ADMINISTRATIVE SERVICES - PERSONNEL DIVISION

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried to approve the position of Clinical Billing & Records Manager, Mid-Management, Range No. 17, in the Mental Health Department, Health and Social Services Agency, replacing Chief Clinical Billing & Records, Range No. 26.

HEALTH AND SOCIAL SERVICES DEPARTMENT - ALCOHOL & DRUG DIVISION ITEM

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried unanimously, on a roll call vote, to approve amendment to State Department of Alcohol and Drug Programs Agreement for the period of July 1, 2001 through June 30, 2005, increasing the FY 2003/04 fiscal amount by \$8,055 for a new maximum contract amount of \$563,464, for programs to support prevention and treatment of Lassen County members; and authorize the County Administrative Officer to execute the agreement documents.

TAX COLLECTOR / TREASURER

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried to approve claims for excess proceeds from the May 14 and 15, 2003 Tax Sale filed with the Lassen County Tax Collector pursuant to Revenue and Tax Code §4675 as follows:

APN	CLAIMANT	CLAIM AMOUNT	RECOMMENDED
APPROVAL			
029-100-22	Alvin Brinkley	\$32,568.06	
\$16,284.03			
031-170-34	None	2,311.77	
043-110-28	None	4,469.01	
043-160-21	Ronald Van Balkenburg	1,910.04	
1,910.04			

043-210-30	None	4,683.40
045-110-28	None	3,173.26
047-090-27	Jeanne Kroesen	3,775.20
3,775.20		
047-090-28	Jeanne Kroesen	3,776.20
3,776.20		
055-160-09	None	4,761.59
057-100-48	None	5,796.71
077-214-17	Donald Kiger	41,614.58
077-214-17	Insurance Company of North America	
41,614.58		
077-221-09	Stephan Shepard	8,219.99
8,219.99		
077-304-32	None	424.30
077-352-08	None	551.66
091-040-09	Eden Roc C., Inc.	5,923.88
5,923.88		
125-060-26	Westwood CSD	10,303.67
575.00		
125-124-13	William R. Slavinski	3,934.74
3,934.74		
125-221-09	Seminara Holdings, Inc.	6,273.30
5,332.31		
125-221-09	Global Discoveries, LTD	
941.00		
137-100-40	Steven Peete	7,988.33
7,988.33		
139-260-47	Joan Lester	4,589.93
4,589.93		
141-030-06	None	54.60
141-330-10	Kimberley Kay Hargrove	10,221.94
10,221.94		
141-330-14		45.87
141-330-25	Kimberley Kay Hargrove	3,962.34
3,962.34		
133-140-48	AND	
133-140-49	Global Discoveries, LTD	6,291.21
3,145.61		
	Dale R. Smith	
3,145.61		

Excess Proceeds total of \$52,464.87 goes to General Fund.

INFORMATION FOR THE BOARD

CAO Bixby announces that portions of the budget will be presented next week at the public hearing and the hearing will need to be continued as the budget is not complete. There will be a need for some study sessions to obtain Board guidance on

some aspects. The budget will need to be adopted on August 24th.

Recess 10:28 - 10:34 a.m.

PUBLIC HEARING - APPEAL - SUBDIVISION MAP #2003-125 ("OAK VIEW ESTATES"), VOSSLER

The public hearing is opened at 10:34 a.m., to consider an appeal of Planning Commission action on Subdivision Map #2003-125 ("Oak View Estates"), filed by applicant Pete Vossler, appealing the conditions of approval concerning road standards for the main access and emergency roads serving the subdivision. The project is to subdivide a 607 acre parcel into 4 parcels of 40 acres, 50 acres, 56 acres, and 80 acres each, with a 381 acre remainder parcel. The subject property is located 1/2 mile west of the intersection of Susan Hills Drive and Beverly Drive, approximately 1 mile south of the City of Susanville.

Planner Kent Hector and Associate Engineer/Surveyor Marty Diehl present the staff report relating to width standards for the access roads.

Speaking in opposition:

Tom Hehn, from California Department of Forestry, provides information on the width of their fire equipment and states he would like to see the current road widths maintained. He also has concerns about locked gates.

Steve Rose, President of Susan Hills Homeowner's Association, wants to be sure that any road work does not cause problems with their water mains.

Speaking in favor:

Pete Vossler distributes a letter from CDF County Fire Warden Robert Taylor, dated July 6, 1998, agreeing to the 16' emergency access road width; a letter from proposed purchasers of the parcels - Robin Blair, Brian Caveney and Nick Albonico favoring narrower road widths; and improvement plans for Hidden Hills Estates with 18' and 20' road widths.

He provides information on his request for narrower widths and states he cannot meet the road widths set by the county without blasting.

Extensive discussion is held between Supervisor Chapman and Mr. Vossler.

The public hearing is closed at 11:17 a.m.

Supervisor Pyle feels this is a great place to build houses, but there is also a fire danger and he feels homeowners would want to have adequate roads for fire equipment.

Supervisor Chapman agrees this is a good place for homes, but we need to look to the future and maintain high road standards.

It is moved by Supervisor Pyle, seconded by Supervisor Chapman and carried unanimously, on a roll call vote, to deny the appeal and uphold the Planning Commission decision relating to road standards.

LASSEN CAREER NETWORK

Traci Holt provides an update on activities at Lassen Career Network, the local One-Stop Employment Center. The mission is to serve as a common point of access for job seekers, employers and community members for the purpose of education, training, employment, referral and supportive services.

She reviews and provides statistics on the One Stop Customers served over the past year - 4,965 job seekers and 228 businesses used their services. She provides information on their Rapid Response Activities to help businesses and employees when businesses close or downsize and gives specifics on the closure of Sierra Pacific Industries and Jeld-Wen.

The HR Solutions Team, a new division of Alliance for Workforce Development, Inc. was established to address the Human Resource needs of Lassen County businesses. The nine business services they are required to perform are: business startup, business expansion and retention services, business information exchange, human resource support, employee recruitment, employee training, layoff assistance, and public policy. The six team members have passed a thorough exam encompassing California Labor Laws, Constitutional Law, Common Law, ADA and many other employment related issues.

She reviews the activities planned for the next few months and asks the Board to adopt a proclamation for Workforce Development Month, September 2004. Supervisor Chapman suggests placing the proclamation on the August 24th agenda.

Supervisor Dahle would like to have some training sessions held for businesses in Bieber to cover all the labor laws. Mrs. Holt responds that she is working on arrangements for seminars such as this for Westwood and Bieber.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:50 a.m. in memory of Mary "Becky" Ramirez, former employee of Lassen County District Attorney's Child Support Services.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD