

**UNAPPROVED MINUTES**  
**BOARD OF SUPERVISORS**

NOVEMBER 23, 2004

The Lassen County Board of Supervisors convene in Regular Session at 9:10 a.m. Chairman Hanson asks for public comment and no comments are received. County Clerk Nagel announces the Closed Session item and the Board recesses to Closed Session at 9:12 a.m. for a conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Pipes vs. County of Lassen, et al. United States District Court Case # S-02-1521 FCD DAD.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; Assistant County Counsel Craig Settlemire, County Administrative Officer Bill Bixby, Assistant to the CAO Julie Morgan, Deputy CAO for Health and Social Services Kevin Mannel and County Clerk Theresa Nagel. Closed Session is recessed at 9:43 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, November 23, 2004, at 9:46 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; Assistant County Counsel Craig Settlemire, County Administrative Officer (CAO) Bill Bixby and County Clerk Theresa Nagel. Following the flag salute, the invocation is offered by Supervisor Chapman.

**ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION**

The County Clerk announces the Closed Session dealt with a conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Pipes vs. County of Lassen, et al. United States District Court Case # S-02-1521 FCD DAD - no reportable action taken.

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

Supervisor Chapman requests the meeting be adjourned in memory of former County Supervisor John Theodore.

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

## PUBLIC COMMENT

1. Sheriff Bill Freitas presents a letter informing the Board of his retirement from the position of Sheriff-Coroner as of December 30, 2004. The decision to retire has been prompted by family medical issues. He thanks the citizens of Lassen County for the opportunity to have served them for the past thirty-one years. Pursuant to Government Code Section 54954.2 (2) that the need to take action arose subsequent to the agenda being posted, and cannot wait for the next meeting, it is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried unanimously to add an item to the agenda for discussion of Sheriff recruitment.

2. John Larrivee, director of the hospital foundation, provides an update on the foundation's fund raising for support of a broad range of health care services, programs and facilities for the citizens of Lassen County. Banner Lassen Medical Center Foundation is a separate California corporation and all donations remain in Lassen County.

## ALCOHOL AND DRUG ADVISORY BOARD

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

## CONSENT CALENDAR

Supervisor Chapman requests that Item G-2, personnel item, be pulled for separate consideration.

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 November 16, 2004.

## ASSESSOR ITEM

Authorize the Chairman to sign a contract with the California State Department of Finance continuing Lassen County's participation in the ninth year of the Property Tax Administration Program.

## PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

Receive and file Recap of CCC Prison and High Desert State Prison Trials Cost Reimbursement Billing for October, 2004.

## ADMINISTRATIVE SERVICES - PERSONNEL DIVISION

It is moved by Supervisor Dahle and seconded by Supervisor Pyle to approve exception to Article X, Section 1023, Management Leave, of the Lassen County Personnel Rules and Regulations to allow the crediting of forty (40) hours of Management Leave to Mr. William Bixby for calendar year 2004.

Kurt Bonham asks what the basis is for this exception and suggests this leave could have been granted when the interim contract was approved or when the final contract was approved. He questions what benefit the citizens get for this additional leave and states this could set a precedence that other employees could take advantage of. He states this is additional compensation and asks why is the leave needed close to the end of the year.

CAO Bixby does not dispute Mr. Bonham's statements. He notes the contract was signed in June but put into effect on July 1, 2004 and by so doing he did not get the 40 hours of management leave for this calendar year. He wants to go see his wife over the Christmas Holiday week. He states the contract was put into affect on July 1st to accommodate the Auditor's desire to put a smooth action before the Board.

Personnel Director Ron Vossler spoke with County Counsel John Ketelsen about this subject and received his approval. He notes the Mr. Bixby worked for the county well before June 30, 2004 which was the cutoff date for management leave.

Mr. Bonham states that based on what Mr. Vossler has said there is no action needed by the Board. If the CAO came to work for the county on May 8, 2004 he is eligible for the 40 hours leave.

CAO Bixby again agrees with Mr. Bonham's statements, but he states there are interpretations, by some, that this action is needed.

The motion carries on a roll call vote with Supervisor Chapman and Supervisor Keefer voting NO.

## AGRICULTURAL COMMISSIONER REPORT

### Weed spraying:

Agriculture Commissioner Ken Smith provides a report summarizing weed control efforts during 2004. He states that other agencies are spraying weeds and presents a report on the Special Weed Action Team (SWAT). He continues to look for funding sources and has applied for some grants. In answer to a question, he states the Road Division of the Public Works Department is responsible for spraying along county roads, although the Agriculture Department sprays adjacent to some roads beyond the right-of-way.

CAO Bixby has sent a memo to Ken and Larry Millar requesting a report to the Board on this subject in January.

Supervisor Dahle states that timing is vital in the control of weeds - need to spray in early spring. Mr. Smith responds they begin spraying in March and continue into September.

Supervisor Keefer notes the RAC is recommending an award of 75% of the applied for grants to the Agriculture Commissioner and the SWAT Team. He noticed in the application to the RAC the SWAT reported more acres treated than this report shows. Mr. Smith responds he reports net acres and the SWAT reports gross acres treated.

#### Mormon Cricket:

Ken Smith reports that 110,000 acres were infested with Mormon Crickets this year and the infestation is expected to be 200,000 acres next year, unless we get a hard winter. He commends Sierra Army Depot for the great job they did in poisoning the crickets. He stresses how important it is to have agencies cooperating in the control of the crickets. He notes the State Fish and Game has no interest in participating in the eradication efforts as the crickets do not target the vegetation located on their lands. Supervisor Dahle states they need to be reminded that even if the crickets do not impact their lands, adjoining agriculture lands are targeted and waterfowl feed off those lands. Mr. Smith reports the USDA is going to hire two people to survey on a daily basis which will be very helpful. They are also obtaining heavy duty equipment to spread the bait. He states that Nevada has 10 million infected acres and they are treating aggressively which drives the crickets to other areas.

Recess 10:26 - 10:34 a.m.

## COMMUNITY DEVELOPMENT DEPARTMENT

It is moved by Supervisor Pyle, seconded by Supervisor Dahle and carried to:

### AGRICULTURAL PRESERVE #2004-132, BACIGALOP

1) receive the Land Conservation Committee recommendation to establish an agricultural preserve on approximately 120 acres of land and enter said land into a Williamson Act Contract. The subject land is located on the east side of Kramer Road (Co. Rd. 413) approximately 6 miles north of Nubieber; 2) adopt Land Conservation Committee findings; and 3) adopt Resolution No. 04-068, establishing an agricultural preserve and authorizing the execution of a Williamson Act Contract.

AGRICULTURAL PRESERVE #2004-147, STEWART

1) receive the Land Conservation Committee recommendation to enter 510 acres of land into a Williamson Act Contract. The subject land is located on the south side of Standish-Buntingville Road, approximately 6 miles south of Standish; 2) adopt Land Conservation Committee findings; and 3) adopt Resolution No. 04-069, authorizing the execution of a Williamson Act Contract.

AGRICULTURAL PRESERVE #2004-101; COGNINA

1) receive the Land Conservation Committee recommendation to establish an agricultural preserve on approximately 660 acres of land and enter said land into a Williamson Act Contract. The subject land is located on the west side of HWY 395, approximately 16 miles north of Litchfield; 2) adopt Land Conservation Committee findings; 3) adopt Resolution No. 04-070, establishing an agricultural preserve and authorizing the execution of a Williamson Act Contract.

AGRICULTURAL PRESERVE #2004-137, THOMPSON

1) receive the Land Conservation Committee recommendation to establish an agricultural preserve on approximately 250 acres of land and enter said land into a Williamson Act Contract. The subject land is located on the north side of Susanville Road (Co. Rd. 422) approximately 3 miles east of Bieber; 2) adopt Land Conservation Committee findings; and 3) adopt Resolution No. 04-071, establishing an agricultural preserve and authorizing the execution of a Williamson Act Contract.

Community Development Director Robert Sorvaag will distribute information on changes to the Williamson Act.

**HEALTH & SOCIAL SERVICES - MENTAL HEALTH DIVISION**

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to approve the removal of Mary McNinch from the Mental Health Advisory Board due to non-attendance and authorize recruitment to fill vacant position(s).

**CORRESPONDENCE**

A letter from Buck's Bay (Eagle Lake) resident Jane Cates requesting her name be removed from a petition requesting paving of the roads there and asking the board to not sell the county beach to fund the project, is received.

Supervisor Chapman states he has received similar concern from three residents - want the road paved but not conditioned on selling the county property as it provides precious access to the lake.

Supervisor Dahle states the road needs to be paved, but also there is a need to set up something to deal with refuse and sanitary facilities on the county property. Along with management of the property so public use does not adversely impact neighbors.

Supervisor Chapman would like to see the County property developed to provide use for all.

## UNAGENDIZED BOARD REPORTS

1. Supervisor Pyle reports on the CSAC Convention - members were very proud of the overwhelming success of Proposition 1-A; reviews other actions CSAC is considering in regard to state and county financing; the Governor's Council on Base Support has taken the stance that every base in California is one unit and all are important - necessary for all efforts to be coordinated to support all bases; local economic issues are of no importance in base retention - military value is the issue; President is expected to make the decision on BRAC 2005 in September, 2005. He also comments on the Lassen Ambulance article in today's paper and notes that Brad Reger is circulating a letter and petitions regarding this issue.
2. Emergency Services Director Chip Jackson informs the board members that he received a call this morning from Greg Wallace, Operations Officer for South Lassen EMS stating they are not going anywhere and will be participating in the Ambulance RFP. They are in the process of assuming Lassen Ambulance's operation areas and they have no intention of pulling out of Westwood.
3. Supervisor Keefer was impressed with Supervisor Pyle's report on the CSAC Convention; in regard to the ambulance issue, he has received contacts from several people that are unsure of ambulance service and membership opportunities. He feels the County needs to get information out to the public. CAO Bixby notes the ambulance matter is scheduled for the December 21, 2004 agenda in the afternoon.
4. Supervisor Dahle thanks Supervisor Pyle for participating in the CSAC Convention.
5. Supervisor Hanson reports the Sage Grouse Conservation Strategy is being worked on; the issues impacting rural fire departments is something we need to keep track of.

## SHERIFF APPOINTMENT

CAO Bixby suggests holding a special meeting on December 7, 2004 to interview applicants for Sheriff/Coroner. He suggests they might want to consider restricting applicants to current or former employees of the Sheriff's Department and perhaps interview only the top three applicants.

County Counsel John Ketelsen reviews the process to appoint a Sheriff (Government Code 21405), which allows the appointment of the second in command.

Supervisor Chapman understands that Sheriff Freitas is not planning to appoint an undersheriff - he wants to leave that for the new sheriff.

Supervisor Dahle states we need to determine who to open-up the position to - just local or the whole world. He would like a special meeting on December 7th to interview candidates.

Supervisor Chapman cautions against limiting candidates - wants to open up to all. Wants to interview on December 7th and either make the decision that day or on December 14th.

Supervisor Hanson has a problem opening it up to everyone - has concern over maintaining continuity. Supervisor Dahle feels that will be part of the candidate evaluation process. Supervisor Pyle feels that Supervisor Chapman brought up some good points in regard to opening it up to everyone.

Discussion is held on where to advertise the vacancy. Supervisor Chapman feels this is a highly visible position and advertising locally is sufficient. Also notes that all applicants have to be available for interview on December 7th, and applicants need to know that running for election is a component.

CAO Bixby suggests two board members participate on the screening committee.

#### ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:31 a.m. in memory of John Theodore, former longtime (1956-1975) member of the Board of Supervisors.

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SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD