

## BOARD OF SUPERVISORS

FEBRUARY 15, 2005

The Lassen County Board of Supervisors convene in Regular Session at 9:05 a.m.

### PUBLIC COMMENT

Mary Morgan presents a letter regarding the closed session on Lassen County Superior Court Case #36349, and goes on to ask the Board to think outside the box a little in regard to how noise from the motocross track can be lessened on their (Morgan's) property.

### CLOSED SESSION

County Clerk Nagel announces the Closed Session items and the Board recesses to Closed Session at 9:08 a.m. for a 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.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer Bill Bixby, Assistant County Counsel Craig Kellison, Community Development Director Robert Sorvaag, Planner Rick Simon, Personnel Director Ron Vossler and County Clerk Theresa Nagel. Supervisor Chapman enters at 9:10 a.m. Closed Session is recessed at 9:25 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, February 15, 2005, at 9:30 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 Keefer.

### ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces the Closed Session dealt with: 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 reportable action taken.

## AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

## PUBLIC COMMENT

1. Nick Ceaglio provides a brief update on Dyer Mt. - county is working on the EIR change pages relating to transportation issues and it is expected the EIR will be out "any day"; announces they groomed several thousand feet of trails and had investors come to the site - received good comments on the snow conditions; applauds the creation of the new tourism group and notes their goals will be adversely impacted by extended burning in Lassen National Park; thanks the board for the opportunity for Westwood Fire District to participate in the ambulance services meetings.
2. Chip Jackson reports that following the December 14th meeting, at which representatives of Likely Fire District appeared and indicated they could no longer be the first responders to the Madeline area, he received a call from the Likely Fire Chief that all was status quo - no change in services. He also received a call from Modoc Ambulance and it appeared things were all resolved. Then representatives from Likely Fire District appeared last week at the board meeting and wanted a mutual aid agreement with the county. He notes the county has no ambulances and has nothing to offer in the way of a mutual aid agreement. He is trying to get a mutual aid agreement worked out between Likely Fire District and Madeline Fire District or if this fails a letter of understanding from the county showing the county is knowledgeable and approves of Likely Fire District being a first responder to the Madeline area.

## UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman attended his first Lahontan Water Quality Control Board meeting; reports on the great time he had as a server at the Celebrity Night Dinner.
2. Supervisor Pyle met with Senator Dave Cox and lists some of the items he discussed with the senator: watermaster fees; power plant near Gerlach; land being split that is under Williamson Act contract; Spalding Wastewater project; prison trials reimbursement issue. Announces the resignation of Mary Thomason from the Fair Advisory Board; has been asked by several Rotary members about getting the Fair parking lot paved - states this needs to be addressed. CAO Bixby responds that he and Larry Millar are working on cost figures but are not sure what money will be available from Fairs and Expositions.
3. Supervisor Hanson states the top concern he is dealing with is concerns about South Lassen Ambulance and problems with trains stopping on the tracks for too long; announces a Town Hall Meeting will be in Herlong on the redevelopment plan and EIR;

Planning Commission will have a meeting on March 2nd in Herlong; the need for fire protection in the south county is still a topic of discussion; notes the water for use in the power plant planned near Gerlach will come from the south end of the Smoke Creek Desert.

4. Supervisor Dahle thanks Chairman Keefer for the letter relating to Schools Coalition funding; notes that Prop 42 funds appear to be gone (paving money) but may come back in the future.

5. Supervisor Keefer is working on setting up a meeting with Judge Bradbury to discuss the Probation Officer salary; announces that Lafco Manager John Benoit was contacted by a group interested in forming a recreation district; reports on the RAC meeting and notes that Tom Esgate was designated to receive \$30,000 for another challenge grant; announces an Economic Development Committee meeting to be held, with a presentation from a new business in town relating to things they had to deal with as a new business.

#### PROCLAMATION

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to adopt a proclamation honoring Lill-Britt "Snerp" Whipple on her retirement from Lassen County.

#### RECOGNITION COMMITTEE - PRESENTATION

Chairman Keefer makes the following presentations for years of service:

Ten years: a brass letter opener to Martin Diehl, Public Works Department.

Twenty-five years: a desk clock/calculator to JoAnn Martin, County Counsel's Office.  
(not present)

Retirement proclamation and plaque to Lill-Britt "Snerp" Whipple, Probation Department.  
(not present)

#### CONSENT CALENDAR

CAO Bixby requests that Item G-8, HVAC bid award, be removed for separate consideration.

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

#### COUNTY CLERK ITEM

Approve minutes of February 8, 2005.

## AUDITOR & TREASURER DEPARTMENTS ITEM

Receive and file Treasurer's Fund Balance Report and Auditor's verification for the month of January, 2005.

## COUNTY COUNSEL ITEMS

Reject claims of Jasmyrn McConnell, James McConnell, Austin Brown and Alyssa Brown, all minor children represented by Attorney Treva J. Hearne, each in its entirety, and direct County Clerk to send Notices of Rejection.

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

## DISTRICT ATTORNEY ITEMS

Approve special prosecutorial contract with Attorney Robert K. Hill for assistance with the investigation and prosecution of the People v. Elizabeth Malone case, at the rate of \$75.00 per hour; and authorize the CAO to sign.

Approve and authorize CAO to sign, addendum to contract for prosecutorial services with Special Prosecutor Dan A. Howe, increasing fees paid for services and adjust to Superior Court rates.

## PUBLIC WORKS DEPARTMENT ITEMS

Authorize the Road Department to purchase a 1984 Caterpillar D-6 Crawler Dozer from the Bureau of Land Management in the amount of \$25,000, and authorize the Director of Public Works to sign transfer documentation.

## TREASURER/TAX COLLECTOR ITEM

Receive and file Treasurer's Investment Report for January, 2005.

## MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Mental Health Advisory Board meeting agenda for February 8, 2005, and unapproved minutes of January 11, 2005.
- b. Lassen Transit Service Agency meeting agenda for February 14, 2005.
- c. Lassen County Transportation Commission meeting agenda for February 14,

2005.  
 d. Lassen  
 County Technical  
 Advisory  
 Committee  
 meeting agenda  
 for February 9,  
 2005.

## AUDITOR DEPARTMENT - BUDGET ADJUSTMENTS

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried unanimously, on a roll call vote, to authorize increases in the 2004/2005 budgeted expenditures for Narcotics Task Force Fund (NTF).

Increase Expenditures:

NTF Contributions to Non-County Gov't	185-0541-3005200	\$27,102
NTF Operating Transfer Out	185-0541-3007000	\$31,788

## DISTRICT ATTORNEY - ORDINANCE NO. 530-C

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to introduce, by title only, Ordinance No. 530-C, amending Chapter 9.70 relating to fireworks.

## LITIGATION REPORT

County Counsel John Ketelsen announces the county has prevailed in the Pipes v. County of Lassen, et. al., Federal District Case #CIVS021521, with a judgment in favor of the county as well as all five named employees. The only thing to be settled is attorney fees and that may be traded for a waiver of the right to appeal.

Recess 10:15 - 10:18 a.m.

## ECONOMIC DEVELOPMENT DIVISION

The public hearing is opened at 10:18 a.m. to solicit comments regarding submittal of a grant application for up to \$400,000 to be funded by the State Department of Housing and Community Development (HCD) through the Community Development Block Grant Program, Enterprise Fund, to be used for business lending to Lassen County businesses.

Economic Development Chief Darren Winham presents the staff report. There are no comments in opposition to the grant application. Alliance for Workforce Development representative Tracy Holts presents a letter of support. The hearing is closed at 10:25 a.

m.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to adopt Resolution No. 05-004, making an application and authorizing the execution of a grant agreement and any amendments thereto.

#### BID AWARD - ANIMAL SHELTER HVAC

CAO Bixby announces the bids for Heating, Venting and Air-Conditioning (HVAC) for the Animal Control Facility came in about \$20,000 more than expected. He has presented an offer to the City to front the City's portion of the costs to be paid back over five years, but has not yet received a response. No action on the bid award should be taken until a response is received.

#### LASSEN COUNTY MOTOR POOL

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to authorize the purchase of five new vehicles from the California Cooperative Purchasing Agreement to replace aging and high mileage vehicles. Total cost for the vehicles is \$83,867.34 (funds available and budgeted in the Motor Pool budget).

#### PRISON PROSECUTION PROGRAM

Auditor Karen Fouch provides information on the financial status of the Prison Prosecution Fund: current fund balance is \$441,498; current reimbursement due from state is \$354,809 for June - December, 2004; state is preparing letters stating the 2004/2005 appropriation for this program has been depleted; estimated \$500,000+ will be due from the State by June 30, 2005; anticipated date of next reimbursement is September 2005, with some arrears over 15 months old. She also notes that on February 17, 2004 the Board authorized a loan to the Prison Prosecution Program in the amount of \$406,680 and that loan has a current unpaid balance of \$104,491.

CAO Bixby states the amount of money owed the county exceeds the State's "so-called" Triple Flip and the county cannot continue to loan this large amount to the state as local programs are being impacted. He presents some possible actions for the board members to consider.

Diversified Management Executive Administrator Laura Roberts informs the Board that the State is using current year appropriations to pay past year claims - they have built new prisons and have not increased this appropriation. Something legislatively needs to be done to fix this problem.

Supervisor Chapman wants the minutes to indicate the Board's appreciation for the

support of the local Prison Wardens (Posten and Reynolds).

Supervisor Hanson hopes that CCPOA will extend their help also.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to: 1) Notify the Governor, Department of Corrections, our Assembly and Senate members and CCPOA that effective July 1, 2005, we will be unable to front the prison prosecution program. 2. Direct that bills must be paid within a 60 day period or prosecutions will be placed on hold. 3. Direct staff to arrange a joint meeting of the affected counties and Assembly and Senate members to prepare legislation that would fund the program at an appropriate level. 4. Enlist the support of other prison counties.

### COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION (Supervisor Chapman absent 10:50 - 10:52 a.m.)

Community Development Director Robert Sorvaag presents information on the amendments to Lassen County Fire Safety Ordinance 502, Sections 9.16.100(a) Definitions, 9.16.102 Subdivision Standards, 9.16.103 Building Standards on Existing Lots. He states that in response to concerns from the public and fire protection personnel, it is suggested the Board focus on three issues: providing alternatives to the multiple access requirement; a variance or waiver process from the 30 foot building setback for parcels equal to or greater than one acre; and alternatives to individual water storage tanks on properties outside fire protection districts.

Hannah Tangeman-Cheney feels that neighbors need to be notified if the 30 foot setback is waived. She asks questions relating to secondary access stating her concerns over residents ability to get out of areas if a forest fire occurs. CDF Battalion Chief Charlie McCall responds there are roads that need to be looked at individually, some secondary access roads are not being maintained and cause a fire hazard. Ms. Tangeman-Cheney states the best way to save people during fires is by having multiple exits (roads that circulate). She encourages the board members to make subdivisions more fire safe and to create incentives for developers to create safer subdivisions rather than asking for waivers.

Supervisor Pyle feels some good points have been brought up and there is a need to look further at this ordinance. Supervisor Chapman agrees and states we need to be mindful of past fire experiences and learn from them.

Janesville Fire Chief Chip Jackson states they have major issues with the current requirement for water tanks. They do not consider them a reliable source for water and

he encourages the Board to look for suitable alternatives to the tanks. Supervisor Hanson has also heard from his fire districts that centralized tanks would be better. Supervisor Dahle reminds everyone that multiple access roads over private property have impacts such as trespass - the roads are there to be used if needed, but not for public access.

Chairman Keefer continues this item to a future meeting.

## UNITED STATES FOREST SERVICE

Forest Service representative Brian Barnes presents information on the Forest Service Off-Highway (OHV) Route Designation Process. The Forest Service has completed an initial inventory and will be field verifying route maps this summer. Public comment will be invited to determine if any trails have been missed. Following public comment, a temporary forest order will be issued (Nov/Dec) restricting OHV travel to just these designated trails, unless an activity is exempted from the order. This is designed to stop the proliferation of user created routes and allow law enforcement officers to cite violators. Tentatively, the week of March 21st is being designated to host public meetings on the OHV/OSV program.

Board members express their disgust at the shutting down of the national forest to most uses. Supervisor Chapman notes the irony is, the forests were shut down for timber harvesting and this was supposed to lead to expanded recreational use of the forests. Now the Forest Service is herding people into little corridors and this is just not going to work.

## CHAMBER REQUEST FOR TRIATHLON

Redwood Trails representative Eric Gould organized the Bizz Johnson Marathon last fall and he announces the 2nd Annual will be held on October 9th. He states that Eagle Lake is one of the best venues he has ever seen to hold a triathlon and he is looking at putting on a two day event in June and expects 300-500 participants. One problem is large expansion gaps in the pavement on County Road A-1 which is a safety concern for the bicycling portion of the triathlon. He requests a commitment to get the repair work finished before the event.

Supervisor Keefer notes the timing of the event is a problem as it falls on the second weekend of fishing season and would require a two day morning closure of a 14 mile section of Co. Rd. A-1. Supervisor Chapman comments on the problem expansion gaps cause bicyclers. Supervisor Hanson compliments Mr. Gould on the success of the first marathon. He asks about the timing of the triathlon and suggests holding it later in the season. CAO Bixby notes holding the event later in the season would provide the ability

to get the crack sealing done and also the ability to advertise the planned road closure to the public.

Mr. Gould suggests the event be rescheduled to August 20th and 21st.

Chairman Keefer states the Board is in support of the triathlon and direction is given to staff to afford every courtesy possible, in a timely manner, to make this a successful event.

## COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION - GENERAL PLAN

Community Development Director Robert Sorvaag presents information on the requirements to adopt and maintain a comprehensive long-term general plan with seven required elements. He also provides a history of the current general plan for the county. He reviews components due for review including existing area plans, new area plans, resource plans, and general plan elements (Local Hazards Mitigation Plan, Noise Element).

Supervisor Dahle is in favor of all proposals, but funding is an issue. He asks for a priority list and Mr. Sorvaag refers him to the financial impact section of the written report that shows the anticipated costs: new area plans (Big Valley, Lassen Southeast) - \$35,000-\$50,000 each (includes CEQA); area plan updates (Eagle Lake, Susanville Vicinity, others) - \$10,000-\$35,000 each (includes CEQA); element update (noise element) - \$15,000-\$35,000; Wildlife Resource Program - \$15,000-\$30,000. These figures are for contracting the work.

Supervisor Keefer asks about doing a surgical treatment to the noise element and Mr. Sorvaag responds such revision could be done to any of the components.

Larry Wosick refers to the letter dated September 1, 2004, from Brown Buntin Associates (author of the Lassen County Noise Element) regarding the intent and usual application of noise performance standards like those contained in the Noise Element of the Lassen County General Plan. Mr. Wosick states the biggest issue he has experienced with the noise element is the lack of clarity on how to apply it and the original intent of the noise element. He feels it is very important that the Original Intent Paper (basically an instruction manual on how to apply the noise element) become a part of the noise element. He asks the Board to adopt a policy to refer to this Original Intent Paper when applying the noise element.

Supervisor Dahle asks what the process and timeframe would be to make a surgical

change to the noise element. Mr. Sorvaag reviews the steps that have to be taken and estimates two to four months. Supervisor Dahle states this change to the noise element is just common sense and we need to move forward. Mr. Sorvaag agrees the noise element was to apply to noise created from a consistent high noise source rather than an infrequent event noise source. Mr. Wosick asks if only putting an instruction manual with the noise element would make it subject to CEQA. County Counsel John Ketelsen responds that it is an amendment to the general plan and that makes it subject to CEQA. CAO Bixby states we need to be realistic, it will be appealed and will not be complete for three to four months.

Noon recess 12:18 - 1:30 p.m. Supervisor Chapman is absent.

### GENERAL PLAN CONT.

Supervisor Dahle asks what is the plan for area plans. Mr. Sorvaag proposes that next budget year more area plans be scheduled and he needs a sense of the Board's priorities. Supervisor Dahle asks about the Williamson Act and when the Board will be looking at that and Sorvaag responds he has it scheduled for the March 8th agenda.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried, with Supervisor Chapman absent, to move forward with the surgical fix of the Lassen County Noise Element.

### ORDINANCE 563

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried on a roll call vote, with Supervisor Chapman absent, to adopt, by title only, Ordinance No. 563, regulating parking upon Lassen County roads during snow conditions.

### SUSANVILLE ROAD MAINTENANCE

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried, with Supervisor Chapman absent, to direct staff to take whatever action is needed to bring the Susanville Road extension (from the "Y" to the front gate of Sierra Army Depot) into the county road maintenance system.

### BUDGET REVIEW

Auditor Karen Fouch provides the FY 2004/2005 Mid-Year Budget Review, stating the county continues to be financially sound but that is threatened by the escalating costs of providing services with revenues that are not keeping pace. The state's continuing fiscal crisis presents an additional threat. She reviews worksheets covering projections for the general fund, public safety fund, and probation fund.

Supervisor Pyle states it does not look as bad as when the budget was prepared, but the expenditures are still far exceeding revenues and this cannot continue.

CAO Bixby indicates next week he will be providing more budget information (Supervisor Chapman enters at 1:51 p.m.).

Auditor Fouch states revenues for the three general fund dependent funds (General, Public Safety, Probation) can anticipate they will meet their revenue projections and some areas will possibly exceed them. The adopted budget included use of approximately \$2 million of fund balances and at this time she anticipates \$850,000 will be used. Special revenue funds are typically self-supporting and that is true this year, with the exception of Prison Prosecution, Cemetery and Lassen Works. The General Fund budget included a \$2 million transfer to General Reserve and half has been transferred with the remainder to transfer before June 30th. Health and Social Services is an area of fiscal concern. This is the second year of restructuring many of the programs and a positive outcome is expected in the long-run, but there are costs involved that are impacting the short-run. Their revenues are falling short of budget projections and even though expenditures are also below budgeted amounts, it is anticipated they will end the year in a less than favorable financial position. It is anticipated the Cemetery Fund will end the year with a zero cash balance. She reviews a number of changes that will cause cash flow to be a huge consideration in the future, and there will be increases in the cost of salaries and benefits in 2005/2006.

CAO Bixby addresses the issue of funding court bailiffs and the need to work with the courts to sort out the funding.

#### Health and Social Services:

Health and Social Services Director Kevin Mannel reviews several things that make projections difficult.

Fiscal Officer Diana Wemple reports cash flow is a major issue, they began the year with a \$293,000 deficit that is currently at \$757,000 and is expected to be over \$1 million deficit by June 30th. They are looking back at past years to try and determine what has led to not having balances in various funds. There have been delays in receiving some reimbursements for certain funds.

A power point presentation is provided reviewing each of the Health and Social Services funds. Six areas of concern are: Public and Environmental Health, Public Guardian, Mental Health, Welfare Assistance, Child Welfare Services, and Alcohol and Drug. General Relief is expected to have an under expenditure of \$120,000 which will be used

to offset other over-expended funds.

CAO Bixby will be providing information next week on how we got where we are, where we need to go and what can we do to maximize revenues and minimize expenditures. He will be asking for the Board's input on where they want to go.

**INFORMATION FOR THE BOARD**

1. CAO Bixby reports he will schedule a meeting on snowplowing priorities soon; has made contact with Lassen Land and Trails Trust regarding their fee waiver request and it will be back before the Board soon.
2. CAO Bixby reports that four good quality responses to the Ambulance Service RFP have been received.
3. CAO Bixby states the budget documents will go out next week and he would like hearings to be held in early April and would like to have a budget far along by mid-June.

There being no further business, the meeting is adjourned at 2:44 p.m.

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SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

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THERESA NAGEL, CLERK OF THE BOARD