

BOARD OF SUPERVISORS

MARCH 15, 2005

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, March 15, 2005, at 9:34 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, and Jack Hanson; County Counsel John Ketelsen, County Administrative Officer (CAO) Bill Bixby and County Clerk Theresa Nagel. Brian Dahle is not present at the beginning of the meeting. Following the flag salute, the invocation is offered by Supervisor Keefer.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Keefer announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

Supervisor Hanson introduces Herlong Utility Cooperative General Manager Joe Williams.

UNAGENDIZED BOARD REPORTS

1. Supervisor Pyle reports on a town hall meeting held in Westwood to discuss the proposed redevelopment plan; announces he will attend CSAC Conference this week.
2. Supervisor Hanson reports on meeting with union representatives from the Federal Prison and Sierra Army Depot; and with representatives of the Hallelujah Junction Fire Protection District. (Supervisor Dahle enters at 9:38 a.m.)
3. Supervisor Dahle reports on the NACO WIR meeting he attended in Washington, D.C. - discussed PILT Funding; Energy Bill which is a priority for getting passed; opposed opening borders for live cattle to be imported. The next meeting will be held in May.
4. Supervisor Keefer attended Fair Advisory Board meeting and is really pleased with progress made by new manager; reports the Air Pollution Control Board meeting was continued to March 23rd at 2:00 p.m. and Lassen National Park representatives will be present.

Reports that he and John Benoit met with the Auditor and reached an agreement to decrease the A-87 costs for LAFCO from \$4,027 to \$2,100 because of the administrative charges run-up by former CAO Whiteman. At the LAFCO meeting a motion was approved to not pay any A-87 costs this year and Supervisor Keefer wants an item on the next agenda to discuss what services the county will provide to LAFCO.

Announces he received a letter regarding the presentation of the Irene Doyle Award and the date for the county picnic suggested for May 17th (board members agree to this date); received a letter from Senator Dave Cox supporting actions to get the State to bring prison prosecution reimbursements current or suspend prosecutions until counties are paid; received a letter from Frank Stewart offering to provide an update on Quincy Library Group lawsuits (board members desire a report).

5. Supervisor Chapman reports on the Transportation Commission meeting and the proposal to request a loan from the Prison Mitigation Fund to be used as a match to LMUD funding for the purchase of automated speed signs around the county.

AGRICULTURAL COMMISSIONER

(Supervisor Chapman absent 9:50 - 9:52 a.m.)

Agricultural Commissioner Ken Smith presents a report recapping 2004 departmental operations and outlining options for 2005 county roadside spraying. He provides information on the 2004 Departmental Operations by Program; a summary of weed pests treated in 2004; County (4 foot) Right-of-Way Project proposal; County Right-of-Way to Fence Line Project proposal; cost comparisons of three distinct types of roadside vegetation management activities; and projected 2005 weed control funding sources along with other funding being explored or pending.

The following options are presented for consideration: treat 25% of roadside, exclusive of the 4-foot right-of-way; treat all roadsides 10 feet out from the shoulder (including the 4-foot right-of-way); or treat 25% of all roadsides fenceline to fenceline (recommended by Agricultural Commissioner).

Supervisor Hanson feels areas should be targeted where there are sporadic outcrops of weeds and adjacent landowners are treating weeds.

Chairman Keefer directs Supervisor Hanson and Supervisor Pyle to work with Ken Smith on this program, with Supervisor Dahle providing assistance for the Big Valley Area.

PROCLAMATIONS

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to adopt

Proclamations honoring Jim Watters and Jerry Buberl on their retirement from Lassen County.

RECOGNITION COMMITTEE - PRESENTATION

Chairman Keefer makes the following presentations for years of service:

Ten years: a brass letter opener to Judy Davis (Auditor's Office); and Jennifer Cote (Health and Social Services - Public Health).

Retirement: proclamation and plaque to Jim Watters and Jerry Buberl from Public Works Department.

PUBLIC HEARING - ECONOMIC DEVELOPMENT HOUSING

The public hearing is opened at 10:08 a.m. to solicit comments regarding grantee performance and grant closeout for Planning and Technical Assistance grants for preparation of feasibility analysis to: A) restore the Standish Hall, and B) provide new water and sewer connections for West Patton Village.

Cynthia Celaya presents the staff report. No one speaks in opposition to nor in favor of the grantee performance and grant closeout. The hearing is closed at 10:15 a.m.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to accept the final products.

PUBLIC HEARING - HERLONG TOWN PLANNING & REDEVELOPMENT PROJECT

The public hearing is opened at 10:16 a.m. to consider Herlong Town Planning and Redevelopment Project and Draft Environmental Impact Report. The project includes a General Plan amendment (#765.01.02) and rezone (#2004-112) establishing specific land use designations and zoning within the project area - the Sierra Army Depot Redevelopment Plan adopted July 2004. The Draft EIR addresses the project and the proposed Amended Sierra Army Depot Redevelopment Plan adding approximately 842 acres to the adopted redevelopment area.

Rick Simon presents the staff report and reviews the Planning Commission's recommendations on the Herlong Town Planning and Redevelopment Project.

Recommendations:

Zoning on portion of Section 28 owned by West Patton Village CSD (480 acres)

Proposed land use and zoning be changed from Open Space land use and "O-S" zoning to Institutional land use and "I-1" zoning.

Sage Valley Road Area Land Use and Zoning

Rural Residential designation and "A-2-B-3" zoning not be changed.

Flagler Court Area Zoning

"R-1" zone be extended north to the Access Road and that the "B-P" zone be extended along the western edge of the "R-1" area.

Land Use and Zoning District Boundaries

On final land use and zoning maps, district boundaries should follow existing parcel lines wherever practical.

No Airport Alternative

The No Airport Alternative not be adopted, and that the airport remain in its current location until a suitable alternative facility or relocation site becomes available.

Postpone SIAD Industrial Designation Alternative

The Postpone SIAD Industrial Designation Alternative be adopted with the exception that the East Shore Parcel be designated and zoned Open Space and the Amedee Airfield Parcel be designated and zoned Industrial.

He also notes letters were received from Ceci Dale-Cesmat and LAFCO.

No one speaks in opposition to nor in favor of the project and Draft EIR and Chairman Keefer continues the public hearing to March 22, 2005, at 10:30 a.m.

CONSENT CALENDAR

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

COUNTY CLERK ITEM

Approve Minutes of March 8, 2005.

ADMINISTRATIVE SERVICES ITEM

Approve the use of County vehicles by the Fairgrounds Manager and Senior Buildings and Grounds Worker.

AGRICULTURAL COMMISSIONER ITEMS

Approve, and authorize the Chairman to sign, contract with California Department of Food and Agriculture for Enforcement of California Organic Foods Act in the amount of

\$500 for FY 2005/2006.

Approve, and authorize Chairman to sign, FY 2005/2006 contract with California Department of Food and Agriculture for weighmaster enforcement in the amount of \$750.

AUDITOR & TREASURER DEPARTMENTS ITEM

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

BOARD OF SUPERVISORS ITEM

Adopt Proclamation declaring the month of March as "Red Cross Month".

COUNTY COUNSEL ITEM

Renew the Board's declaration of a local emergency with respect to the availability of medical response units for ambulance service within the County of Lassen, justifying an exemption from the operation of Lassen County Code Chapter 11.15 for an additional thirty (30) days pursuant to Lassen County Code Section 11.15.070.

PUBLIC WORKS DEPARTMENT ITEM

Authorize the Chairman to sign the Federal Apportionment Exchange Program and State Match Program, Agreement No X055907(042) with the California Department of Transportation (CalTrans).

TREASURER/TAX COLLECTOR ITEM

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

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Local Agency Formation Commission (LAFCO) of Lassen County meeting agenda for March 14, 2005.
- b. Lassen County Alcohol & Drug Advisory Board meeting agenda for March 15, 2005, and minutes of February 15, 2005.
- c. Lassen Transit Service Agency meeting agenda for March 14, 2005.
- d. Lassen County Transportation Commission meeting agenda for March 14, 2005.

PUBLIC WORKS DEPARTMENT - ROAD DIVISION

Public Works Director Larry Millar presents a Snow Removal and Sanding Policy and Procedures for the Lassen County Department of Public Works (Road Division).

Supervisor Pyle feels the issue is leaving a big snow berm in front of firehalls. Mr. Millar

responds if possible they try to drift the snow past such driveways, but some areas have driveways that are close together and this causes difficulty. Supervisor Pyle states that something needs to be done to fix this problem.

Supervisor Keefer feels the plowing policy is administered differently in areas because berms in front of the Janesville Fire Hall was not an issue. Mr. Millar states that he needs specifics for sites that need special treatment so they can be placed in the policy. Supervisor Pyle responds Susan River Fire Hall on Richmond Road. Supervisor Hanson responds that Ravendale School would like to contract with the County to clean their parking lot, because there is no one in the area to do that work. Mr. Millar replies he could enter into an agreement with the school.

Supervisor Chapman feels emergency services providers need to have attention given to their facilities so berms do not hinder the emergency vehicles.

Chairman Keefer suggests that Mr. Millar put something in writing to accomplish what the board members desire and bring it back for review.

Recess 10:50 - 10:54 a.m. Supervisor Chapman is absent.

REDEVELOPMENT - WESTWOOD

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

Assistant Community Development Director Bertotti introduces Consultant Jim Simon from the firm RSG. Mr. Simon provides information on the purposes of redevelopment plans. (Supervisor Chapman enters at 11:00 a.m.) He also reviews the steps that will be taken and the documents that are before the Commission today.

Supervisor Chapman comments on the volume of documents just received by board members this morning and indicates he needs time to review them prior to taking action. He asks staff to identify the dates that pictures were taken of properties in Westwood which are included in the Westwood Redevelopment Project Area Preliminary Report. He notes none of the pictures were taken during spring or summer and he wants pictures taken to span the year which will provide a fair representation of the community. He notes this type of representation led to the criticism leveled at the City of Susanville in regard to their redevelopment plan. He calls attention to a picture taken at 410 Delwood Street and states this may portray a lack of code enforcement. He does not want code enforcement failures used as a back-door to support redevelopment.

Westwood resident Julie Bustamante submits a letter to the Board and asks them to delay taking action on the adoption of the resolutions to begin the Westwood Redevelopment Plan. She notes redevelopment is designed for economically depressed areas and is to be used as the last straw when all other options have been exhausted. This is not the case in Westwood as property values are at an all time high and there is no land available to purchase. She feels Westwood should be given the opportunity to develop on its own without government intervention and notes the redevelopment project will financially hurt the Westwood Community Services District. She feels that twelve years ago this was needed because the property values were very low, but the situation has changed.

Alex deMartimprey, representing the Westwood Chamber of Commerce, reads a letter of appreciation for considering a redevelopment plan for Westwood. He states that five businesses have closed in the past year, and he feels there is support in the community for allowing the process to continue.

Bix Blaufuss states that more is going on in Westwood than has occurred in the past - properties are being bought up and improved - some people that left the area because they could not find work are coming back because there are employment opportunities now. He questions the real meaning of several statements included in Sections 400 and 500 of the Draft Redevelopment Plan relating to eminent domain, acquisition of real property, acquisition of personal property, relocation of persons displaced by a project, and demolition and clearance. He feels there could be a lot of money wasted on something that is not needed as property is selling and improving with prices higher than in Chester. He urges the Board to stick with the Plans that have already been adopted to assure the community develops properly.

Supervisor Pyle feels the process needs to continue moving forward to allow more time for residents to learn more about it and make determinations on what they want. He also notes that he has not had time to review the Preliminary Report that was just distributed this morning.

Mr. Bertotti reviews the process that will be followed for the final determinations on the redevelopment plan and states they are anticipating two more town hall meetings in Westwood.

Supervisor Chapman's concern is the quality of the product that is being proposed for release to the public and recommends this matter be continued to March 22nd or April 12th.

It is moved by Supervisor Chapman, seconded by Supervisor Pyle and carried on a roll call vote, with Supervisor Keefer voting NO, to continue this item to March 22nd.

The Board of Supervisors reconvene. (CAO Bixby departs at 11:48 a.m.)

UNITED STATES FOREST SERVICE

Forest Supervisor Laurie Tippin announces the Forest Service and the Lassen National Forest turns 100 years old this year and she provides information on the Forest Centennial Celebration to be held on June 15, 2005 at 1:00 p.m. - Lassen County Fairgrounds. (CAO Bixby returns at 11:50 a.m.)

WATERMASTER PROGRAM

Supervisor Pyle and Supervisor Hanson step down due to a conflict of interest on this item. (Supervisor Chapman absent 11:50 - 11:54 a.m.).

County Counsel John Ketelsen explains the reasons that two members are stepping down is due to conflict of interest. Supervisor Chapman thought the law also requires the members to depart the room and Counsel responds for this issue it is not necessary.

Farm Advisor David Lile provides information on the Watermaster Program and reviews fee increases (2003 - \$100,000; 2004 - \$200,000+; 2005 - \$300,000+ estimated). Several ways to handle the program have been discussed which finally resulted in a meeting with Judge Bradbury since water decrees are controlled by the courts. Judge Bradbury suggested that the Department of Water Resources (DWR) and the County could petition the courts to allow the County to take over the Watermaster program with an agreement between the DWR and the County. The Watermaster fees would remain the same and it is suggested the Agriculture Commissioner could administer the program and do it cheaper.

DWR Representatives Dwight Russell and Bill Mendenhall are present. Mr. Russell indicates an MOU between the DWR and the County would be needed and there may be a need to make changes to the State Water Code. He indicates items that need to be considered are: enforcement issues, extended period of time for training which would result in higher charges from the State, if only one of the three water decrees located in the County moves to County administration it will drive up the costs for the others, an MOU would need a sunset date for the County becoming fully responsible. He goes into more detail relating to these items.

Bill Mendenhall discusses the day to day work of the Watermaster Program. He notes

there may be a need for an agreement with the Federal Government in regard to water gauges. Copies of their budget will be provided to the Board.

County Counsel John Ketelsen asks if any other counties are doing something like this. Mr. Russell responds that Shasta and Siskiyou are considering using a special district or some other type of agency, as yet undefined. Lassen is the only county considering taking the program into county administration.

Counsel points out this is not a power the County is given and this proposal would be an MOU for the County to administer the State's power. His first preference would be to have the program handled through an irrigation district or some other entity. He is not ready to say that the proposal is not doable, but it needs to be studied.

Mike Trask states a committee has been formed and they have put together a proposed budget that would save money compared to the State's costs. Supervisor Chapman wants a budget that is realistic enough to get the job done properly.

Supervisor Dahle wants facts on what is really required to operate the program. Supervisor Chapman feels we need to explore establishing a district and just look at the County role as an interim solution and states the program must be self-supporting. Supervisor Dahle is interested, but needs more information.

Chairman Keefer directs staff to look into this proposal.

CAO Bixby needs someone to represent the committee to discuss budgets with and David Lile is designated.

Supervisor Pyle and Supervisor Hanson return to their seats.

EAGLE LAKE TRIATHLON

Eric Gould of Redwood Trails proposes a change in the dates for the Eagle Lake Triathlon to August 27th and 28th due to issues raised by the Forest Service concerning previous dates. An olympic distance event will be held on the 27th with a shorter event held on the 28th. He states these dates will work this year but are not ideal for the future as they conflict with other events.

CAO Bixby asks Forest Service Eagle Lake Ranger Bob Andrews if these dates work for them. Mr. Andrews points out details that need to be worked out and states they will need cooperation from other agencies in order to not impact campground users.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to set the First Eagle Lake Triathlon for August 27 and 28, 2005; direct appropriate county departments to cooperate with Redwood Trails and the Lassen County Chamber of Commerce; and request the cooperation of the U.S. Forest Service to accommodate the logistics necessary to insure the success of this event.

Noon recess 12:50 - 1:36 p.m. Supervisor Hanson and County Counsel are absent.

PROBATION DEPARTMENT

Former Acting Chief Probation Officer Ron Jarrell wants to give credit to Former Chief Probation Officer Snerp Whipple and, to a lesser degree, to Debbie Rives for the good programs that were put in-place and the success of those programs that will be displayed in the information he will be providing.

He provides an overview of the adult program with information on number of participants and staffing levels. Prop 36 Program is using the Drug Court Model with Judge Dier in charge, require monthly court attendance and have collaboration between Drug and Alcohol, District Attorney, and Public Defender with team meetings and court briefings. Batterer's Program is now operating with a mandated 52 week program including anger management and other components and is administered by Wright Educational from Shasta County. Technical aspects include: adjusted path of court information, established access to court case history, creates accurate list of search and test eligible probationers, which has been an historical problem. They are working to allow electronic transfer of reports and other information between courts and law enforcement. Budgets - adjusted overtime and on-call; established mechanism to recapture some missed revenue; staffing levels are down (2 probation officer positions and one probation assistant). The department is adding more controls on electronic monitoring. He recommends establishing a community service program when staffing levels are up.

(County Counsel John Ketelsen and Supervisor Hanson enter at 1:45 p.m.)

Mr. Jarrell provides an overview of the Juvenile program with information on number of participants and staffing levels. States there are exciting things happening with innovative programs established and statistics to support this conclusion. Reviews the PACE Program with statistics showing new law violations are down over four years of operation from 75% to 7%. Need to support funding for this program because it is highly dependent on Medi-Cal eligibility. Truancy Program provides early intervention to deal with behavioral problems as well as truancy. Most schools are participating and really like the program and it has produced good results. The Mobile Treatment Services to

outlying areas has also produced good results. Juvenile Hall is an absolute necessity as it provides the certainty of incarceration threat. He recommends better marketing of the Juvenile Hall to other areas; establish PACE Program concept in the Hall; establish intensive mental health program in the Hall and suggests use of Prop 63 funds; expand use of the older section of the Hall (group home concept, substance abuse).

Administrative recommendations: Establish and follow a training plan; provide more local training; continue E-Group concept; hold weekly supervisor meetings; and monitor impact of State Budget.

Observations: overall organizational health is good; staff is dedicated and committed; staff is willing to do whatever is necessary to accomplish the mission.

He stresses the Probation staff is doing a really good job.

(Supervisor Chapman is absent 2:08 - 2:09 p.m.)

STUDY SESSION - OLD HOSPITAL SITE

CAO Bixby provides information on the court's facility needs and the potential that they may move out of the uptown area, along with information of what impacts would result if the courts made such a move. A unique idea had developed that would allow the courts to remain in the uptown area as well as allow Credence High School to relocate to a more suitable area. Lassen College announced they are no longer interested in locating a nursing school at the old hospital and it was his understanding (he was universally assured) if not used for this purpose the hospital would revert to the County. The hospital site could be used for Credence High School and the current school site could be used for the courts. He subsequently was able to read the actual contract and found there was no restrictive covenant between Banner Hospital and the Lassen College Foundation for the ownership, use, operation or disposal of the property. He is not sure how the public's perception could be so at odds with the actual contract, however it seems the Lassen College Foundation may dispose of the property as it wishes. The property is currently for sale and will pass out of public ownership.

Supervisor Keefer understood if Lassen College did not use the hospital for the stated purpose it would revert to the County and he is disappointed to learn this is not the case.

County Counsel John Ketelsen states that historically there was a reversion clause in the deeds, but somewhere along the line the wording disappeared.

Supervisor Chapman discusses the historic events in relation to hospital ownership and feels there is a need to address the use of the property for public benefit.

Lassen High School Superintendent Dan Lewis provides information on plans to upgrade Credence High School and states they are willing to talk.

Lassen College Foundation member Rocky Deal (also Banner Lassen Medical Center Foundation member) explains the events that have led to their decision to sell the property and he provides information on their acquisition of the Chico Facility at Eagle Lake and how the sale of the hospital site will help the Foundation maintain this facility and retain nine jobs in the community. He provides statistics on scholarships and other help to students the Foundation provides. (Supervisor Dahle absent 2:40 - 2:42 p.m.)

Supervisor Chapman extensively discusses his recollection of events that occurred relating to the transfer of the hospital. He thinks the County should write to the Lassen College Foundation and try to determine what it would take to get the hospital property back into County ownership.

Supervisor Hanson notes that Diamond View School may not be supportive of having Credence located on that site and suggests the Roosevelt School site may be a better location for Credence.

Rocky Deal states the property is currently in escrow with a corporation and they have a year to decide if they want the property and also have the ability to extend the escrow.

County Counsel John Ketelsen states the only alternative would be condemnation and reimbursement to the Lassen College Foundation for the value of the property.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to direct the CAO and Counsel to advise the Lassen College Foundation of the County's interest in the old hospital site if the escrow falls through and inform Credence High School of the County's interest in their property.

INFORMATION FOR THE BOARD

CAO Bixby announces the Ambulance RFP responses are ready for distribution and a copy will be available in the County Clerk's Office.

There being no further business, the meeting is adjourned at 3:07 p.m.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD