

BOARD OF SUPERVISORS

MAY 17, 2005

The Lassen County Board of Supervisors convene in Regular Session at 9:08 a.m. 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 9:09 a.m. for: Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Citizens for a Healthy Rural Environment, Richard & Mary Morgan vs. Lassen County, Lassen County Board of Supervisors; Larry & Lisa Wosick. Superior Case #36349.

Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: R. W. Jacks Trucking Company, arising out of collision at Hwy 395 @ Doyle Grade on January 7, 2005.

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 Public Defender Craig Settlemire, Assistant to the CAO Julie Morgan and County Clerk Theresa Nagel. Closed Session is recessed at 9:53 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, May 17, 2005, at 9:57 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, Richard & Mary Morgan vs. Lassen County, Lassen County Board of Supervisors; Larry & Lisa Wosick. Superior Case #36349 - gave approval to Legal Counsel to initiate a motion seeking further instructions from the Superior Court per discussions held.

Conference with Legal Counsel: Significant exposure to litigation pursuant to

Subdivision (b) of Government Code section 54956.9: R. W. Jacks Trucking Company, arising out of collision at Hwy 395 @ Doyle Grade on January 7, 2005 - gave approval to Legal Counsel to initiate settlement discussions with claimants subject to final approval by the Board of Supervisors.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Chapman requests the meeting be adjourned in memory of Helen Harrison.

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

PUBLIC COMMENT

Lassen County Poet Laureate Violet Stout reads a poem entitled "The New Beginning" for her granddaughter who is getting married, and "The Graves Without a Name" for Memorial Day.

PROCLAMATIONS

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to adopt Proclamations recognizing Gail Harwood, (Sheriff's Department); Ben Pacatte, (Sheriff's Department); and Mary Polley, (Health and Social Services Department) on their retirement from Lassen County.

RECOGNITION COMMITTEE - PRESENTATION

Chairman Keefer makes the following presentations for years of service:

Proclamation and County plaque to Mary Polley, Ben Pacatte and Gail Harwood.

Ten years: a brass letter opener to Joyce Wells, (Mental Health Department) and Kevin Bailey, (Community Development Department).

Certificate of Appreciation to Dottie Allred, (LassenWorks).

Irene Doyle Excellence in County Service Award:

Chairman Keefer announces the persons nominated for this award:

Nominee

Bill Bixby
Sonjia Edwards
Karen DelCarlo

Nominated by

Julie Morgan
Judy Davis
George Brewster

Theresa Nagel

Kurt Bonham & Julie Bustamante

The recipient is Theresa Nagel and the nomination letters are read by Kurt Bonham and Julie Bustamante.

Retired Auditor Irene Doyle presents the "Irene Doyle Excellence in County Service Award" to Theresa Nagel (County Clerk/Recorder/Registrar of Voters and Clerk to the Board).

Recess 10:34 - 10:39 a.m.

DISTRICT ATTORNEY

District Attorney Bob Burns presents a request for a "Y" Rating for temporary hiring of an Assistant District Attorney, which he expects to last only two months.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to approve the "Y" Rating for the position of Assistant District Attorney, Range 33, at the hourly rate of \$44.88 without benefits, to facilitate the temporary hiring of an attorney.

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 May 10, 2005.

ADMINISTRATIVE SERVICES ITEM

Receive and file Personnel Movement report for March, 2005.

AUDITOR & TREASURER DEPARTMENTS ITEM

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

COUNTY COUNSEL ITEM

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

HEALTH & SOCIAL SERVICES

Award bid for replacement of carpet on the first floor of the building located at 720 Richmond Road to Lassen Floors, the only bidder submitting sealed bid, meeting

specifications, in the amount of \$14,326.75.

PROBATION DEPARTMENT ITEM

Adopt Resolution No. 05-023, authorizing the Chief Probation Officer to sign the application for FY 2005/2006 Comprehensive Multi-agency Juvenile Justice Plan Modification Application as well as related contracts, amendments, or extensions with the State of California.

TREASURER/TAX COLLECTOR ITEM

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

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Technical Advisory Committee revised meeting agenda for May 11, 2005.

LASSEN COUNTY HOUSING AUTHORITY

The Board of Supervisors recess and convene as the Lassen County Housing Authority Board of Commissioners.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to adopt Resolution No. 05-022, transferring administrative duties for the Section 8 Housing Choice Voucher Program from the Community Development Department to the Health and Social Services Department, effective May 16, 2005.

The Board of Supervisors reconvene.

TREASURY OVERSIGHT COMMITTEE

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to appoint Debbie Fry to fill a vacancy on the Treasury Oversight Committee, representing schools/districts.

U.S. FOREST SERVICE

Community Liaison Heidi Perry presents information on the Lassen National Forest Centennial Celebration, to be held at the Lassen County Fairgrounds on June 15, 2005 at 1:00 p.m.

COMMUNITY DEVELOPMENT DEPARTMENT - BUILDING DIVISION

Building Inspector Steve Fuller presents an update regarding the continued substandard condition of the Westwood properties of Ken and Patty Willis located at 200 and 208

Cedar Street, Westwood, (APN #125-173-07 and 125-173-05).

It is the intention of the department to notify Mr. Willis of the intent to record a Notice of Noncompliance which would disclose to any prospective buyer, that the Building Division has essentially condemned the substandard units for occupancy. If so directed the department will again bring the issue before the Board to reconsider issuing an order for abatement.

Board members consensus is for staff to proceed with their plans.

HEALTH & SOCIAL SERVICES

Deputy CAO for Health and Social Services Kevin Mannel presents and discusses the 2004 Health and Social Services Annual Report.

Each board member expresses his appreciation for the excellent report and the progress the agency has made.

Fiscal:

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 Community Welfare Assistance budgeted revenues and expenditures for Welfare Assistance of \$850,000 and Social Services Realignment of \$150,000.

HEALTH & SOCIAL SERVICES-ALCOHOL AND DRUG DIVISION

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to approve FY 2004/2005 Funding Amendment to State Net Negotiated Amount Agreement for Alcohol and Drug Program, and authorize the CAO to execute the program documentation.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to approve FY 2005/2006 and FY 2006/2007 Funding Amendment to State Net Negotiated Amount Agreement for Alcohol and Drug Programs, and authorize the CAO to execute the program documentation.

CORRESPONDENCE

1. A letter from Louis and Imelda Benny in support of the draft EIR for Dyer Mountain, is received and filed.
2. Letter from Stanley G. Sylva, Modoc National Forest expressing desire to meet with persons who have made substantive comments on the Noxious Weed Treatment

Project DEIS in Redding on May 31, 2005, is received and filed.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman thanks the Personnel Department for the employee evaluation and job descriptions status report and asks the CAO to send a note to the Sheriff reminding him of the need to keep employee evaluations up-to-date; apologizes for not attending the Fair Advisory Board meeting due to conflicts with out-of-town meetings he attended; discusses the presentation that Tim Garrod made to the Bureau of Land Management RAC meeting and suggests that he be invited to make the same presentation to the Board of Supervisors; discusses the railroad banking for the Modoc Line.
2. Supervisor Pyle reports on the Almanor Region Transportation Assessment meeting; announces he participated in the Westwood High School Senior interviews.
3. Supervisor Hanson states the most important occurrence last week was the release of the BRAC listing which did not include Sierra Army Depot (SIAD), although the base will be realigned by no longer having ammunition demilitarization and storage. He states the consultant and the State did a great job and notes there is still work to be done to be sure the base is bullet-proof and states they will be looking for new missions.
4. Supervisor Dahle reports on the first Sierra Nevada Conservancy meeting he attended last week; will be attending RCRC this week.
5. Supervisor Keefer reports on the RAC meeting held last week - Pine Creek Tour will be held June 30th and Day Bench Tour will be held August 11th; reports on a meeting of Off Highway Vehicle Users (OHV) - excellent meeting - learned the Board of Supervisors can make a finding of need for OHV to use a county road to create a link between trails; announces the Forest Service will make a presentation to the Board on the "Share the Dream Trail" on June 14th.

Noon recess 11:30 a.m. - 2:00 p.m.

STUDY SESSION WITH PLANNING COMMISSION - DYER MOUNTAIN DRAFT EIR
Chairman Keefer states this is a joint study session with the Planning Commission primarily as an education process for board members and planning commissioners.

Community Development Director Robert Sorvaag and Assistant Community Development Director Joe Bertotti present information on what has occurred to date. County Counsel John Ketelsen reads a recent Appellate Court decision relating to the purpose of an EIR - basically is a document prepared to inform the public and its responsible officials of the environmental consequences of their decisions before they are made. It is designed to protect not only the environment but also informed self-government.

Consultant Cathy Spence-Wells of North Fork Associates provides an overview of the weighty document, how the analysis was conducted and how to approach and review the draft EIR. This is both a Program Analysis (Development Concept Plan) and Project Analysis (Phase I Development Plans).

Wayne Shijo covers traffic and air quality chapters of the EIR.

Katherine Waugh reviews geology and soils; noise; cultural resources; aesthetics/viewsheds. She also reviews the alternatives considered, and where the process goes from here.

Tim Keeseey asks what the difference is between proposed mitigation measures and recommended measures. Assistant Community Development Director Bertotti responds the "proposed" come from the project applicant and the "recommended" come from the EIR consultant and all will be included.

County Counsel John Ketelsen states what is being done at this time is flushing out all of the possible environmental impacts by soliciting comments in response to the draft EIR. In the course of preparing a final EIR, the lead agency must evaluate and respond to comments relating to significant environmental issues. The final substantive step in the EIR review process is certification of the final EIR. The county will certify that the final EIR has been completed in compliance with CEQA, and that it reviewed and considered the information in the final EIR prior to approving the project. When finalized, the EIR will be used as a reference document when projects to which the EIR relates come to the county for approval. The County will be required to explain in detail its reasons for rejecting suggestions found in the EIR in proceeding with the project, despite its environmental effects. Generally, in order to proceed with a project for which an environmental review has been prepared the lead agency must find either that the project's significant environmental effects identified in the final EIR have been avoided or mitigated or that the unmitigated effects are outweighed by the project's benefits. A court, if asked to review the EIR does not pass on the correctness of an EIR's environmental conclusions, but determines whether the EIR is sufficient as an informational document.

Supervisor Keefer states the EIR needs to include consideration of the formation of a County Service Area (CSA) or Community Service District (CSD) in relation to fire protection. County Fire Warden Don Posten states that currently the California Division of Forestry (CDF) cannot contract for fire protection with any agency except public agencies, although there is pending legislation that may make it possible to contract with private entities.

Planning Commissioner Mark Totten states he has read the entire EIR and has narrowed his many notes down to four items:

- > Cautions against forming a County Service Area due to potential large financial impacts upon the County. Feels the EIR should address costs and comparisons between CSAs and CSDs.
- > Woven through the EIR are references to deed restrictions and CC&Rs and he would like to see a clear description of who is responsible to do what in regard to these.
- > Notes a design issue in the road system within the development, and would like to see more in the EIR on "what do you do with all the snow" - needs more depth.
- > Woven through the EIR is the single access road system and the EIR needs to address a looped road system, specifically in regard to fire evacuations.

Planning Commissioner Bob Beckett states nothing should be allowed to impact Walker Spring and housing for 1000 part-time employees needs to be addressed.

Supervisor Chapman is most concerned about transportation circulation plans.

County Counsel John Ketelsen states he has drafted an opinion for staff, and the consultant, which addresses how the EIR should address traffic impacts where there are no programs in place by which to carry out improvements. The draft EIR makes a finding that there are some significant traffic impacts that cannot be avoided relating to improvements required beyond Lassen County's boundary lines. If there were programs in place to which contributions could be made that would foreseeably result in improvements to traffic impacts caused by the proposed project, then the finding could properly be made that those impacts can be mitigated. He is still trying to determine whether there is a program. He feels so far this is the most critical aspect of the analysis. Assuming the Draft EIR is correct and there is no program in place to lessen the project's impact on roads outside Lassen County's jurisdiction to which funds can be advanced, approval of the project would require a finding that the project and its merits outweigh the finding that there is a significant impact on the (traffic) environment. Such a finding must be based on substantial evidence in the record.

Community Development Director Robert Sorvaag states that some requests have been received from the public for an extension of the public review period beyond 45 days.

Only two public agencies have indicated they may request an extension, but have made no request yet. His department has distributed 201 free CDs and he lists the many locations where hard copies of the EIR are available. He would like to have an idea of the board member's feelings in regard to extending the time for review.

Supervisor Pyle would not want to extend the 45 day review period beyond 60 days. Supervisor Dahle would be very cautious in providing more (lengthy time) because time is money and he states this has been discussed for a long time already. Supervisor Chapman could support a very limited extension. Supervisor Pyle feels it might be beneficial to extend the review period by two weeks.

Community Development Director Robert Sorvaag states he will extend the review period to June 10, 2005.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 3:47 p.m. in memory of Helen Harrison, a long-time community member.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD