

UNAPPROVED MINUTES
BOARD OF SUPERVISORS

JUNE 14, 2005

The Lassen County Board of Supervisors convene in Regular Session at 9:07 a.m. Chairman Keefer 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 9:08 a.m. to discuss: Public Employee Employment, pursuant to Subdivision (b) of Government Code Section 54954.5: County Administrative Officer.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman (arrives at 9:15 a.m.), Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel John Ketelsen, and County Clerk Theresa Nagel. Closed Session is recessed at 9:25 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, June 14, 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 Public Employee Employment, pursuant to Subdivision (b) of Government Code Section 54954.5: County Administrative Officer - no reportable action taken.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

CAO Bixby requests that Item H-5, CAO appointment, be continued to the next meeting. Supervisor Chapman requests the meeting be adjourned in memory of Richard Harrison and Bob Grose.

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

PUBLIC COMMENT

Sheriff Steve Warren reports that Sergeant Dean Growden will be promoted to Lieutenant. The department will be sending Kevin Rorie and Scott Withrow to the police academy. If all medical and other testing goes well he will have full staffing in jail and

patrol for the first time since 1991.

CONSENT CALENDAR

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

COUNTY CLERK ITEMS

Approve Minutes of May 24, 2005.

PROPOSITION 65 REPORT

Receive and file report #05-002, filed by Edward Pecis, State of California Department of Justice Special Agent in Charge, Bureau of Narcotic Enforcement, on June 6, 2005 - NOTIFICATION OF HAZARDOUS MATERIALS RELEASE: On April 11, 2005, property at 472-260 Johnstonville Road, Susanville was legally searched as a result of an illegal drug laboratory investigation. Observations made during the search indicate that hazardous/toxic chemical substances were either transferred, stored or disposed of on the property.

AUDITOR ITEM

Adopt Resolution No. 05-025, to implement Government Code Section 20023 (4) pursuant to Section 20615 by paying and reporting the value of Employer Paid Member Contributions for all employees of the Lassen County General Unit (UPEC).

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.

HEALTH & SOCIAL SERVICES ITEM

Approve the "Declaration of Intent to Not Apply" for the FY 2004/2005 Emergency Medical Services Appropriation (EMSA) Program; and authorize the CAO to execute the declaration.

PUBLIC WORKS DEPARTMENT - ROAD DIVISION ITEMS

Award bid to Tri-American, Inc., Milpitas, the lowest bidder meeting specifications in the amount of \$20,014.99 for Crack and Joint Sealant Material.

Award bid to TMT-Pathway, LLC, Salem, Oregon, the lowest bidder meeting

specifications in the amount of \$61,301.96 for traffic paint.

Award bid to WattCo Equipment, Fairfield, the lowest bidder meeting specifications in the amount of \$53,040.62 for Radar Speed Display signs.

PUBLIC WORKS DEPARTMENT - SURVEYOR DIVISION ITEM

Adopt Resolution No. 05-026, approving Parcel Map #2004-13, Cramer.

SHERIFF'S DEPARTMENT ITEM

Adopt Resolution No. 05-027, approving the undertaking of the Lassen County Drug Enforcement Unit to be funded in part from funds available through the Anti-Drug Abuse Act of 1988 for the Anti-Drug Abuse Program administered by the Office of Emergency Services.

PRISON TRIAL COSTS ITEM

Receive and file Recap of CCC Prison and High Desert State Prison Trials Cost Reimbursement Billing for May, 2005.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Highway 36 Town Hill Safety Task Force meeting agenda for June 2, 2005; and minutes of March 30, 2005.
- b. Local Agency Formation Commission of Lassen County (LAFCO) meeting agenda for June 13, 2005.
- c. Application for Alcoholic Beverage License - Pizza Factory, 460-420 Church Street, Janesville.
- d. Lassen County Planning Commission revised agenda for June 1, 2005.
- e. Technical Advisory Committee meeting agenda for June 8, 2005.
- f. Alcohol and Drug Advisory Board meeting agenda for June 8, 2005, and minutes of May 10, 2005.
- g. Mental Health Advisory Board meeting revised agenda for June 14, 2005, and minutes of April 12, 2005.
- h. Lassen Transit Service Agency meeting agenda for June 13, 2005, and minutes of May 9, 2005.
- i. Lassen County Transportation Commission meeting agenda for June 13, 2005.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle reports on the NACO-WIR Board meeting he attended in Tacoma, Washington - major national problem they are focusing on is the costs of cleaning up Meth Labs; reports on the Childrens and Families First (Prop 10) meeting he

attended; discusses the Nubieber cleanup noting a couple of code enforcement houses were knocked down with the agreement of the owner - community looks much better; designates the remainder of his discretionary funds go to the Big Valley Family Resource Center for playground equipment; announces the Sierra Nevada Conservancy will hold an informational/outreach meeting in Susanville on July 7th, 7:00 p.m., at Jensen Hall.

2. Supervisor Hanson reports on a meeting he attended with American Lands Conservancy regarding preserving the Modoc Line Railway Corridor; reports on the West Patton Village CSD meeting he attended; issue coming up again is motorcycles on private property; briefly comments on the LAFCO meeting.

3. Supervisor Pyle announces a town hall meeting will be held tonight in Westwood relating to the Redevelopment Plan; reports on Westwood CSD meeting he attended; comments on a tour of Supervisor Dahle's district that he found very interesting; announces his plans for the remainder of 2002 Park Bond Funds for District One to be spent as follows: \$40,000 for Clear Creek Park and \$35,000 for Spaldings.

4. Supervisor Chapman reports on the PSA II meeting held at the new Shasta County Administration Center (very nice facility), at which a new Chairman and Vice-Chairman were elected; reports on the Prop 10 meeting; states the fencing at the Susanville Ranch Park is working well, no problems with the cattle grazing on the park - some cattle complaints have come from residents, but turned out they were Swickard Cattle, not the cattle grazing the park property; reminds everyone of the Flag Day Ceremony at Memorial Park this evening.

5. Supervisor Keefer comments on the new State Parks and Recreation periodic project status report requirements relating to Park Bond Funds - wants to be sure staff is prepared to meet these requirements so funds will not be frozen; discusses some smoke issues that have occurred the last couple of weeks; discusses the LAFCO meeting and his concerns relating to the \$15,000 carryover into contingency (feels it is too high); announces and explains a big problem with the new well at Janesville Park and damage created by a vehicle spinning brodies and damaging a fence.

HISTORIC BUILDING REVIEW COMMITTEE

It is moved by Supervisor Chapman, seconded by Supervisor Hanson and carried to accept a letter from Scott McMillin resigning from the Historic Building Review Committee; and direct County Clerk to advertise the vacancy.

MODOC LINE RAILWAY CORRIDOR

It is moved by Supervisor Hanson, seconded by Supervisor Chapman and carried to approve and authorize the Chairman to sign a letter reaffirming support for preserving Modoc Line Railway Corridor for interim trail use and future rail re-use.

CORRESPONDENCE

1. A letter from the Westwood Area Chamber of Commerce voicing their continued support of the Dyer Mountain Resort project, is received and filed.
2. Letters emailed to Clerk of the Board in opposition to the Westwood Redevelopment Plan from: James Rust, Andree Rust, Becky Compton, Steve and Judy Robinson, Susan Coffi, Joe Mason, Trena Hersrud, Tammy Alexander, Laura L. Judd, Robert Barrera, Nancy Barrera, Robert and Joyce Good, Leta Olive, Patricia Good are received and filed.
3. A letter and attachment sent to Water Rights Holders from California Department of Water Resources Northern District Chief, Dwight P. Russell, is received and filed.
4. A letter from California Prison Industry Authority (PIA) General Manager Matthew T. Powers regarding the sale of milk and eggs by the PIA to the local prisons, is received and filed.
5. A letter from Pit River Tribal Chairperson Jessica Jim announcing a Tribal-Community Intervention Taskforce meeting on June 29, 2005, 10:00 a.m. to 2:00 p.m. at the Pit River Health Clinic, Community Center, 36977 Park Avenue, Burney, is received and filed.
6. A letter from Sandra C. Phelps regarding the proposed Westwood redevelopment, is received and filed.
7. A letter from the Westwood Community Services District Manager Charles A. Anders requesting the board accept a report from Ed Anderson, Civil Engineer, regarding the Dyer Mountain EIR relating to protection of water sources, is received and filed.
8. A letter from the Westwood Community Services District (WCSD) Manager Charles A. Anders requesting the Board of Supervisors pass an ordinance allowing the WCSD to retain control for Westwood Redevelopment, is received and filed.
9. A letter from Fred Binswanger opposing the Westwood Redevelopment Project Plan as presently presented, is received and filed.

Recess 10:13 - 10:19 a.m.

PUBLIC HEARING - ECONOMIC DEVELOPMENT HOUSING

The public hearing is opened at 10:19 a.m. to receive comments on the 2005/2006 Community Development Block Grant (CDBG) Planning and Technical Assistance (PTA) General and Economic Development Allocations Public Hearing - relating to a feasibility analysis for alley improvements in Westwood and a tourism marketing strategy.

Community Development Director Robert Sorvaag presents the staff report and requests the hearing be continued to the June 21st meeting. No one speaks in favor of or in opposition to the grant.

Chairman Keefer continues the Public hearing until June 21, 2005 at 10:30 a.m.

COOPERATIVE EXTENSION

Supervisor Pyle and Supervisor Hanson excuse themselves due to a conflict of interest, and step down.

Agriculture Extension Officer David Lile provides an update on the water master service and states the State Fee for the Susan River water users was \$120,000 this year and are estimated to increase to \$418,000 next year. He feels the costs are so high because their overhead is very high (cannot get an explanation from the State as to why); some activity performed by the Water Master is not specific for administering the water decrees; do not have a local person therefore have to pay for travel and per diem; the water delivery system is far from perfect. He has prepared a draft budget of \$150 - \$160 thousand per year to provide water master services. A couple of hang-ups in moving forward: Department of Water Resources (DWR) wants a one year notice of withdrawal from the program and one year of a new Water Master shadowing the DWR person. DWR questions the County's proposal asking how they will provide 24 hour service (comments come forth there is not currently that type of service); question the adequacies of several things in the plan.

He states more coordination is occurring with the Farm Bureau recently pressing the DWR to clearly explain their budget figures although he feels the efforts have been to no avail. Senator Dave Cox has introduced legislation to allow 15% of the users to force withdrawal from the DWR Program and it passed the Senate unanimously. If the legislation passes, it will do away with the one year notification. Assemblyman Rick Keene is working on some "bridge funds" to keep the fees reasonable over the next couple of years. Siskiyou, Modoc and Shasta counties are also getting on the same page as Lassen County. RCRC is trying to pare-down the DWR budget.

Mr. Lile states this whole process has been very frustrating and he is open to suggestions.

Supervisor Dahle is in favor of what the users want and asks if they want the Board to get aggressive. Notes we do not have a lot of say in what State agencies do.

Laurel Marsters, speaking on behalf of her son, states that several users are interested in taking this before a judge. She notes two student water masters are currently providing the services, come up when they can, and do not know what they are doing.

Larry Cabodi is hesitant to say what needs to occur, states the Water Committee dissolved when the County got involved and the committee needs to get back together and give the Board clear direction on what they want. He has spoken with an attorney and the things the DWR is throwing out are bogus. He feels information needs to go out to all the users and be sure they are all on the same track.

County Counsel John Ketelsen states the user group needs to get back together and determine what direction they desire to move in. The solution is to form some type of district or have county take over service (this is a policy issue for the Board). He likes the Cox legislative approach but would like to have it clearly spelled out how the DWR duties would be taken over to resist taxpayer challenges.

Supervisor Chapman has concerns about the committee disbanding and sees the County as only a transitional mechanism. Mr. Cabodi feels the County could help with providing a mechanism to collect the fees and he thanks the Board for being willing to help with the transition.

Supervisor Dahle stresses the need to rekindle the committee.

Chairman Keefer directs staff to work to get the committee back together and provide a future report to the Board. (Supervisor Pyle and Supervisor Hanson return to their seats). (Supervisor Chapman departs at 10:55 a.m.).

COMMUNITY DEVELOPMENT COMMISSION

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

Assistant Community Development Director Bertotti presents the staff report on the proposed Redevelopment Plan for the Westwood Redevelopment Project, announcing the pictures taken in January have been replaced with pictures taken in May. (Supervisor Chapman returns at 10:57 a.m.). He states that unfortunately two thresholds of blight were being applied and he recommends the project area map on page 28 be replaced with a new map showing only serious physical or economic

conditions as referenced on page 26. Points out the following recommended changes to the report:

Page 39 - delete the sentence "The only successful, revenue generating business in Westwood is Buffalo Chips restaurant."

Page 42, photo 2 - delete the words "cracked windows".

Page 43, photo 3 - replace the word "vacant" with "under utilized".

Supervisor Chapman asks what standard is being used to make the determination "under utilized" and where in the document is that standard established. Mr. Bertotti responds if the Commission is uncomfortable with this designation, this element could be omitted. He wants to be sure the data used is accurate.

Page 50, photo 19 - strike the words relating to debris in the front yard (what is in the yard is a trophy display).

Page 65, photo 48 - add a note to indicate this previously fire damaged building has been demolished.

Page 73, photo 64 - states the alleyway building in this photo is a residence and it is actually a garage - this needs to be corrected.

He states with these amendments he is confident the report accurately depicts blight in the area and recommends adopting the report. Supervisor Pyle asks if this action can be delayed until after the Westwood town hall meeting scheduled for tonight and the public hearing next week. Mr. Bertotti responds this action is the Commission adopting the report (body of information) to set the stage for the public hearing next week. County Counsel John Ketelsen states he has not been providing legal review of this process, as outside counsel was retained, but he states this is an information document being adopted by the Commission, it is not binding or demonstrating a movement toward any future decision. He states this report is evidentiary material of the blight in the area and justification for a redevelopment project.

Supervisor Pyle states there are statements in the report that he is uncomfortable with. He discusses the Westwood CSD request to have control of the projects and his understanding this is not possible. He understands there can be an advisory committee but the control will be with the Commission. He wants to hear more from the community before making any more decisions. States shoving both the Dyer Mt. EIR and the Redevelopment Plan on the community at the same time is too much, and feels this should be put off three years.

Supervisor Chapman has a problem with the statement on page 106, "Westwood has experienced a declining economy since the Mill's closure in 1956, and has been unable

to attract new businesses, jobs, and investment to the Project Area." He states this narrative does not reflect the speculation alone that is increasing property values. He states if this was going on 15 years ago we could reach the determinations in the report, but events of recent years have changed the Westwood area real estate values.

Supervisor Dahle asks what the drawback is - community would have local control. Supervisor Pyle responds the community does not endorse this document and do not want to go ahead with the project. Supervisor Hanson asks "is redevelopment not supported by the community or are they only objecting to this document". He wonders who will do the infrastructure for the entire community. Supervisor Pyle responds that he does not see strong support for the redevelopment project in the community.

Supervisor Chapman states he is more of a free market person - let the market drive development. He states redevelopment could be good for Big Valley, Bieber and Herlong because they do not have a Dyer Mt. in their areas. States the desire has to come from the community, not be forced on them.

Supervisor Dahle feels developers won't do the infrastructure and he feels it will be a good tool for the community.

Supervisor Pyle states at this time he cannot impose another layer of bureaucracy on a community that does not want it.

Supervisor Keefer would feel more comfortable if this item is considered after hearing more from the community. Joe Bertotti states the Commission needs to transmit the report to the Board of Supervisors before the public hearing on June 21st at 6:30 p.m.

Supervisor Chapman states this whole project is about money and who will control the new tax dollars. Will it be controlled by the Community Development Commission or leave it to the marketplace.

Discussion is held among board members and staff on options in regard to adopting the report. Chairman Keefer directs this matter be placed on next week's agenda, before the public hearing.

The Board of Supervisors reconvene.

LASSEN NATIONAL FOREST

Public Services Officer Elizabeth Norton provides an update on the Lassen National Forest Off Highway Vehicle (OHV) Route Designation. Step 1 of the process is

inventory routes and public input. There will be a 60 day response time to request roads be added to the inventory. OHV will be restricted to the designated routes.

Supervisor Chapman states in essence public lands will now be deemed closed for public use unless a process is taken to open sections of public lands, contrary to the historic understanding that public lands are open unless specific areas are closed. He states we need to play an active role in this process. Supervisor Keefer wonders just how much local input will be considered and does not have a good feeling based on past experience.

Recreation Outdoor Coalition Chairperson Sylvia Milligan, cautions that we need to be sure these designated routes remain open to green sticker OHV. She provides information on monitoring that is being performed by volunteers from 7:00 a.m. to 7:00 p.m. to gather data on how many and what type of traffic is on the routes. She presents a draft letter for the Board to consider sending that supports the designation of an addition to the Lassen Backcountry Discovery Trail. The addition will create a loop trail around Lassen Volcanic National Park on existing Forest Service, County and State roads or highways.

Chairman Keefer directs the letter be placed on the next agenda.

Noon recess 12:09 - 1:31 p.m. CAO Bixby and Supervisor Chapman are not present.

COMMUNITY DEVELOPMENT DEPARTMENT

Groundwater Management Plan

Community Development Director Robert Sorvaag provides information on the California Department of Water Resources criteria to consider eligibility and priority for grant funding of proposals from local public agencies. It is necessary that the county have an adopted groundwater management plan to be favorably considered for funding in the future.

Supervisor Dahle asks where the funds will come from to pay for the plan. Community Development Director Robert Sorvaag responds the CAO has indicated from either Tobacco Funds or Prison Mitigation Funds.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried, with Supervisor Chapman absent, to authorize the CAO or his designee to solicit proposals and enter into a professional services contract with a consulting firm to prepare a Lassen County Groundwater Management Plan (not expected at this time to exceed \$75,000), and to direct the funding source be determined and presented to the Board. (Supervisor

Chapman enters at 1:40 p.m.)

North Valleys Water Projects

Community Development Director Robert Sorvaag distributes draft #2 of proposed comments on the North Valleys Water Projects Draft Environmental Impact Statement (EIS) for the Carson City Field Office of the Bureau of Land Management. The project consists of two separate water supply and transmission projects from Fish Springs Ranch LLC and Intermountain Water Supply LTD (Dry Valley), to construct and operate water wells and pipelines in Washoe County, Nevada that are proposed to transmit groundwater from the Honey Lake Basin to the Stead/Silver Lake/Lemmon Valley areas north of Reno.

Mr. Sorvaag announces a public meeting will be held on June 28th at Jensen Hall in the evening and he recommends this matter be continued to the July 19th meeting for approval of the comment letter.

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to approve continuing this matter.

Granite Fox

Community Development Director Robert Sorvaag presents scoping comments on the Granite Fox Coal Fired Power Plant Environmental Impact Statement (EIS) for the Winnemucca Office of the Bureau of Land Management. The project consists of the construction of a 1,450 megawatt power plant and five rights-of-way and ancillary facilities near Gerlach, Nevada, that involve approximately 260 acres of public land. 16,000 acre-feet/year of water is required for power plant cooling purposes (a large portion is to be developed in the Smoke Creek watershed).

He states the comments are fairly broad because so much information has not been made available to the public. He reviews the major components of the comment letter.

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to approve and authorize the Chairman to sign letter containing EIS scoping comments.

STUDY SESSION - WILLIAMSON ACT

Planner Rick Simon states that two recent developments give rise to the need to focus on the Williamson Act: 1) the passage of AB 1492 tightening the enforcement provisions of the Act; and 2) proposed sales of fractional portions of larger landholdings restricted by Williamson Act contracts. In light of these developments, the County must carefully evaluate any uses and proposed structures on Williamson Act restricted land to make sure that it is or will be directly for, or incidental to, agriculture or a compatible use identified in the contract and the Act.

He presents a table with points in question, current practice, alternative #1 and alternative #2 that will be used for the discussions.

Supervisor Keefer wants to be sure the board does not put the County at jeopardy and asks Counsel if there are any current practices at risk with a State audit.

County Counsel John Ketelsen states that Lassen County is not alone in pushing the envelope in regard to the Williamson Act, and provides information on what the Board needs to be mindful of. He is not opposed to subdivision of Williamson Act land so long as parcels created still qualify for entry into the Williamson Act. He also points out the requirements for creating an Agriculture Preserve and entering into a Williamson Act contract are not the same. (Supervisor Chapman absent 2:26 - 2:31 p.m.)

Each point in question is extensively discussed among board members and staff, with direction provided to staff to bring back policies based on the discussions held.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 3:50 p.m. in memory of Richard Harrison and Bob Grose.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD