

BOARD OF SUPERVISORS

July 19, 2005

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, July 12, 2005, at 9:33 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle; County Counsel Craig Settlemire, County Administrative Officer (CAO) John Ketelsen and Deputy County Clerk Susan Osgood. Supervisor Jack Hanson is absent.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Keefer announces that no closed session was held.

The Lassen County Board of Supervisors convene in Regular Session on Tuesday, July 19, 2005, at 9:45 a.m. Present: Supervisors Robert Pyle, Jim Chapman, and Lloyd Keefer. Supervisors Brian Dahle and Jack Hanson are absent. Following the flag salute, the invocation is offered by Supervisor Keefer.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

County employee Pam Yeates states she has worked in the animal care field for many years and worked with a few different Sheriff's Departments. She strongly feels the quality of care and service to the community would be jeopardized if animal control were moved to the Sheriff's Department.

Sheriff Steve Warren presents information to the board on a new transportation van the Sheriff's Department acquired, primarily to be used for transporting inmates and for patrol use if needed. He presents information on a canine patrol/protection training exercise and a large-scale search for contraband in the Lassen County Adult Detention Facility with several other sheriff's departments in attendance. He will be coming back to the board with an expansion of the canine program he would like to implement.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman received an invoice from CSAC for the SB90 services for 2005/2006 and asks staff to take care of it. He attended the Lahontan Regional Water Quality Control Board meeting in Bishop on July 21st and 22nd. His appointment to that

board has been scheduled before the Senate Rules Committee for August 24th. He participated in the Fall River annual bike ride on July 23rd.

2. Supervisor Keefer attended the Fair Advisory Board meeting July 19th which was the last meeting prior to the Fair and he was impressed that things seemed to be well organized. There were four roadside fires over the last weekend in the Janesville community causing concern for his constituents.

3. Supervisor Hanson enters at 9:52 a.m. and reports he attended the dedication to the federal prison in Herlong on July 19th. They now have around 188 employees but not many inmates; he feels they will be good neighbors and looks forward to working with them.

CONSENT CALENDAR

The minutes of July 12, 2005 (Item G1) are not yet available and are removed from the agenda. Supervisor Hanson removes Item G8 Prison Trial Costs for separate consideration.

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

COUNTY CLERK ITEM

Approve minutes of April 18-20, 2005.

ADMINISTRATIVE SERVICES ITEMS

Approve purchase of an E-BAM portable smoke monitor, a fixed asset, in the amount of \$12,691.29 from Met One Industries, prior to the adoption of the 2005/2006 final budget.

Approve amendment to CAO contract regarding health benefits and authorize the Chairman to sign.

Adopt Resolution No. 05-037 to CalPers fixing the employer's contribution to health insurance for CAO bargaining unit.

Approve payment of the Local Annual Membership EMS Agency Contract with Nor-Cal for the period from July 1, 2005 through June 30, 2006 in the amount of \$20,541.75.

Approve payment of the PSA 2 Area Agency on Aging annual Lassen County 2005/2006 match in the amount of \$8,523.

AUDITOR & TREASURER DEPARTMENTS ITEM

Receive and file Treasurer's Fund Balance Report and Auditor's verification for the

month of June, 2005.

PUBLIC WORKS DEPARTMENT ITEM - ROAD DEPARTMENT

Adopt Resolution No. 05-036 authorizing the Chairman to execute and sign Program Supplement for the bridge replacement project on Lambert Lane CR 302.

TREASURER/TAX COLLECTOR ITEM

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

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Technical Advisory Committee meeting agenda for July 13, 2005.
- b. Lassen County Transportation Commission meeting agenda for July 11, 2005.
- c. Lassen County In-Home Supportive Services Advisory Board meeting agenda for July 20, 2005, and unapproved minutes of June 22, 2005.
- d. Lassen County Air Pollution Control District Governing Board meeting agenda for July 19, 2005, and minutes of June 22, 2005.

PRISON TRIAL COSTS REIMBURSEMENT PROGRAM ITEMS

Supervisor Hanson asks the Auditor for a status report of prison trial costs reimbursement. Ms. Fouch reports that with the state budget adopted and approved, she is hopeful funds will be received in the near future and operations are continuing.

It is moved by Supervisor Hanson, seconded by Supervisor Chapman and carried to receive and file Recap of CCC Prison and High Desert State Prison Trials Cost Reimbursement Billing for May, 2005.

IN-HOME SUPPORTIVE SERVICES ADVISORY BOARD

(Convene as the In-Home Supportive Services Public Authority)

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried, with Supervisor Dahle absent, to appoint Peggy J. Amos to fill the vacancy on the In-Home Supportive Services Advisory Board.

(Adjourn as In-Home Supportive Services Public Authority and reconvene as Board of Supervisors)

UNAGENDIZED BOARD REPORTS CONTINUED

4. Supervisor Hanson requests the meeting be adjourned in the memory of Gus Bartley who was a famous rodeo cowboy and owner of Bartley Ranch.
5. Supervisor Chapman reports that when he was on the bike ride course up in

Dana he discovered the new home of Cheryl and George Brewster, and suggests future field trips to visit them.

PROCLAMATIONS

It is moved by Supervisor Chapman, seconded by Supervisor Hanson and carried, with Supervisor Dahle absent, to adopt Proclamations honoring Cheryl Brewster (Personnel/Risk Management) and George Brewster (Public Works) 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 Leionne Riley McCulley (PACE)

Fifteen years: a two pen desk set to Sonjia Edwards (Auditor); Kim Lundgren (Child Support); and Jessica MacKay (LassenWorks) (not present)

Retirements: Cheryl Brewster and George Brewster

PUBLIC HEARING - EVANS REZONE AND PARCEL MAP #2004-160, FREDRIC EVANS

The public hearing is opened at 10:15 a.m. on Rezone and Parcel Map #2004-160, proposal to rezone 20 acres of land from A-2-B-19 (Agricultural Residential 19 acre minimum) to A-2-B-9 (Agricultural Residential, 9 acre minimum) and to divide the property into two 10 acre parcels. The project site is located at 706-530 Wingfield Road in the community of Janesville approximately 1/2 mile south of the junction of Bass Hill and Wingfield Roads. APN: 116-410-30.

Community Development Director Robert Sorvaag and Chief Planner Rick Simon present the staff report with a Planning Commission recommendation that the board deny the request. The Planning Commission made the following specific findings: 1) physical conditions which prompted the decision to zone the area A2B19 in 1977 have not changed and therefore a change in zoning to smaller parcels is not justified; 2) rezone would set an undesirable precedent for future rezone applications in the Janesville area; and 3) fire danger was an issue and the project site and surrounding lands are classified as high fire hazard zone, slopes are steep in the vicinity with accessibility and opportunities for safe evacuation routes limited.

No one speaks in favor or against the application and the hearing is closed at 10:26 a.m.

Supervisor Keefer states he viewed the site the day before the meeting; states fuels on upper parcel have been extensively modified over the years; brush and pine needles have been removed; and a number of trees have been cut so the canopy is fairly open.

He feels the visibility on the road is good and the slope is all right. In his opinion justification can be found to approve the application based on the on-site visit. He further states this represents only one more residence being added and he does not feel the road needs to be widened or that a secondary access is needed.

Supervisor Chapman states he appreciates Supervisor Keefer's report but feels that even though the board could probably find reasons to exempt some of the stringent standards established, he is concerned about not having secondary access at the end of a 1000 foot road. The more important issue is that in 1977 the community went through extensive planning effort that defined the nature and future of that community. He is concerned about setting a precedent and there are some long range ramifications; he will be supporting the Planning Commission's recommendation.

Supervisor Hanson agrees with Supervisor Chapman and feels he has to focus on the first two points made by the Planning Commission. He feels this is a much larger debate than one parcel and that it would set a precedent.

Supervisor Pyle states that he supports Supervisor Keefer's recommendation. Further discussion is held. Chairman Keefer recommends that the Clerk's office provide a tape of this discussion to Supervisor Dahle, and that the matter be brought back to the board on July 26th for decision.

Recess 10:54 a.m. - 11:00 a.m.

BUDGET

Former CAO Bill Bixby presents the Fiscal Year 2005/2006 Preliminary Budget. Assessor Ken Bunch again presents his request that the board fund a half time appraiser position in the general fund budget of the assessor at a cost of approximately \$26,000 so he does not lose this position (position represents 25% of real property appraisal staff; 10% of total office).

Treasurer/Tax Collector Richard Egan supports Mr. Bunch's request because what the Assessor does affects what the Auditor and the Treasurer/Tax Collector's office do. Regarding the budget in general: Mr. Egan thinks including the vacancy factor in the budget in a below the line reduction is a good idea and probably an accurate way to reflect that. Would like to see employee health benefits included in the budget in a similar way. He feels expenditures and revenues should be accurately reflected so departments are not cut short.

Mr. Bixby states Mr. Egan is asking for a contingency fund and doesn't feel that should be done. He explains that health benefits that are not now budgeted can be adjusted from overages in other county departments and he does not feel it is necessary to budget for health benefits 100% in every department.

Community Development Director Bob Sorvaag presents three items for discussion. 1) He believes Mr. Bixby has given direction to replenish special departmental expense for the Planning Commission meetings. 2) Presents information on liens collected after abatement: in the last several years total liens recorded was around \$61,000 with \$45,000 collected. He states that it is not the code enforcement policy to go after any properties for abatement if a lien to reimburse the county is not going to be covered by the value of the property when it transfers. 3) He re-states information previously provided on Transient Occupancy Tax (TOT). Mr. Bixby has suggested decreasing the request by \$35,000 (from \$55,000) and Mr. Sorvaag again states that doing so would substantially impact activities within the Economic Development Housing Department; programs would have to re-assessed and they would not be able to refill one full time position. He still feels the board should come back with some revenue enhancement and look at TOT to collect from campgrounds and RV parks.

Sheriff Steve Warren states that he has some realignment proposals on duties and positions that would be a cost savings and he would like to present that at a time when all Supervisors are present and the board is closer to adopting a final budget.

Supervisor Hanson: He states he has some questions on the code enforcement issue; all supervisors agree that code enforcement needs to have some teeth put into the program. Mr. Sorvaag's report shows the code enforcement collection took place in fifteen cases over a ten year period; he looks for continued debate on this matter. He feels Animal Control should remain where it is; states the current officer has handled some difficult situations very well in District 5. Further discussion is held. Sheriff Warren states that human need would have precedence over animal need but that vicious animals would be considered law enforcement calls and would be responded to by his department even if the current position remains the same.

Supervisor Pyle: He agrees with Supervisor Hanson on leaving animal control where it is; feels having a deputy doing animal control could end up with less time for animal control than with the Animal Control Officer we now have. He believes the problem is a dispatch one and that's where it should be corrected. He feels supporting the Assessor's half time position may be necessary.

Supervisor Chapman: Also feels the animal control issue has a lot to do with communication between 911 and dispatching; hopes the Sheriff can work on it regardless of the decision on who will do animal control. He would like to see current program maintained and work done on improving the relationship between the law enforcement program and animal control and how they all interact with the public. He re-states his position that the Assessor's staff position remain intact and backfill funding be provided. He feels the board was very clear on wanting to see some code enforcement enhancements and appreciates Mr. Sorvaag's information but would also like to see monies the board has put towards abatement included in the report to show the whole picture. He wants to see the new old jail demolished to get needed workspace for staff.

Supervisor Keefer: He thought the consensus of the board at the last meeting was to rely more on a citation process and less on the current code enforcement program. He thought Mr. Bixby suggested it be removed completely and consider that money be taken out of contingency when the time arises and that is where that issue was left. Another issue was the establishment of a fairgrounds trust. Mr. Keefer had requested \$300,000 for a 5-10 year period, not the \$100,000 in Mr. Bixby's current report. He states he can support the Assessor's request for funding a half time appraiser position; but disagrees with the state's policy. Animal Control: Mr. Keefer made a strong recommendation to move the position to the Sheriff's Department. He states he feels very strongly about animal control and the fairgrounds trust, will be pushing for that, and will probably not be supporting the preliminary budget.

Supervisor Pyle states almost a half million dollars is too much for fairgrounds. Further discussion was held.

Supervisor Chapman states he would like to see the \$300,000 from general fund, plus \$175,000 from the sale of property put into the fairgrounds trust.

Supervisor Hanson would like to put a total of \$300,000 now and if more money is needed later, something could be done then.

Mr. Bixby feels the board's intention was not clear last week regarding nuisance abatement.

Discussion is held on the compatibility of computer systems between departments and Supervisor Chapman states he would like to have more information before spending \$100,000 on the auditor computer upgrades.

Mr. Bixby feels that surplus monies should be used on one-time programs and not committed to programs in the future. He has tried to have expenditures and revenues

come as close as possible. The next budget hearings need to start August 20th by statute and must conclude budget hearings by August 27th.

It is moved by Supervisor Hanson, seconded by Supervisor Chapman, and carried with Supervisor Keefer voting NO, and Supervisor Dahle absent, to adopt the preliminary budget for Fiscal Year 2005/2006 with Expenditures of \$84,371,841, Revenues of \$77,493,346 and a Fund Balance for 7/1/2005 of \$25,138,946.

Supervisor Chapman asks Mr. Bixby for an explanation of what A87 changes to general fund revenues in the budget mean; Mr. Bixby states they offset so the bottom line is not affected by A87.

U.S. FOREST SERVICE

Forest Supervisor Laurie Tippin presents an update on the OHV Road Designation Process. Beginning August 1st all maps that have been created identifying existing roads and trails for the Lassen National Forest will be made available to the public and the 60 day review period will start. Public meetings will be held in Susanville, Chester, McArthur, Shingletown and Chester. Next spring a temporary closure order will be signed prohibiting OHV use on roads and trails that have not been identified.

Supervisor Chapman requests either Laurie or someone from her office be available to attend a CA Recreation Trails Committee meeting in Eureka either September or October to update them on this process. He wants to maintain open access to public lands.

Forest Supervisor Tippin reports on lawsuits that were filed charging the Lassen National Forest with various illegalities or violations of existing laws. The North 49 Project proposes to reduce fuels and fire hazard and improve fire fighters safety and impacts about 10,000 acres of fuel treatment near Old Station area and about 60 million board feet of timber. The Sierra Nevada Protection Campaign filed suit that the USFS was in violation of NEPA and the Repeal Reform Act. The judge in this case ruled against the USFS. Discussions are being held on what can be done as these are all national issues and would affect all national forests.

The Sierra Club and others filed suit against the Lassen National Forest and El Dorado National Forest charging the Chief of the Forest Service was arbitrary and capricious in adding a new category of project that could be excluded from documentation in an environmental assessment or an environmental impact statement. Court hearing July 18th in Sacramento at Federal Court where they argued that because all of these projects nationally if put together cumulatively would have significant impacts that were

not considered when the category was created; Chief just arbitrarily decided to create this kind of category and we don't have to take into account cumulative or significant impacts because we don't really know where the projects are yet.

Earth Island Institute filed suit against the Sequoia National Forest on their use of categorical exclusions; could have national significance. This would impact 4500 acres of fuel reduction projects and about 12 million board feet of timber. This is in the Eastern District Court and Lassen will have to abide by any decision made.

Some good decisions made by the same judge are: 1) emergency situations may be defined to include economic losses to the government and can be subject to the exemption from stay which would allow a project to proceed immediately; 2) meaningful and useful comments to NEPA projects must be submitted by the public in order for them to have standing to appeal a decision.

COMMUNITY DEVELOPMENT DEPARTMENT PLANNING - North Valleys Water Projects

Community Development Director Bob Sorvaag presents the final draft version 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/Lemon Valley areas north of Reno. Supervisor Chapman has corrections to the order of Senators that will be sent copies and requests a new signature page to the letter.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle, and carried with Supervisor Dahle absent, to approve and authorize Chairman to sign letter, with noted changes, submitting comments to the Draft EIS.

ECONOMIC DEVELOPMENT HOUSING

It is moved by Supervisor Chapman, seconded by Supervisor Hanson, and carried with Supervisor Dahle absent, to authorize the execution of a note in the amount of \$20,000 to loan monies from fund 178 Economic Development Housing Income to fund 588 County Business Parks and for repayment of said funds; 2) authorize the execution of a note in the amount of \$30,000 to loan monies from fund 178 Economic Development Housing Income to fund 589 County Water System and for repayment of said funds; 3) authorize the execution of a note in the amount of \$80,000 to loan monies from fund 178 Economic Development Housing Income to fund 590 SAID-RDA and for repayment of

said funds.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:34 p.m. in memory of Gus Bartley who was a famous rodeo cowboy and owner of Bartley Ranch.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD