

BOARD OF SUPERVISORS

July 26, 2005

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, July 26, 2005, at 9:33 a.m. Present: Supervisors Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel Craig Settlemire, County Administrative Officer (CAO) John Ketelsen and Deputy County Clerk Susan Osgood. Following the flag salute, the invocation is offered by Supervisor Keefer. Supervisor Pyle enters at 9:34 a.m.

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 Dahle and carried to approve the agenda as posted.

PUBLIC COMMENT

Sheriff Steve Warren provides information to the Board regarding a domestic violence incident in the Janesville area last night where the SWAT team was activated to barricade a suspect. A fire fight ensued resulting in an officer involved shooting in which the suspect was killed. Investigation is being conducted by Lassen County District Attorney=s office for the investigative portion of the case and the Department of Justice is doing the forensics and crime scene evaluations. The Sheriff requests questions be directed to him or anyone at command staff at the Sheriff=s Department.

Emergency Services Chief Chip Jackson updates the board on recent fires in the Honey Lake Valley area between Janesville and Standish. At this time all investigations have concluded and the two fires in the Wingfield Road area have been determined to be mechanically caused; the one fire on Pine Street, close to Chairman Keefer=s driveway, was caused by a firecracker; the two fires in Standish have been determined to be electrically caused. The only fire that does not have a determination is the one on Pine Street, Janesville. That was in the middle of the night and is the only one being considered suspicious in nature.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle reports he attended the NACo Legislative Conference in Hawaii and will provide copies of resolutions to the Board members on matters of interest. He attended a meeting with the Stones-Bengard Community Services District. Bob Sorvaag, Larry Millar and Deputy Frank Martin were in attendance. They need some more buoys on the lake as water is low. Mr. Dahle suggests the county give money to the CSD to bring the ramps in and out instead of Public Works trying to get there to do it as it should cost less.
2. On his trip to Hawaii, Supervisor Dahle and his family got a chance to visit Pearl Harbor and he brought back a flag to Supervisor Chapman that was flown over the U.S. S. Arizona with a certificate of the time and date it was flown. He states he thought Mr. Chapman could fly it for special occasions, and congratulates him on his flagpole.
3. Supervisor Hanson reports that on July 19th at the Air Board meeting the A87 issue came up regarding the budget; states it continues to be a difficult issue to understand and there will be more to come on that. He attended a Block Club meeting in South County also on July 19th; the community continues to grapple with issues of fire, water, sewer. There is an informal meeting today with the new base Commander to discuss a number of issues. Supervisor Hanson attended the fair every day last week; believes there were record sales at the livestock auction and that concessions were up.
4. Supervisor Pyle reports the fair went very well; the livestock auction was very good. The grand champion came from a first time exhibitor from FFA in Westwood and his brother had the reserve hog. On August 3rd there will be an Almanor Regional Transportation group meeting in Chester. They will continue to work on the transportation issues in the Almanor area.
5. Supervisor Chapman states he spent most of last week at the fair also. There was a great program with Al Martin and Lena Mae Friddle chosen as this year=s Old Timers. Al was the former Fair Manager when this program was instituted. Nancy Urionaguena, Cadastral Drafter in the Assessor=s office was honored as this year=s Girl Friday. Supervisor Chapman feels Jim Wolcott and the Fair Advisory Board did an awesome job; the grounds were clean and they were green through most of the week. Revenue as of Friday was up over 13% midweek and attendance was up over 16%. Good job to the fair folks.
6. Supervisor Keefer also comments on the fair. He notes that for the first time he saw all of the fair advisory board members engaged almost every day. He feels it was a very good team effort between Jim and the advisory board and he has received a lot of good feedback. Hats off to Jim Wolcott and the fair advisory board.
7. Supervisor Keefer states that he is concerned about how Title III funding impacts PILT money. He requests staff look into this and bring it back to the board for discussion.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

CAO John Ketelsen presents information on the request for remand of Planning Commission action of Parcel Map #2005-022 (Cormorant LLC) and explains this matter was appealed by staff on his direction on the rationale that the Planning Commission violated the General Plan.

Normally the board has 15 days to set an appeal and then 30 days to make a decision. Because the issues arise out of the failure of the Planning Commission to make certain findings, which would have clarified the issue on the General Plan, he recommends that the matter be sent back for clarification. Since the code does not provide for that action, staff asked for approval from the applicant to stipulate that it goes back. The applicant did not object to it going back as there was some design work that could be done.

Rick Simon states that staff has talked with the applicant and he is open to the idea of looking at some redesign of the project to be more in compliance with the policies of the General Plan and is very willing to do that cooperatively. According to phone conversations, he is looking at some of his options right now in terms of redesigning the project and it is hoped something can be brought back to the Planning Commission at their September meeting for a preliminary review of the redesign.

Supervisor Chapman states the appeal letter reads AAfter the hearing, the Planning Commission took action to approve the application, however, no resolution was prepared in conjunction with their action that incorporated their findings and conditions required for the Final Parcel Map. Due to the procedural deficiencies made with the Planning Commission=s decision on this project@ Mr. Sorvaag appealed that decision to the Board of Supervisors with the recommendation that the Board remand it back to the Planning Commission for review and reconsideration. Supervisor Chapman states the deficiency on the part of the Commission was precipitated in part by the lack of staff support by not having any resolutions ready.

Supervisor Keefer asks why a resolution was not prepared as it usually is and CAO Ketelsen explains that staff cannot always anticipate all of the alternatives or what the final outcome will be and that findings often do change during dialogue.

Jim Uptegrove, engineer for the applicants Cormorant, states this is a four parcel split that has been reviewed and approved by the Technical Advisory Committee and it meets the zoning requirements. After speaking with the owners the previous evening they are not really in favor of redesigning this.

County Counsel Settlemire states that a procedural error occurred during a Planning Commission hearing when a motion was made and seconded to approve Negative

Declaration and Parcel Map #2005-022, but there was no supporting findings (which are usually in a resolution) and they were not stated orally to be included in the motion. He states it would probably save more time for the applicant if the matter was remanded back to the Planning Commission to complete the process and to get a resolution in place. Otherwise, this board would give notice, set the matter for a public hearing, take approximately 30 days and then it may still not go through, or it may have to go back for redesign and through the Planning Commission process again. That could extend the process by another 30 days and not get any further along. If it goes back to the Planning Commission by stipulation then it could be cleaned up at the next meeting with a proper resolution and that may be the end of it.

Supervisor Keefer asks Mr. Uptegrove if he is agreeable to the stipulation and he responds affirmatively.

It is moved by Supervisor Pyle, seconded by Supervisor Dahle, and carried to remand back to the Planning Commission action on Parcel Map #2005-022 (Cormorant LLC) to complete action on this matter.

(Supervisor Chapman is absent 10:18 - 10:23 a.m.)

LASSEN COUNTY FIRE SAFE COUNCIL

Lassen County Fire Safe Council (LCFSC) Chairperson Dorine Beckman introduces Director and Project Manager Tom Esgate. Mr. Esgate introduces Professor Jim Fridley from the University of Washington and Dave Lanning from Forest Concepts, LLC and reports they will all be spending a day together with Bob Allen from Burney Forest Power looking at some of the biomass and fuel reduction projects that have been done in Lassen County.

Update: In the current budget year there are almost \$1,200,000 worth of projects being worked on right now; they are pretty active and successful. Mr. Esgate explains the main reason he is before the board is to request that for the current 16 month budget cycle (ending February, 2006) that the \$73,000 Title III funds from the board be used to fund the total administration part of the council. He requests the same be done for the proposed budget for March 1, 2006 B February 28, 2007. All the funds generated through project fees (estimated to be between \$50,000 - \$80,000) would be used as non-federal match for grants available through programs (such as the Western Wildland Urban Interface [WUI] project and National Forest Foundation).

He states it is difficult to apply for grants that require a 50% non-federal match. The only grants that LCFSC have been able to apply for were for a website or education

program. The number one fuel reduction project currently is on River Bench on the Susan River rim. A \$90,000 BLM grant was applied for but only \$45,000 was received, which is not enough to make the project go. Mr. Esgate states there will be a significant effort to do more local organizing of the fire safe councils and have more education activity.

In two weeks Mr. Esgate will be attending meetings in Washington set up by Congressman Doolittle with the Dept. of Energy, USDA and NRCS. Further discussion is held.

It is moved by Supervisor Dahle, and seconded by Supervisor Pyle to approve the budget request and start the process so it can be finalized in 45 days.

CAO Ketelsen states he would prefer to provide the board with some information on this request and bring it back in the context of the budget.

Supervisor Keefer informs Mr. Esgate of his concerns regarding impacts of Title III money on PILT funding and again states he would like more information on this. CAO Ketelsen responds that he will bring back an analysis of this matter to the board. Discussion is held regarding the proper procedure for public notice of this request. Supervisor Dahle rescinds his motion and Supervisor Pyle rescinds his second.

It is moved by Supervisor Dahle and seconded by Supervisor Pyle, and carried, to initiate the proceedings to allocate the \$73,000 request.

Recess 10:44 10:49 a.m. Supervisor Dahle enters at 10:50 a.m.

COMMUNITY DEVELOPMENT COMMISSION (Convene as Community Development Commission)

Supervisor Keefer states this item is the reconsideration of the approval and adoption of the June 21, 2005 report to the board on the proposed Redevelopment Plan for the Westwood Redevelopment Project Area.

CAO John Ketelsen explains in detail to the board what the redevelopment report is and states that if the board rescinds the action adopting that document and at a later time were to decide, as a result of the request from the Westwood Community Services District (CSD), to initiate consideration of redevelopment in the Westwood area, they would have to start the process over. He explains the redevelopment report is a document and it does not constitute the plan and does not imply what would be done when the plan was adopted. The redevelopment report would be like having heard testimony from both sides on whether or not blight existed in the community. The plan

(which has never been discussed by the board) is designed to eliminate blight; and that cannot be done until it has been found, based on testimony, that blight exists. He further explains how redevelopment works in California and discusses the recent Supreme Court decision on eminent domain.

Supervisor Chapman appreciates the CAO's information and analysis. He feels that based on public testimony there was a vast difference in opinion in terms of supporting the concept that blight exists. He reminds the board he did not vote to accept the report because he was not impressed with the presentation. Feels the community should be given the chance to start with a clean slate, not start with something the consultant and staff had preordained, but based upon their own independent deliberation and form a committee under the redevelopment guidelines adopted on July 12, 2005.

CAO Ketelsen feels it would be healthier and more productive if the debate among the community members and board members finally get to the point of focusing on what the plan says. That is the document that should be thumbs up or thumbs down, and it might have absolutely nothing to do with the pieces of evidence that are in that report. If the report gets thrown out someone has to come back with another record of some sort. If the focus is on the plan you can relieve the fears in the community because it is their plan, and that is where the debate should focus.

Supervisor Pyle agrees with Supervisor Chapman and states the report was only approved in order to continue the process; he feels the report is flawed and doesn't want that information out there. Reports that Senator Boxer wrote to Diana DesFosses regarding eminent domain; states she is cosponsor of SB1313, the Protection of Homes, Small Businesses, and Private Property Act of 2005. Further discussion is held on the cost of restarting the process.

The following Westwood residents speak:

Cindy Sweger states that in ten minutes last night she came up with A35 reasons to say no to Redevelopment@, which is a list of Westwood businesses and services. She talks about what blight is as defined by law. She feels that adverse economic conditions do not apply to Westwood, except maybe vacant and under-utilized buildings; there is no lack of neighborhood businesses, no high incidence of criminal activity, no depreciated or stagnant property and there are moderate, not high, business vacancies. She agrees with a statement Mr. Pyle made that APrivate property rights are a fundamental element of a free people. They are protected by government not taken away by government@. She feels Westwood should be allowed to fix its own problems.

Becky Compton responds to Mr. Ketelsen's comments stating she does not believe that

the report is the same as testimony. She thinks once the report is accepted, that it has the strength of a ruling because that opens the door again to all of the redevelopment issues, so it's hard to consider them one separate from the other. She compares the redevelopment survey to an incorrect medical diagnosis that leads to unnecessary surgery and long-lasting problems. She is concerned about opening the door to eminent domain and does not feel small businesses prosper under that.

Diana Desfosses states that a committee has been formed and has people on it that are for and people that are against redevelopment. The committee has called a meeting and Monica Cochran was there but the people in charge did not tell the people that are against redevelopment about the meeting. She feels that is a bad start and it makes it look bad on the planning department.

Supervisor Pyle clarifies that if we have to start all over it is going to cost more money; but the information in the report will be old and will have to be re-done.

It is moved by Supervisor Pyle, and seconded by Supervisor Dahle to rescind the action taken on June 21, 2005 to approve and adopt the Redevelopment Report.

Supervisor Dahle states the Planning Department did a very poor job through the whole process with getting the community involved at the ground level and that was probably critical to why the plan will never work. He is in favor of killing the project because the people weren't part of the plan. If it does come back, the community must bring it back to the board with what they would like to see happen and then we would have to find out if there's a funding stream available to do it. Feels the process was flawed from the start and that is a bad way to do business. He addresses the issue of eminent domain and requests looking at legislation by Assemblyman Doug LaMalfa and Tom McClintock. He states that as long as he's a supervisor private property will not be taken and given to another for private use. Supervisor Pyle agrees and would like to bring Senate Bill 1313 back for discussion.

The motion carries unanimously.

Supervisor Hanson states that it is up to the community but he thinks by taking this action they are closing the door on the possibility to be debated and feels it will be past the point of no return.

(Adjourn and reconvene as Board of Supervisors)

COMMUNITY DEVELOPMENT DEPARTMENT - EVANS REZONE

Supervisor Keefer states the Public Hearing on the Evans Rezone was held on July 19, 2005, and the issue today is discussion and decision by the Board. Mrs. Helen Shepherd states that she was part of the community in 1974 that worked on the Janesville plan. Her main concern is if the board votes to approve this parcel split it will be the first breaking of that zoning plan in 30 years and other people will be coming in to do the same. She reports that the largest fire Chip Jackson spoke of came within approximately 100' of the 25' easement that Mr. Evans has as the only access to his house; commends the fire crews; and restates that fire danger is an issue in the project area. States she is not going to enlarge the easement and there is probably no way to create a secondary fire/emergency evacuation route. She feels the 19 acre zoning is an effective buffer zone for the agriculture zone for local ranches; feels dead end roads such as Archery Road, Childrens Road, Pine Street and Christie Street and some others in Janesville are an accident and a tragedy waiting to happen. She requests the zoning be kept the same.

It is moved by Supervisor Chapman, and seconded by Supervisor Dahle to deny the appeal.

Supervisor Pyle feels the county is running out of room to build houses and feels some discussion needs to be held in the future; maybe the board needs to review some of these plans.

Supervisor Chapman states there are 4,500 square miles in this county (the size of the State of Connecticut) and to say that we have no place to build houses is absurd. He feels the real issue is the actual zoning and planning change.

Supervisor Dahle states he is in support of the motion as it does set a precedent; agrees some area plans do need to be looked at.

County Counsel Settlemire states the motion made by Supervisor Chapman said to deny the appeal; this is not an appeal, there is a recommendation from the Planning Commission. Supervisor Chapman restates the motion to uphold the Planning Commission and deny the request for the rezoning, seconded by Supervisor Dahle, and carried with Supervisor Keefer voting NO for reasons stated at the last meeting.

LOCAL REUSE AUTHORITY

(Convene as the Local Reuse Authority)

Assistant Community Development Director Joe Bertotti presents highlights on the LRA

Quarterly Report. (CAO Ketelsen is absent 11:38 - 11:39 a.m.) Scenic Mountain Development, the single respondent to the RFP, has met with Mr. Bertotti and special counsel. An exclusive negotiating agreement with Scenic Mountain Development to authorize a six month negotiation period has been negotiated. They have deposited \$10,000 as a deposit toward any ultimate purchase that may come about from that negotiation. The LRA has received the first of the transmittals and are intending to continue negotiations immediately.

Supervisor Keefer asks questions about revenues and asks if HUC is still renting one of the facilities. Mr. Bertotti states that HUC moved about 9 months ago and the LRA is continuing to pursue the rent from the HUC as well as the CSD. Supervisor Keefer requests that the reports show revenues and expenditures as a cumulative total to date. Mr. Bertotti agrees to adopt that format for the next report.

It is moved by Supervisor Hanson, seconded by Supervisor Dahle, and carried to authorize Operations Manager to pay North Valley Services for landscaping services provided in 2004, and to bring back other alternatives for hiring part time or full time maintenance staff.

(Adjourn and reconvene as Board of Supervisors)

BOARDS AND COMMISSIONS - ALCOHOL AND DRUG ADVISORY BOARD

It is moved by Supervisor Chapman, seconded by Supervisor Dahle, and carried to re-appoint Robert Pace to the Alcohol and Drug Advisory Board.

CONSENT CALENDAR

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

AGRICULTURAL COMMISSIONER ITEM

Approve Contract with California Department of Food and Agriculture for pest detection for FY 2005/2006 in the amount of \$4,963.30, and authorize the Chairman to sign.

DISTRICT ATTORNEY ITEMS

Adopt Resolution No. 05-038 approving the continuation of the Lassen County District Attorney's Statutory Rape Vertical Prosecution Program (SRVP) to be funded from funds available through the State of California, administered by the Office of Emergency Services.

Adopt Resolution No. 05-039 approving the continuation of the Lassen County District

Attorney's Spousal Abuser Prosecution Program (SAPP) to be funded from funds available through the California Department of Justice, Office of the Attorney General.

HEALTH & SOCIAL SERVICES ITEM - PUBLIC HEALTH DIVISION ITEM

Approve agreement with the CA Department of Health Services for the FY 2005/2008 Childhood Lead Poisoning Prevention Program, and authorize the CAO to sign.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Fair Advisory Board meeting agenda and minutes for June 14, 2005.
- b. Lassen County Land Conservation Committee meeting agenda for July 19, 2005.

PROCLAMATION

Child Support Ombudsperson/Outreach Robin Jones presents information on a Child Support Awareness Month and tells of children=s projects to be held next month in Lassen County.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson, and carried to adopt the proclamation declaring August 2005 as "Child Support Awareness Month" in Lassen County.

TREASURER/TAX COLLECTOR

It is moved by Supervisor Pyle, seconded by Supervisor Chapman, and carried to adopt Resolution No. 05-040 rescinding tax deed issued to Dreiss Family Trust, Helen Dreiss Trustee (APN 077-387-02) at the 2005 tax sale. Correct errors made on last tax sale B misidentified an individual as an eligible bidder who was a non-contiguous property owner to this parcel.

INFORMATION FOR THE BOARD

1. CAO Ketelsen presents an update on ambulance negotiations. It has been reported that South Lassen Ambulance has not been responding to calls out of Janesville which means the call then needs to be routed to Susanville causing a delay in response. South Lassen is moving out of their building in Janesville and Mr. Wallace has reported that he would no longer serve out of Janesville as of the end of business on July 30th. He claims to have told Mr. Bixby this but Mr. Ketelsen does not think that is true. There have been instances reported where ambulances have taken the long route to the hospital. Arrangements are being made for both the handling of intermittent responses and the planned termination of the service. Emergency Services Officer Chip Jackson is also present. He has checked the 911 system and it is working as it should. CAO Ketelsen expects to bring the SEMSA agreement to the board on July 9th.

2. Supervisor Keefer introduces Dave Keller from State Senator Dave Cox=s office. He is the new district representative for Senator Cox. Mr. Keller states this is a new position and it is the Senator=s commitment to have somebody representing the Plumas, Lassen, Sierra, Modoc area. He is based in Quincy and expects to be in the area at least every 4th Tuesday of each month. He will be setting up office hours for the public to meet with him.

CAO Ketelsen states he will be coming back to the board regarding the handling of H&SS contracts. Sometime in the past a resolution delegated the CAO to sign those contracts, some of which are quite a lot of money. He does not feel comfortable doing that and asks for suggestions on how to present large contracts to the board, perhaps by using a summary instead of copying the whole document.

There being no further business, the meeting is adjourned at 12:13 p.m.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD