

BOARD OF SUPERVISORS

AUGUST 23, 2005

The Lassen County Board of Supervisors convene in Regular Session at 9:05 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 9:06 a.m. for:

- 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of Government Code Section 54956.9: Case #38510 O'Neill vs. Lassen County;
- 2) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 2 cases;
- 3) Employee performance evaluation: Child Support Director Beth Hyde.

Present in the Closed Session are Supervisors Robert Pyle, Jim Chapman, and Lloyd Keefer; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, Personnel Director Ron Vossler, Child Support Director Beth Hyde and County Clerk Theresa Nagel. Rick Simon enters at 9:27 a.m. and Beth Hyde departs. Rick Simon departs at 9:35 a.m. Brian Dahle enters at 9:43 a.m. Closed Session is recessed at 9:51 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, August 23, 2005, at 9:53 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, and Brian Dahle; County Counsel Craig Settlemire, County Administrative Officer (CAO) John Ketelsen and County Clerk Theresa Nagel. Supervisor Hanson 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

The County Clerk announces the Closed Session dealt with:

- 1) Employee performance evaluation: Child Support Director Beth Hyde - no reportable action taken.
- 2) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 2 cases - no reportable action taken;
- 3) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (a) of

Government Code Section 54956.9: Case #38510 O'Neill vs. Lassen County - Board authorized settlement of the case for the mediated amount of \$225,000.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

1. Department of Forestry Chief Don Posten states despite what the newspaper says, they had nothing to do with the Eagle Lake Triathlon not taking place this year - the Forest Service was the permitting agency. Mr. Posten introduces Chief Vince Wall who is Chief of Administrative Services and will also be a Deputy County Fire Warden.
2. Violet Stout asks if anyone knows where Waverly is (in Lassen County). She displays a 1921 World Atlas with the location of Waverly - indicates she found out the Southern Pacific Railroad changed the name to Crest and states that Crest does not appear on current maps where Waverly was. She wants to know who is changing the maps in Lassen County.
3. Risk Manager Ron Vossler invites everyone to the Benefits/Health/Safety Fair on September 8, 2005, between 10:00 a.m. and 2:00 p.m. at Jensen Hall.

RAINBOW FAMILY RESOURCE NETWORK

Kathy Page, representing Fetal Alcohol Services, provides information on the damage created by mothers drinking during pregnancy.

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried, with Supervisor Hanson absent, to adopt a Proclamation proclaiming September 9, 2005 as "Fetal Alcohol Spectrum Awareness Day". (Supervisor Hanson enters at 10:10 a.m.)

LASSEN COUNTY FAIR BOARD

(Convene as the Lassen County Fair Board)

Fair Manager Jim Wolcott thanks the Fair Advisory Board members for all the work they did at the 2005 Fair and notes some members take vacation to work at the Fair. He presents the 2005 Lassen County Fair Review and Preliminary Report and reviews the highlights: moved the Miss Lassen County Contest to the beginning of the week and revenues were increased; auto racing revenues increased; exhibits were down 8% and this needs to be worked on; gate revenues increased; Junior Livestock Auction sales were up \$100,000 over last year; provides an update on the Jensen Hall upgrade; surveys are going out to participants and also county residents; did not lose money on any of the shows due to sponsorships, but need to look at some of the shows because

the attendance numbers were not as expected.

Board members compliment Mr. Wolcott on a good fair. Former Interim Fair Manager Jim Jeskey expresses his appreciation of the job Mr. Wolcott has done.

(Adjourn and reconvene as Board of Supervisors)

COMMUNITY DEVELOPMENT DEPARTMENT - BUILDING DIVISION

Spalding Community Services General Manager Merle Lay is present to answer any questions.

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to approve and authorize the CAO to sign a Memorandum of Understanding between Lassen County and the Spalding Community Services District regarding the Spalding Sewer Project.

CONSENT CALENDAR

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

COUNTY CLERK ITEM

Approve minutes of July 26, 2005 and August 16, 2005.

BOARD OF SUPERVISORS ITEM

Adopt Proclamation honoring Paul Chappell on his retirement from the California Department of Fish and Game.

PUBLIC WORKS DEPARTMENT ITEM

Approve travel authorization request for Ray Birky to attend the California Crane School in Sacramento, October 3 - 5, 2005, at the estimated cost of \$2,500.

PRISON TRIAL COSTS ITEMS

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

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Air Pollution Control District Governing Board meeting agenda for August 23, 2005, and minutes of July 19, 2005.

LASSEN COUNTY MENTAL HEALTH ADVISORY BOARD

It is moved by Supervisor Hanson, seconded by Supervisor Dahle and carried to appoint Sheryl Watson to fill a vacancy for the category of "Self-Identified Consumer" on the Mental Health Advisory Board.

PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

The public hearing is opened at 10:23 a.m. to consider File #701.02, Lassen County - Consideration of Negative Declaration #2005-091 and revisions to the Lassen County General Plan Noise Element clarifying terms, policies and procedures related to the measurement of noise, and the application of standards; adding policies and standards related to occasional events and ambient noise. Suggested actions:

- a. approve the negative declaration and revisions as submitted; OR
- b. modify the revisions and the negative declaration as needed (may require referral back to the Commission); OR
- c. initiate the EIR process; OR
- d. reject the revisions as submitted and provide direction to staff.

Planner Rick Simon provides the staff report and presents the Planning Commission recommendation to reject the revisions as submitted based on the following findings:

1. The proposed amendments should have an Environmental Impact Report, not a Negative Declaration since the new policies (1a and 1b) could result in higher noise levels.
2. The amendments related to construction on existing parcels in noise impacted areas (revised policies 4 and 5) may be too restrictive.
3. The concept of ambient noise is not well defined and allowing the ambient noise levels to increase over existing levels (proposed new policy 1b) could create an ever-increasing noise environment.
4. The proposed revisions do not fully resolve enforcement issues.
5. There is still controversy over noise measurement locations and procedures, even with the proposed revisions (revised policy 1).

Speaking in opposition:

1. Mary Morgan reads a portion of a letter from Mike Clark.
2. Mary Morgan presents a petition containing the signatures of five Westwood residents opposing weakening the noise standards. She also wants to confirm the Board received a letter from Westwood resident Judith Wallace regarding noise element revision.
3. Mary Morgan distributes a packet of information and provides her comments in

opposition to revision of the noise element.

Speaking in favor:

1. Larry Wosick speaks of the things they are proud of at Honey Lake Motocross (HLMX) - the great events they bring to the county and the services provided to youth of the county. He reads a statement providing information on the noise monitoring that has occurred, giving examples of monitoring on a day with ambient noise (wind and rain) causing many exceedances and the next day, with the same bikes, there were no exceedances. Also provides information on another day when a large contingent of Harley Davidsons were traveling on Highway 395 and the person monitoring the noise did not acknowledge this. Gives examples of apparent bias by the person monitoring. Asks the Board to adopt the noise element amendments. Asks to help put an end to the expensive noise monitoring because it has shown there is not a problem with noise from the track.
2. Lise Wosick asks that all noise records become part of the record. Asks that wind data be obtained from Sierra Army Depot and become part of the record. Asks that the validity of the petition presented by Mary Morgan be checked out. Distributes: information from the US Department of Labor relating to acceptable noise levels; Guidelines for Urban Noise Ordinance; an internet search of noise exemptions; letters from the Washabaugh Family, Lorri Donharht, William Sweatt and Glen Forbes all residents of the Milford area and indicating noise from HLMX is not heard or is very faint.
3. Mark Solomon supports the positive economic impact the HLMX has on the county and encourages adopting something to allow the continued operation.
4. Robert Smith states we are a noisy county and speaks of many activities that cause noise and exceed the noise element: weed eaters, lawn mowers, utility company digger trucks (he is employed by Plumas Sierra Rural Electric), events at the Fair; fair parade. He states many are enjoyable events as is the motocross track to many people. He states the noise monitoring has shown about two minutes of exceedances over 250 hours of monitoring.
5. Everd McCain urges the Board to take the Planning Commission recommendations - not approve a negative declaration or the submitted revisions. The Planning Commission recommendation to "modify the revisions and the negative declaration as needed (many require referral back to the Commission)" is not a bad idea, but there is need to provide guidance to the Commission. Strongly recommends rejecting the revisions as submitted and provide direction to staff. He believes there is a need for occasional events that exceed the noise element as long as they do not occur for too long - suggests a 5 dBA event exceedance limited to a certain number of hours per year. Feels noise monitoring should be at the property line of any property that allows residential uses. Suggests limiting construction on parcels created after a specified date in known high noise areas. States ambient noise is hard to define - need

ability to allow events up to the ambient level, but should not exceed the ambient level.

6. Jim Jeskey provides some history of efforts to promote economic development in Lassen County and states we have to depend on community events using the resources we have available. States the HLMX is a privately funded community event that is very beneficial for the county and urges adoption of noise revisions to allow the continued operation.

The hearing is closed at 11:22 a.m.

Chairman Keefer sees the real issue is the proper CEQA process and asks for Counsel input. County Counsel Craig Settlemire states the Board is not adopting a noise ordinance, rather a revision to the noise element. The noise element provides methods to evaluate a project relating to noise and will affect the entire county. To adopt a negative declaration you have to find no significant impact on the environment. If a fair argument can be made that there is impact on the environment then you would need to go with an EIR. Chairman Keefer asks Counsel for his opinion and Mr. Settlemire responds that in regard to Policy 1a and 1b a fair argument could be made there could be significant impact.

Chairman Keefer asks for an estimate of the cost of a focused EIR and Rick Simon responds \$15,000 - \$30,000. Bob Sorvaag states it is hard to estimate, but he could contact other counties to find out what their costs were - he thinks \$15-\$30,000 is on the lower end.

Supervisor Hanson states that based on the testimony he is not willing to go along with the recommendation to adopt a negative declaration and the submitted revisions.

Supervisor Chapman states in regard to HLMX no matter what is done on the noise element there will be no impact on the track because that is now in the venue of the courts. The HLMX events have shown the weakness of the county's noise element. He is in favor of the Planning Commission's recommendations and agrees with Mr. McCain's comments regarding impact to property rights.

Agrees with Mr. Smith's comments that "we are a noisy county" and talks about using his wood splitter, noise from brakes of trucks coming down the grade, noise from car races and the ball park during games, and comments on the very irritating highway noise. Feels we need to define the process to be followed.

Supervisor Dahle feels a focused EIR should be done and we need to look at impact to private property rights. He is not in favor of adopting a negative declaration.

Supervisor Keefer is a supporter of the HLMX but this matter is a far reaching element

for the entire county, and may or may not have any impact on HLMX. The need is for a focus when performing an EIR and he is looking for guidance from Counsel. He wants a continuance of discussion with input from staff and an estimate of costs. CAO Ketelsen states he would need some tentative decisions from the Board prior to going out for an EIR and suggests possibly holding a study session. Bob Sorvaag feels they have a pretty good idea and could draft a project description without holding a study session. Supervisor Chapman would like the draft to be run by the Planning Commission after being presented to the Board.

Noon recess 11:57 a.m. - 1:31 p.m.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman reports on the BLM RAC tour he attended - items discussed: the horse corrals, the Modoc/Wendel Rail Line, Sagebrush Steppe Eco System, Resource Management Plan, representatives from Wilderness Land Trust made a presentation; announces Lassen-Plumas-Sierra Community Action Agency will meet here next Thursday; announces the Senate Rules Committee will be doing interviews tomorrow for the Lahontan Water Quality Control Board.
2. Supervisor Pyle brings up an issue of funding for the Westwood Visitor's Center and suggests \$5,000 be provided to them and maybe \$2,000 for the Susanville Visitor's Center (Railroad Depot).
3. Supervisor Hanson was contacted by Reno Fire Department with a desire to have a mutual aid agreement between Red Rock Fire Department and Doyle Fire Department for coverage of Highway 395 and this is being worked on; has received lots of comments on the deteriorating LRA properties and notes staff will be looking at improving upkeep.
4. Supervisor Dahle reports on the RCRC meeting; announces the Federal Energy Bill passed and does include some good things for Lassen County in relation to Bio-Mass; wants to place on a future agenda "The Rules of the West" which is a disclaimer regarding what is not available in rural areas.
5. Supervisor Keefer asks for a board member to attend the next Fair Advisory Board meeting on September 13th and Supervisor Dahle responds he will attend; reports on problems with cattle getting out of a pasture and causing significant damage to home owners property in the area of North Church Street in Janesville; he supports open range, but maybe in certain areas it does not work well - he would want the Cattlemen's Assn. to be contacted before moving forward with any changes and asks if one of the board members would take this to the Cattlemen; Supervisor Dahle states we cannot let a few persons abuse the open range and the Cattlemen need to put pressure on those who do so - he wants this placed on a future agenda and invite the Cattlemen to attend; Supervisor Hanson will let the Cattlemen know about this discussion.

CONTINUED PUBLIC HEARING - 2005/2006 COUNTY BUDGET

The continued public hearing is opened at 2:02 p.m. on Fiscal Year 2005/2006 Proposed County Budget.

County Counsel Craig Settlemyre reports it is possible to extend the time for budget public hearings and CAO Ketelsen states he will file a request for continuance with the Clerk this afternoon.

Kurt Bonham provides comments in writing and discusses them.

Deputy CAO for Health and Social Services Kevin Mannel provides information on negotiations he participated in, along with ten other small counties and the State, for reductions in costs for Public Health and Environmental Health. The final result will mean a loss of one Public Health Nurse for Lassen County.

In regard to CPS - it will be fully staffed with an unallocated balance of \$128,000 which was the result of a transfer of Tobacco funds. He will be submitting a proposal for use of these funds if the Board does not remove them.

Community Development Director Robert Sorvaag distributes an Economic Development/Housing Program Budget Overview showing that programs with no outside income for administration will take a hit if the requested amount of \$55,000 is reduced to \$15,000. These programs are: Business Assistance; Economic Development Coordinating Council; Park Bonds; Tourism Coordinating Committee; and Recycling Market Development Zone.

CAO Ketelsen states he inherited the budget and has tried to keep the proposed budget with the exception of the following changes: close-out of 2004/2005 budget year changes; specific issues brought to the Board; fixes to inaccuracies relating to transfers in and out.

Assistant to the CAO Julie Morgan distributes a listing of the current balances and a Proposed Budget Analysis. She also provides further information on things she has created that will make the process more clear in the future. Supervisor Chapman expresses his pleasure with the changes that Julie is making.

Chairman Keefer continues the public hearing to September 13, 2005.

There being no further business, the meeting is adjourned at 2:46 p.m.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD