

BOARD OF SUPERVISORS

OCTOBER 18, 2005

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, October 18, 2005, at 9:33 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, and Brian Dahle; County Counsel Craig Settlemyre, 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

Chairman Keefer announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

PUBLIC COMMENT

Chairman Keefer asks for public comment and no comments are received.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle announces a fundraiser will be held on October 22nd at 4:30 p.m. for the Big Valley Child Care Center - a fashion show and auction items. He invites everyone to attend. (Supervisor Hanson enters at 9:37 a.m.).
2. Supervisor Hanson reports on the LAFCO meeting.
3. Supervisor Keefer discusses his hunting trip to Idaho and the big increase in the number of wolves and the impact they are having on the elk population.

CONSENT CALENDAR

Supervisor Chapman requests that Item G-2, fee increase, and Item G-10, claim rejection, be removed for separate consideration.

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

COUNTY CLERK ITEM

Approve Minutes of October 11, 2005.

AUDITOR & TREASURER DEPARTMENTS ITEM

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

PUBLIC WORKS DEPARTMENT ITEMS

1) Award the Biological Studies for Bridge 7C-12, Long Valley Creek Bridge on Hackstaff Road, to Pacific NorthWestern Biological Resources Consultants, Inc., Susanville, in the amount of \$5,935; 2) authorize the Director of Public Works to sign the Agreement once it has been approved by County Counsel; and 3) authorize the Director of Public Works to authorize changes to the scope of work (Amendments to the Agreement) up to an amount not-to-exceed \$595.

1) Award the Location and Hydraulic Studies for Bridge 7C-12, Long Valley Creek Bridge on Hackstaff Road, to Pacific Hydrologic, Inc., Redding, in the amount of \$8,550; 2) authorize the Director of Public Works to sign the Agreement once it has been approved by County Counsel; and 3) authorize the Director of Public Works to authorize changes to the scope of work (Amendments to the Agreement) up to an amount not-to-exceed \$850.

1) Award the Cultural Resources Studies for Bridge 7C-12, Long Valley Creek Bridge on Hackstaff Road, to CSU, Chico Research Foundation, Archaeological Research Program, Chico, in the amount of \$2,236; 2) authorize the Director of Public Works to sign the Agreement once it has been approved by County Counsel; and 3) authorize the Director of Public Works to authorize changes to the scope of work (Amendments to the Agreement) up to an amount not-to-exceed \$220.

1) Award the Geotechnical Site Investigation for Bridge 7C-12, Long Valley Creek Bridge on Hackstaff Road, to Converse Consultants, Reno, NV, in the amount of \$7,800; 2) authorize the Director of Public Works to sign the Agreement once it has been approved by County Counsel; and 3) authorize the Director of Public Works to authorize changes to the scope of work (Amendments to the Agreement) up to an amount not-to-exceed \$780.

TREASURER/TAX COLLECTOR ITEM

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

PRISON TRIAL COST ITEMS

Receive and file Recap of CCC Prison and High Desert State Prison Trials Cost

Reimbursement Billing for September, 2005.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Local Agency Formation Commission (LAFCO) of Lassen County meeting agenda for October 17, 2005.
- b. Mental Health Advisory Board meeting agenda for October 11, 2005, and unapproved minutes of September 27, 2005.
- c. Technical Advisory Committee meeting agenda for October 12, 2005.
- d. Air Pollution Control District Governing Board meeting agenda for October 18, 2005, and minutes of September 20, 2005.

COUNTY CLERK

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried on a roll call vote, with Supervisor Chapman voting NO, to adopt Resolution No. 05-054, Increasing Fees for Services Provided by the County Clerk, effective January 1, 2006.

COUNTY COUNSEL

Supervisor Chapman feels it is not fair to reject the claim from Search and Rescue Chief Robert Trussell for repair of his truck transmission that was damaged while helping tow a Sheriff's Department vehicle from a bog so a tow truck could reach it.

CAO Ketelsen suggests the very old agreement between the County and Search and Rescue needs to be updated in regard to insurance.

Sheriff Steve Warren supports paying the \$3600 claim stating there is no way to put a price on the service that Search and Rescue members provide to the County. He gives several examples, that has probably exceeded tens of thousands of dollars worth of help. He also supports a binding MOU between the County and Search and Rescue.

It is moved by Supervisor Dahle, seconded by Supervisor Chapman and carried unanimously, on a roll call vote, to pay the claim of Robert Trussell, and to direct staff to come back with an updated MOU between Lassen County and Search and Rescue.

PROCLAMATION

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to adopt a Proclamation honoring Ann Hendrix (H&SS) on her retirement from Lassen County.

RECOGNITION COMMITTEE - PRESENTATION

Chairman Keefer makes the following presentations for years of service:

Ten years: a brass letter opener to Daniel Bruce, (Public Guardian); Lewis Dean (Community Development); Juliana Harrington (District Attorney); Marcia McKee (Assessor's office).

Retirement: a proclamation and plaque to Ann Hendrix (Health and Social Services Department).

Recess 10:15 - 10:20 a.m.

PLANNING DIVISION - ARNOLD BAY VARIANCE

The public hearing is opened at 10:20 a.m. on Variance request #2005-112, Arnold Bay, to vary from front and side yard setback requirements of the County Zoning Ordinance to allow for a manufactured home that is already in place on a permanent foundation. The project site is zoned A-2-B-3 (Agricultural Residential, Building Site Combining District, 3 acre minimum), and is located at 446-565 Pioneer Drive, Herlong. A.P.N. 139-080-20.

Joel Rathje presents the staff report and Planning Commission's recommendation to deny the variance request. It is noted that a lot line adjustment would resolve this matter.

No one speaks in opposition to the variance.

Al Middlestaff speaks in favor of the variance and explains why the home was located near the property line on the property, and also notes a problem set forth by the surveyor.

The hearing is closed at 10:29 a.m.

Mary Loflin from the County Surveyor's office explains how the non-matching corners and property descriptions in the area have impacted this property.

Discussion is held on the best way to have this problem handled with the consensus that a lot line adjustment is the best solution.

It is moved by Supervisor Dahle, seconded by Supervisor Chapman and carried unanimously, on a roll call vote, to deny the variance request and uphold the Planning Commission recommendations.

BOARD OF SUPERVISORS - CSAC

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to appoint Supervisor Pyle as California State Association of Counties (CSAC) Board of Director for 2006, and Supervisor Keefer as alternate.

DRAFT GROUNDWATER MANAGEMENT PLAN

Community Development Director Robert Sorvaag presents a professional contract with the firm of Brown and Caldwell in an amount not to exceed \$92,400 for preparation of a countywide Groundwater Management Plan and states funding sources to be considered include Prison Mitigation Funds, Tobacco Funds, and/or the General Fund.

CAO Ketelsen states there may be a cash flow issue with the Tobacco Funds and if so, an advance can be made from the Prison Mitigation Funds to be repaid from Tobacco Funds.

County Counsel Craig Settlemire is concerned about the indemnification clause in the contract and recommends if the Board goes forward with the contract that it be with the provision that his last version of the clause be included or leave the clause out of the contract and let State law prevail.

Supervisor Pyle is concerned about the cost of the contract.

Supervisor Chapman notes this matter was discussed during the budget process and yet was not funded. He has a problem using funds for this plan that could have been used to fund other things. He would like staff to come up with revenue sources and discuss funding it during the 2006/2007 Budget process along with discussions of "do we want the Groundwater Plan versus various other projects/programs".

Supervisor Dahle partially agrees with Supervisor Chapman but feels this is very, very, very important and he is in favor of using the Tobacco Funds for the Groundwater Plan.

Supervisor Hanson is in support of the proposal and notes outside of the City the majority of water usage is from groundwater.

Supervisor Pyle asks if there are grant funds available for this. Robert Sorvaag responds there are currently no grants for preparation of the plan but there is the possibility of funding sources after the plan is prepared.

Supervisor Keefer states that Supervisor Chapman makes good points regarding the budget process but we need to have a groundwater plan.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried on a roll call vote, with Supervisor Chapman voting NO, to enter into a professional contract with the firm of Brown and Caldwell in an amount not to exceed \$92,400 for preparation of a countywide Groundwater Management Plan with the provision that the indemnification clause issue be resolved to the satisfaction of County Counsel; to be paid from Tobacco Funds.

ALCOHOL AND OTHER DRUGS DEPARTMENT

Lyle Dornan presents information on Red Ribbon Weeks and Kathy Oberst presents further information on the activities that will be held during the week at schools throughout the county.

It is moved by Supervisor Hanson, seconded by Supervisor Dahle and carried to adopt a Proclamation declaring October 18-31, 2005 as Red Ribbon Weeks, encouraging Lassen County citizens to participate in drug prevention education activities and to make a visible statement that we are firmly committed to a drug-free, tobacco-free and alcohol-abuse-free community.

RECREATION DISTRICT

It is moved by Supervisor Chapman and seconded by Supervisor Hanson to adopt Resolution No. 05-055, supporting formation of Lassen Recreation District.

Lisa Laband lists four things that need to be included in the resolution, as required by LAFCO, and are not in this resolution. She proposes that she write the resolution to include these items and bring it to the next meeting.

Supervisor Pyle states this resolution is a worthless piece of paper.

Supervisor Chapman states the resolution is the big picture of supporting the formation of the district and a resolution with the mechanics of forming the district can be prepared for future adoption.

Extensive discussion is held.

LAFCO Executive Director John Benoit provides information and states this resolution supporting formation of a district is different than a resolution initiating the formation which may require a public hearing.

Further discussion is held among staff, board members and Lisa Laband.

Supervisor Chapman withdraws his motion.

Chairman Keefer directs the CAO and County Counsel to work with Lisa to prepare a resolution.

BOARD MEETING

It is moved by Supervisor Dahle, seconded by Supervisor Pyle and carried to cancel the December 27, 2005 Board meeting.

INFORMATION FOR THE BOARD

1. CAO Ketelsen reminds everyone of the December 6th County Holiday Party.
2. CAO Ketelsen has taken steps to obtain appraisals of two parcels of property adjacent to the County Jail that belong to Dee Guitierrez. He will bring back a proposal for purchase after the appraisals are complete.

There being no further business, the meeting is adjourned at 11:54 a.m.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD