

BOARD OF SUPERVISORS

DECEMBER 13, 2005

The Lassen County Board of Supervisors convene in Regular Session at 9:10 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 9:10 a.m. for: Employee performance evaluation: 1) Public Defender David Marcus; and 2) County Administrative Officer John Ketelsen.

Present in the Closed Session are Supervisors Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, Public Defender David Marcus and County Clerk Theresa Nagel. Supervisor Pyle enters at 9:12 a.m. Human Resources Director Ron Vossler enters at 9:24 a.m. David Marcus and Ron Vossler depart at 9:30 a.m. Closed Session is recessed at 9:57 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, December 13, 2005, at 10:04 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; County Counsel Craig Settlemire, County Administrative Officer (CAO) John Ketelsen 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: Employee performance evaluation: 1) Public Defender David Marcus - Board gave a favorable evaluation to Public Defender David Marcus; 2) County Administrative Officer John Ketelsen Board gave a favorable evaluation to CAO John Ketelsen.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Requests for adjournment in memory: Supervisor Chapman - in memory of longtime Lassen County resident Darrell "Mitch" Mitchell. Supervisor Keefer - in memory of longtime Lassen County resident Joyce Kelly.

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

PUBLIC COMMENT

1. Deputy CAO for Health and Social Services Kevin Mannel announces, with regret, that Director of Family & Children Protective Services (CPS) Jessica (Herman) Solomon has resigned. He reviews the great job that she has done in bringing integrity to CPS and improving operations. Chairman Keefer, on behalf of the entire Board, thanks Jessica Solomon for the work she has done. Kevin Mannel introduces the Interim Director of CPS Daniele McQuire, and reviews her experience and credentials.
2. Deputy CAO for Health and Social Services Kevin Mannel announces that Health Nurse Mary O'Reilly volunteered time in Pakistan to help the earthquake victims. Ms. O'Reilly is present and shows a CNN interview that she appeared in. She provides some further information on the work she performed in Pakistan.
3. Fair Manager Jim Wolcott announces the Lassen County Fair received a \$74,500 grant from the California Department of Food and Agriculture which will mean a new kitchen and multi media center for Jensen Hall. The county match is \$36,812. He expresses his appreciation to the 4-H and other groups for the Holiday Lighting Fair and announces the light display will be open for viewing Friday, Saturday and Sunday nights until the end of the year.
4. Poet Laureate Violet Stout reads a poem entitled "Christmas Minus".

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 November 22, 2005.

ELECTION DEPARTMENT

Adopt Resolution No. 05-063 of the Lassen County Board of Supervisors approving the application for Election Assistance for Individuals with Disabilities (EAID) Funds and designating the County Elections Officer, or her designee, as agent to sign standard agreement on behalf of the County.

AUDITOR & TREASURER DEPARTMENTS ITEM

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

COMMUNITY DEVELOPMENT DEPARTMENT-ECONOMIC DEVELOPMENT / HOUSING ITEM

Authorize CAO or designee to enter into a contract for construction of a Fair, Community Development and a County website with Matson and Isom Technology Consulting.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. PSA 2 Area Agency on Aging Executive Board conference call agenda for December 5, 2005.
- b. Lassen County Planning Commission meeting agenda for December 7, 2005.
- c. Lassen Transit Service Agency meeting agenda for December 12, 2005.
- d. Lassen County Transportation Commission meeting agenda for December 12, 2005.
- e. Local Agency Formation Commission of Lassen County (LAFCO) meeting agenda for December 12, 2005.
- f. Lassen County Mental Health Advisory Board meeting agenda for December 13, 2005, unapproved minutes of November 15, 2005 and October 11, 2005.

PUBLIC DEFENDER

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to approve Bilingual Pay for the positions of Deputy Public Defender Paul Drevenstedt, and part-time clerical employee Heather Lemos, authorized to utilize this skill in carrying out the responsibilities as authorized by the Public Defender.

ADMINISTRATIVE SERVICES-PERSONNEL DEPARTMENT

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried to approve the new job description for the position of Associate Treasurer/Tax Collector (Collection Supervisor), Range 22, Mid-Management Bargaining Unit.

PUBLIC HEARING - PUBLIC WORKS DEPARTMENT

The public hearing is opened at 10:32 a.m. to consider establishing a Transportation Permit Fee and Encroachment Permit Fee for the Lassen County Public Works Department.

Public Works Director Larry Millar presents the staff report by reviewing the proposed fees. County Counsel Craig Settlemire asks if the cost of providing services was studied in determining fees and Mr. Millar affirms they did track costs.

No one speaks in opposition to, or in favor of the fees and the hearing is closed at 10:40 a.m.

It is moved by Supervisor Dahle, seconded by Supervisor Hanson and carried on a roll call vote, with Supervisor Chapman and Supervisor Pyle voting NO, to adopt Resolution No. 05-064, establishing a Transportation Permit Fee and Encroachment Permit Fee for

the Lassen County Public Works Department.

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Assistant Community Development Director Bertotti presents an update on the timing and procedures for the Dyer Mountain Project Environmental Impact Report Process. It has been determined that two chapters need to be recirculated - Transportation Chapter and Air Quality Chapter. He feels that it would be a good idea to have a workshop at the beginning of the recirculation period.

COUNTY ADMINISTRATIVE OFFICE

In response to Grand Jury recommendation and Board of Supervisors direction, CAO Ketelsen presents information on separating Registrar of Voters/Elections Department from the County Clerk/Recorder's office creating an elections division with an appointed commissioner of elections.

County Clerk-Recorder Theresa Nagel answers questions regarding the proposed structure and operation of an appointed registrar of voters working in conjunction with the staff of the elected County Clerk-Recorder.

Supervisor Chapman supports the idea as long as there is a unanimous vote. Supervisor Pyle can support what has been presented. Supervisor Hanson has some difficulty with the proposal but supports examining the possibility. Supervisor Dahle feels with the current staffing it would work but he has concerns about sharing staff with both an elected and an appointed department head. Supervisor Keefer states that Theresa Nagel has done an outstanding job as County Clerk - he has lots of questions about how the structure would work - states it seems the rest of the board is in favor of the proposal. Supervisor Chapman suggests an ordinance be prepared by County Counsel and appropriate analysis of the salary for an appointed Registrar of Voters be prepared by the Personnel Department and submitted next week. Supervisor Keefer wants to see an organizational chart.

County Counsel Craig Settlemire responds that an ordinance would not be difficult to prepare and Personnel Director Ron Vossler states he can have a job description and salary analysis prepared.

Chairman Keefer states the Board will expect something on the next agenda.

ROAD DESIGNATION

Supervisor Pyle presents a proposal to designate County Road A-21 from Highway 36 North to the railroad tracks in the names of Daniel S. Lawrence and Ashley E. Flores who lost their lives on May 26, 2004 in an automobile accident at the railroad crossing.

Larry Richardson, the step-father of Daniel Lawrence, addresses the Board on the desire for a memorial to provide a positive remembrance of Daniel and Ashley. He discusses the overwhelming community support for such a memorial as demonstrated by the petitions that were included in the Board of Supervisor's meeting packets.

Supervisor Chapman sees this as not only a nice remembrance but also as a reminder to be careful.

It is moved by Supervisor Pyle, seconded by Supervisor Chapman and carried to direct staff to prepare a proper resolution to designate County Road A-21 from Highway 36 North to railroad tracks in the names of Daniel S. Lawrence and Ashley E. Flores; and to erect and maintain signs along the roadway.

Supervisor Chapman provides information on how previous dedications have been conducted.

Supervisor Pyle provides information on the status of placing crossing arms at the railroad crossing and the relocation of signs. He notes the clearing of forests near the railroad crossing has already occurred.

Larry Richardson thanks Supervisor Pyle for the work he is doing for the Westwood community and thanks the Board of Supervisors for considering a dedication resolution.

HEALTH AND SOCIAL SERVICES - PUBLIC HEALTH DIVISION

Health Nurse Mary O'Reilly presents, for consideration, a resolution approving the State Medical Marijuana Identification Card Program; and authorizing the CAO to sign program agreement and subsequent agreement documentation.

Supervisor Chapman asks why the Board is being asked to take action rather than the State? Supervisor Pyle expresses his need to vote no on this because marijuana use is against federal law. Supervisor Hanson asks why the Board has to adopt a resolution - why not just implement the State program?

Assistant County Counsel Traci Witry provides information relating to the federal and state laws regarding marijuana.

Supervisor Chapman suggests that four "Whereas" be added to the beginning of the resolution: 1) Whereas, the Board does not support the use of marijuana; 2) Whereas, the Board does not support violating federal law; 3) Whereas, the Board recognizes it is a subdivision of the State; and 4) Whereas, the Board is required to follow state law that

it feels is in violation of federal law, the Board recognizes this is a state mandated action.

Jill Miller states she is the County's Maternal Child and Adolescent Health Director, but is speaking as a private person. She explains her experience with cancer treatment and extreme nausea - the difficulty of obtaining medication to handle the nausea and the very high expense of such medication. She urges the Board to adopt the ID Card Resolution.

Sheriff Warren states he is also speaking as a private person. He discusses the federal and state laws and court cases relating to marijuana. He suggests the Board take a back seat position and see what happens with other counties before taking action that gives tacit support of marijuana use.

Counsel Witry states there could be repercussions if the county does not approve the resolution which could result in lawsuits against the county.

Supervisor Dahle states he is not going to support the resolution and wants to wait and see what happens with other counties that have refused to approve the program. Supervisor Chapman suggests it may be a good idea to put a measure on the November ballot asking the voters for their position.

Alcohol and Drug Program Deputy Director Michael Beard is not in favor of the program as it is written and explains the difficulty it presents within treatment programs with different standards for medical marijuana users versus non-medical users.

County Counsel Craig Settlemire provides further information on why the Board needs to take the action requested.

It is moved by Supervisor Pyle, and seconded by Supervisor Dahle to take no action.

Following further discussion the maker and second of the motion withdraw the motion.

Mary O'Reilly states the January 1, 2006 implementation date can be pushed back until the Board has more time to study the program.

Chairman Keefer states the Board has taken no action on the resolution to approve the State Medical Marijuana Identification Card Program; and authorize the CAO to sign program agreement and subsequent agreement documentation.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman briefly reports on the Transportation Commission meeting.
2. Supervisor Pyle makes the following designations from his discretionary funds: \$500 - Chimney Fund; \$500 - Richmond Community Assn.; \$500 Westwood Breakfast for Kids; \$500 - Westwood Boys and Girls Club; \$200 - Westwood Theater for Kids.
3. Supervisor Hanson reports on a meeting with West Patton Village CSD relating to fire district formation; notes a letter was received from Sierra Army Depot with a pretty direct message that at some point they will no longer respond to fire and ambulance emergencies; will be attending the Washoe County Commissioner's meeting this evening in regard to the water exportation projects.
4. Supervisor Dahle will be attending RCRC tomorrow.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:18 p.m. in memory of longtime Lassen County resident Darrell "Mitch" Mitchell; and in memory of longtime Lassen County resident Joyce Kelly.

SUPERVISORS

CHAIRMAN OF THE BOARD OF

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD