

BOARD OF SUPERVISORS

AUGUST 28, 2007

The Lassen County Board of Supervisors convenes in Regular Session on Tuesday, August 28, 2007, at 9:31a.m. Present: Supervisors Brian Dahle, Robert Pyle, Jim Chapman, Lloyd Keefer, and Jack Hanson; County Counsel Craig Settlemyre, County Administrative Officer (CAO) John Ketelsen and Deputy Clerk of the Board Susan Osgood.

Following the flag salute, the invocation is offered by Supervisor Dahle.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

Chairman Dahle announces that no closed session was held.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Agenda Item F2 – Vacancy on Mental Health Advisory Board is to be removed from the agenda due to the applicant having a conflict.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried, to approve the agenda as corrected.

PUBLIC COMMENT

1. Lassen County resident Jack Pastor states he last came before the Board in opposition to a coal fire plant. He states he has been involved with environmental issues for a long time and is in support of wind generators that could be coming to Lassen County. He understands it would produce clean energy, good jobs and a nice tax base for the County. States some people think the visual effect would be a downside; he likes how they look. His research shows the wind generators run slow, don't hurt bird life and deer populations adjust fairly quickly to them. Feels it would be beneficial to the County and that many people would support a clean industry like this.

2. Invenergy project manager Matt Giblin presents information on a proposed wind energy facility in Lassen County. It is a 100 megawatt wind energy facility with an underground collection system collecting the power and delivering it to a substation on private land; then a transmission line would carry it down to Susanville and into the Lassen Municipal Utility District (LMUD) system. He distributes a brochure and a map of the Horse Lake Wind Energy Project that shows proposed turbines (67 on BLM land and 12 on private land) and transmission line alternatives. The two current proposed routes are the Pete's Valley route and the Willow Creek Valley route. The Willow Creek Valley transmission would only have about 3 1/2 – 4 miles as a new transmission corridor, the rest is on the existing LMUD transmission corridor. In Willow Creek Valley and Eagle Lake, Invenergy proposes the transmission lines to be a single pole structure, not much larger than what LMUD now uses. They would restructure the existing LMUD distribution system and remove old LMUD poles, which should upgrade reliability to those areas without changing the landscape tremendously. Mr. Giblin states he would like to come

back to the Board on September 18 to give a better overview and detailed economic study.

3. Lassen County Human Resource Director/Risk Manager Ron Vossler distributes notices regarding the 5th Annual Lassen County Employee Health, Benefits & Safety Fair to be held September 5, 2007 at Jensen Hall.

UNAGENDIZED BOARD REPORTS

1. Supervisor Pyle reports he attended a swimming pool JPA meeting. He states it seems the high school is not interested in being a partner and requests an action item for approval be put on the agenda for September 11, 2007. Discussion is held; the item will be on the September 18, 2007 agenda in order to have adequate time for discussion.

2. Supervisor Hanson states there is a grant workshop by the Sierra Nevada Conservancy on August 29, 2007 at 9:00 a.m. at the Bureau of Land Management office.

3. Supervisor Hanson states that on August 17, 2007, Agriculture Commissioner Ken Smith wrote a letter to the Office of Emergency Services regarding the drought situation. CAO Ketelsen states the Supervisors no longer have to take action in a situation like that; it will be an automatic declaration coming out of the state office.

4. Supervisor Chapman reports that the walnut tree outside of 707 Nevada Street is not looking healthy and suggests CAO Ketelsen notify Public Works.

LASSEN COUNTY HOUSING AUTHORITY - HOUSING ASSISTANCE PROGRAM

The Board of Supervisors recesses and convenes as the Lassen County Housing Authority.

Community Social Services & LassenWORKS Director Melody Brawley presents information on the status of the Housing Assistance Program citing funding difficulties and other issues. Ms. Brawley requests authorization to seek instructions from HUD to formally explore the possibility of transferring the Section 8 Housing Program to the Plumas County Housing Authority. Discussion is held.

It is moved by Supervisor Chapman to authorize staff to work with Plumas County Public Housing Authority to submit a joint letter requesting further instructions from the Department of Housing and Urban Development (HUD) and to authorize staff to enter into formal discussions with Plumas County PHA regarding the transfer of administration of the Section 8 Housing Choice Voucher Program. The motion is seconded by Supervisor Hanson and it is carried unanimously.

The Lassen County Housing Authority adjourns and the Board of Supervisors reconvenes.

CONSENT CALENDAR

Supervisor Chapman requests Item G1, the minutes of the Lassen Swimming and Recreation Joint Powers Authority on June 18, 2007, be removed for discussion.

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

ADMINISTRATIVE SERVICES ITEM - PERSONNEL DEPARTMENT

Receive and file Personnel Movement report for June, 2007.

HEALTH & SOCIAL SERVICES ITEM - AGREEMENT

Approve contract with the State Department of Health Services for HIV/AIDS Counseling, Testing and Surveillance in the total contract amount of \$48,348, beginning July 1, 2007 and ending June 30, 2010; and authorize County Administrative Officer to execute the agreement documents.

PUBLIC WORKS DEPARTMENT ITEM - AMENDMENT

Approve "Amendment No. 1 Between the County of Lassen and C.B. Consulting" for Professional Services for Skyline Road East and Robinson Canyon Mitigation Site providing an increase in the amount of \$35,000 and extending term to June 30, 2008; and authorize the Director of Public Works to sign the Agreement upon approval of the County Counsel.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

a) Susanville City Council Minutes for meeting on May 2, 2007.

COUNTY CLERK – MINUTES

Supervisor Chapman states there are some errors in the minutes of the June 18, 2007 meeting and requests they be brought back after corrections have been made.

ADMINISTRATIVE SERVICES - PERSONNEL DIVISION – CONTINUED

Human Resource Director/Risk Manager Ron Vossler presents information to the Board on the reclassification for Senior Legal Clerk in the office of the County Clerk/Recorder. This item was presented to the Board August 21, 2007 and discussed at length. A motion was made and seconded but did not carry as the vote was split and Supervisor Chapman was absent from the meeting.

Mr. Vossler reviews information previously presented and recommends the position of Senior Legal Clerk in the office of the County Clerk/Recorder be reclassified at Range 18, Mid Management. County Clerk/Recorder Julie Bustamante also re-presents information regarding her recommendation to reclassify the Senior Legal Clerk position to a new position of Senior Recorder at Range 20, Mid Management. Mr. Vossler asks for clarification. He asks if he should "get out of the way of elected officials and not attempt to classify their positions"; states that needs to be addressed. Extensive discussion is held.

Supervisor Chapman states that if the Board does not accept Mr. Vossler's recommendation on this, or any other recommendation, that does not mean Mr. Vossler is not needed as he suggested. Personnel decisions are not a perfect or absolute science; it is judgmental and the Board needs the Personnel Director's information when making decisions. Due to the unique nature of the restructuring of this office requested by the

County Clerk/ Recorder, he feels the Board should defer to the Clerk's judgment. He will vote in favor to support Senior Recorder MM Range 20.

Supervisor Pyle states the Board does not always do what staff recommends. If the Board rubber stamped all of staff's recommendations, the Board would not be needed to make decisions. States he supports the Clerk's recommendation to run her office but that does not mean she can do anything she wants. Every office is different; it is not easy to say everything fits.

It is moved by Supervisor Pyle to support the County Clerk's recommendation to approve the reclassification of the position of Senior Legal Clerk, Range 15, UPEC, in the Office of the County Clerk/Recorder, to the new position of Senior Recorder, Range 20, Mid-Management and approve the job description for Senior Recorder, Range 20, Mid-Management. The motion is seconded by Supervisor Hanson and carried with Supervisors Keefer and Dahle voting NO.

Recess 10:35 – 10:42 a.m.

TITLE III REQUEST FOR FUNDING

Assistant to the CAO Julie Morgan presents the Lassen County Office of Education request for Title III funding. Superintendent of Schools Bob Owens expresses his appreciation for the Board's actions in the past regarding the sixth grade youth camp program.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried unanimously to allocate Title III funds in the amount of \$78,395 for the Lassen County Office of Education for the 2006/2007 Outdoor Education/Youth Camp Program for Forest-related educational opportunities.

TITLE II AND III PROJECTS

Assistant to the CAO Julie Morgan presents information regarding Title II and Title III projects under HR 2389 (P.L. 106-393) Secured Rural Schools and Community Self Determination Act of 2000. Tom Esgate presents information on the request for funding from the Lassen County Fire Safe Council. Agriculture Commissioner Ken Smith presents information on the request for funding the weed spray program that he states could be considered as a forest health and fire insurance policy. School Superintendent Bob Owens states he appreciates that in the past the Board has taken just the 15% of funding vs. 20%. He reports that he serves on the Resource Advisory Committee (RAC) and they have done some wonderful things for Lassen County. He also appreciates the Title III money the Board just approved for the youth camp. Further discussion is held.

It is moved by Supervisor Keefer to fund the following projects at 100%:
Project #1 Tribal Summer Youth Crew in the amount of \$30,000;
Project #3 Crazy Harry Gulch Grade Control in the amount of \$12,000;
Project #4 Butte Creek Fuel Reduction in the amount of \$30,000;
Project #5 Native Seed Propagation Phase II in the amount of \$24,000.

Project #2 Lassen County Combined Efforts for Weed control will only be funded in the amount of \$26,000.

Project #8 County Agriculture Commissioners A-Rated Noxious Weed Eradication will only be funded in the amount of \$26,000.

The motion is seconded by Supervisor Pyle and carried unanimously.

It is moved by Supervisor Keefer, seconded by Supervisor Chapman and carried unanimously to adopt Resolution No. 07-051 designating 15% of safety net payments to be allocated to Title II and/or Title III projects; and adopt Resolution No. 07-052 allocating the portion of funds received for projects through safety net payments of 15%.

Title II 24.7 % Title III 75.3 %

COUNTY ADMINISTRATIVE OFFICE - BUDGET/AUDIT, LEGISLATIVE AND FACILITIES PLANNING ADVISORY COMMITTEE

Assistant to the CAO Julie Morgan presents a List of Potential Budgetary Impacts or Increases in Positions as of August 21, 2007. (Chairman Dahle is absent 11:15 a.m. – 11:17 a.m. Vice-Chairman Hanson chairs the meeting during that time.)

INFORMATION FOR THE BOARD

CAO Ketelsen reports that the state budget has been adopted and Lassen County didn't do too poorly; there are some Health & Social Services impacts. The good news is the Williamson Act survived. Discussion is held. CAO Ketelsen states the budget will come back to the Board on September 11. Ambulance and fire issues still need to be looked at.

The meeting is recessed at 11:28 a.m. – 1:30 p.m.

HONEY LAKE MOTOCROSS PARK

Honey Lake Motocross Park (HLMP) owner Lise Wosick presents detailed information on the history of the motocross park sound monitoring problems. The Wosicks offer an initial settlement figure of \$71,200, based on amounts they were paying when they were doing the sound monitoring. The current amount due, after the last event in June, is now \$170,000. Presents a possible scenario of how a court could view the increased cost of noise monitoring.

Mrs. Wosick shows slides of bills, monitoring reports, letters and other documents. She presents information to the Board that they may not be aware of: states the Planning Department has not monitored the people doing the monitoring; bills are exceedingly high and some bills show no detailed information for work performed. Other concerns were: an instance when Mrs. Mary Morgan was around the sound monitoring technician (photo presented) during monitoring; an instance when technician was not at post during testing but was down by the road on his cell phone with tests being done when hundreds of motorcycles were traveling past the track toward Reno with no notation from the technician while the report showed 75+ exceedences.

Mrs. Wosick states the basis of the court order was based on Mr. Pettyjohn's testing done at one location with one technician; she feels adding more locations was unnecessary and unwarranted and questions why testing was not done at the Carpenter residence across the road.

Mrs. Wosick states that she and her husband have never said they don't want to pay the bills, however, they want to pay what they believe to be fair. She suggests a 50/50 split bringing their offer to \$85,200 and asks the Board to consider that request.

SPEAKING IN FAVOR:

Milford resident Carrie Washabaugh: States one of the big reasons her family moved to the area was the HLMP; her four boys actively race motorcycles. She and her husband are very active community volunteers, volunteering at HLMP, sober graduation, run a tri tip booth at the fairgrounds for 140 Squad Club. They are very impressed with the way the motocross track is run and would like to see it continue to be run the way that it is. She lives near the track and is not bothered by the noise. Feels many people from the races go to dinner or shop and put a lot back into the community. She verifies the incidence of the technician on his cell phone that Lise Wosick mentioned. States she hopes the offer presented is accepted so the whole thing can be put to rest.

Scott Averill: States he and his family never miss a race; meet with friends and family. Has been racing for over 20 years and his kids are just starting out and love the sport, HLMP is one of the best tracks on the west coast and the Wosicks run a first class operation that draws people from all over Lassen County. Notes the motorcycle manufacturers, the AMA and other companies are working hard to keep the sound down with new sound technologies; it's getting better every year. Concludes with a request from family, friends and other riders from all over the state that the Board work with the Wosicks for a fair and reasonable decision.

Susanville resident Tim Nobles: States that he is a third generation Lassen County resident and has been an avid motocross racer for 25 years. States the general public may not realize how many people from all over the western U. S. come to enjoy this facility. It is a family event; races on Saturday have free potluck dinner; kids do karaoke. The County does not have many things for kids to do. States there are other sports besides stick and ball sports; he pays a lot of property taxes and would like to see a facility that he can use with his family and with friends. He has known the Wosicks since they moved here; they are hard working people and a great asset to Lassen County. He hopes the Board will consider their offer.

Lassen County Chamber of Commerce President Teresa Boucher: States she has known the Wosicks for quite some time. The Chamber has stood behind the Wosicks 100%; it is good, clean family fun and a great business for the community to support. Doyle Payless, The Mark, Honey Lake Campground and others report increased business from the races, as well as businesses in town. States she would like to see the County get behind the Wosicks and Honey Lake Motocross Park; feels there must be an equitable decision that can be made between the Wosicks, Lassen County and other parties involved. The

Chamber and their Board of Directors support businesses like the HLMP that add value to our community.

America's Best Inns Motel manager Emily Strength: States she does not ride motorcycles or know any of the riders or the Wosicks personally, but supports the motocross park for what it brings to the community and increased business it brings to town. Motels in the area do have increased business from the park. States everyone has something in their neighborhood they don't enjoy or is a distraction but thinks the bigger picture is HLMP brings much more benefit to the community than the slight detraction of a little bit of noise for the few neighbors that they do have. Hopes the decision would be made to agree to the 50% offer the Wosicks are offering.

Matt Bussell (29, professional motorcycle rider and a test rider for the magazine Cycle News): Reads a statement from Governor Schwarzenegger "California was built by the ingenuity and hard work of people who had the courage to put pen to paper ideas into action. Our great state continues to thrive because of the involvement and commitment of its people." He believes the Wosicks are a great example of that; HLMP is a lot more than just a motocross track; it is where memories are made, families are grown together. States he hopes the Board supports this decision.

Robert Smith (Lassen County resident since 1960: General Foreman with Plumas Sierra): States his father-in-law, Jim Jeskey is unable to attend this meeting but is in support of HLMP and hopes the Board will come to a reasonable conclusion to ensure its continued operation. Mr. Smith states he has also been involved with motorcycles since his youth; has become friends with the Wosicks; and he and his wife volunteer at the track. He notes changes in the County since his youth and states people have to make continuing adjustments to changing situations; but that should not give one neighbor the right to destroy the dream of someone else. States Mrs. Morgan was on board with the track in the beginning and signed a letter stating that. He feels that both sides have made mistakes in getting HLMP developed. The Wosicks may have been naïve about the process required. Their success was overwhelming and it took off fast. The County staff had not dealt with a motocross track before. States HLMP brings economic growth to the County; it is a great opportunity for South County youth to work at the park; they are learning life skills and responsibility. He asks the Board to look at the opportunities and make a fair decision based on the great opportunities and economic growth that HLMP offers.

Chamber of Commerce member Richard Parker: Notes the cost of sound monitoring went up 6 to 10 fold when the County took it over to do a better job but it obviously failed. Feels the County has some responsibility to help work with the Wosicks. States he called business members in Chamber and they do not want HLMP to fail. Hopes for a common sense decision to settle this matter, the sooner the better.

South County resident Tim Garrod: States if the intention of the court when they asked for the monitoring was to create an economic burden on the track, it's been a success. If the intention of the court was really to find meaningful information that could be used so that

maybe the management of the track could be changed or adjusted, it's been a failure. If the information were available maybe changes could be made; he does not think it has worked the way the court intended.

Milford resident Jarod Washabaugh: States he has worked for the Wosicks for the last two years full time. Has raced motorcycles his whole life; his five-year old son is now starting to race; and HLMP was one of the reasons for family moving into area. States he is baffled by the Morgan's problem with noise from the track. They live 200 yards off of one of the busiest highways in northern California with a fully operational gravel pit with hundreds of semi's going down the road daily. He hopes everything works out and the Board supports the offer.

NOT IN FAVOR OR OPPOSED:

Milford resident George Snook: Has lived in Lassen County for 60 years and has attended meetings and the court hearing regarding this matter. States he has almost lost friends over the racetrack issue because he will not take sides. He does not think the court order was handled properly and the County has spent \$170,000 of the taxpayers' dollars. He feels the money should be recovered 100% but if some mis-billing took place, that should be taken care of and the balance should be paid.

Honey Lake Motocross Park owner Larry Wosick discusses instances of incorrect data of noise monitoring previously mentioned, the frustration that caused and stated their efforts to get the report corrected fell on deaf ears. He disputes County Counsel's statements that Brown Buntin was not eligible to do the sound testing or that the monitoring was not taking place. The County has had a relationship with Brown Buntin dating back to 1989 when they completed the Lassen County Noise Element. He feels the decision to increase the scope of monitoring is because of Mary Morgan's complaints. Cites HLMP contributions to the community and voices their appreciation of community support. Mr. Wosick asks the Board to acknowledge that errors in judgment have been made and to consider accepting their offer. States they are proud of what they do and that they want to get back to working toward the same objective.

County Counsel Craig Settlemire states that CEQA is no longer an issue; it was resolved by the judgment. The question is, how does the County implement what the Judge ordered? There was nothing in the special use permit about on-site, live time noise monitoring but there was a requirement that the standards established by the Noise Element not be exceeded. The Judge's order overlays the special use permit granted by the County and adds terms to that special use permit. The County finds itself in the middle between competing interests of two or more neighbors. Page 2, #2 of the judgment states in part: "The Real Parties in Interest are permanently enjoined from operating the track in violation of the standards set forth in the Lassen County noise element. The Wosicks shall not operate the track without noise monitoring by Lassen County by Mr. Pettyjohn or someone with qualifications equal to Mr. Pettyjohn. The Real Parties in Interest shall pay the County the costs of providing this monitoring. The County may delegate this responsibility to the Real Parties in Interest, however, such delegation will not relieve the

County of their obligation to monitor.” This confirms the County has an obligation to have the sound that is generated at the track monitored in a professional manner.

Paragraph #3 was challenged by the Wosicks and they were successful on appeal. The issues of how much would be owed and what is appropriate noise monitoring will be the same issues brought back to court for a determination as to what is appropriate noise monitoring in the future.

County Counsel recommends the Board of Supervisors receive the comments made and consider the matter in Closed Session. Extensive discussion is held.

There being no further business, the meeting is adjourned at 3:07 p.m. and recessing to a Special Board of Supervisors meeting that will be held Friday, August 31, 2007 at 4:00 p.m.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD