

BOARD OF SUPERVISORS

MAY 13, 2008

The Lassen County Board of Supervisors convenes in Regular Session at 9:14 a.m. Chairman Hanson asks for public comment and no comments are received. Deputy Clerk of the Board Osgood announces the Closed Session items and the Board recesses to Closed Session at 9:14 a.m. for:

Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 1 case.

Present in the Closed Session are Supervisors Jack Hanson, Robert Pyle, Jim Chapman, Lloyd Keefer and Brian Dahle; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, Risk Manager Ron Vossler and Deputy Clerk of the Board Susan Osgood. Closed Session is recessed at 9:40 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, May 13, 2008, at 9:44 a.m. Present: Supervisors Jack Hanson, Robert Pyle, Jim Chapman, Lloyd Keefer and Brian Dahle; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, Risk Manager Ron Vossler and Deputy Clerk of the Board Susan Osgood. Following the flag salute, the invocation is offered by Chairman Hanson.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The Deputy Clerk announces the Closed Session dealt with: Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (b) of Government Code section 54956.9: 1 case – No reportable action taken.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Keefer requests the meeting be adjourned in memory of Milton Bennett and Katie and Elizabeth Morgan. Supervisor Chapman requests the meeting also be adjourned in memory of Joe Gardner and John Montgomery.

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

PUBLIC COMMENT

1. Administrative Assistant for Lassen Aurora Network Pam Philips Hunt reports on "Ride for Recovery", a May 18 fund raiser sponsored by the Aurora Network, Lassen County Health & Social Services and Mental Health. This is a riding event from Devil's Corral to Goumaz for a barbeque lunch. She states that May is Mental Health Awareness Month and she invites everyone to come and show their support. North County representative Martin Berry states he is the only rider from the Big Valley area that will be riding in the event and has collected a lot of sponsors. Chairman Hanson states that the Aurora Network has done an outstanding job and wishes good luck on the ride.
2. Poet Laureate Violet Stout reads a poem entitled "God's Bouquet" in memory of Katie and Elizabeth Morgan.

UNAGENDIZED BOARD REPORTS

1. Supervisor Pyle attended a Childrens First 5 meeting and they will be making a presentation today.
2. Supervisor Pyle and County staff met at the Spalding beach area. One of projects for 2002 Parks Bond money was to try to establish a beach there. Because of the environmental work required to bring sand in, it was decided to put that off and use the money to establish a picnic area at the end of the marina.
3. Supervisor Pyle reports that Invenergy will be speaking about wind towers in Spalding tonight at 6:00 p.m.
4. Supervisor Dahle will be attending Regional Council of Rural Counties (RCRC) tomorrow and will be attending Western Interstate Region (WIR) board meeting in Utah next week so will not be at the Supervisors meeting.
5. Supervisor Keefer states the 2008 President's budget proposal included the reduction of the Bureau of Land Management's (BLM) helicopter at the Ravendale Fire Station. Last year Lassen County sent letters to Senators Boxer, Feinstein and Reed and to Congressman Doolittle. Senator Feinstein and Congressman Doolittle got very involved in the issue and he received word last week that the helicopter was saved from the budget reduction.
6. Supervisor Keefer reports on the May 12 LAFCo meeting he attended with Supervisor Hanson. They are still reviewing the policy document. CAO Ketelsen reviewed and provided some comments. Areas addressed: Regarding the Area of Concern that the City of Susanville wanted to include in their sphere of influence, CAO Ketelsen can find no reference in the act establishing LAFCo that provides for including it in the sphere of influence. CAO Ketelsen feels it is probably more appropriate in areas that are fast developing, which is not the case here. CAO Ketelsen found that the act also provides for an opportunity for the City and the County to meet prior to any sphere of influence discussion of the City's general plan.
7. Supervisor Keefer attended a ground breaking for Norm Allen's new hardware store in Janesville. He plans to have it enclosed by fall and probably will open by next spring if all goes well.
8. Supervisor Chapman reports he attended a Nortec meeting in Chico and Oroville. A lot of discussion was held on the recent additions to the Nortec membership. States he is concerned with expanding too much and the potential for diluting the effectiveness of the consortium.
9. Supervisor Chapman met with PSA 2 Area Agency on Aging last week in Burney. Notes that for the first time in the 30 years he has been involved with the aging community the State Director of Aging CDA (CA Dept of Aging) Lynn Daucher was in attendance. He was impressed with her presentation and her passion for senior issues. She sat in on the PSA 2 meeting to get a feel for the issues being dealt with in our 5 county region. The state budget as it relates to impacts on our older American communities is going to be huge. Ms. Daucher made it clear the counties should be lobbying for an on time budget and if there isn't one, then they need to be emphasizing doing some continuing appropriations. Supervisor Chapman requests CAO Ketelsen to look at preparing some contingency plans as discussed last year on how to use County resources to cover some of the cash flow shortages. Ms. Daucher was impressed by the fact our JPA has County Supervisors actively involved; she had a great appreciation for that.
10. Supervisor Chapman reports on Veterans Task Force meeting held last week. He appreciates Peter Heimbigner, Larry Millar and County Counsel Settlemire being in attendance and supporting the effort to revamp and reorganize. There is an agenda item that will be discussed later today.
11. Supervisor Chapman reports that the Transportation Commission met May 12; Supervisors Dahle and Hanson were also in attendance. Had a presentation on The Intelligent service in terms of communication network that has been in place and continues to grow. Received word that Caltrans District Director Brian Crane will be leaving his post and going to work for the City of Redding. Feels that is a huge loss for Lassen County; he has been proactive regarding Lassen County's transportation issues.
12. Supervisor Chapman received an email last Friday from Senator Cox regarding impacts on rural law enforcement funds; asks Assistant to the CAO Julie Morgan to watch that. Further discussion is held on budget

issues.

13. Supervisor Chapman asks CAO Ketelsen to schedule an agenda item for discussion on what is happening regarding the swimming pool. He recently talked with Lassen Union High School Board President Ken Theobald and, apparently, they are putting the pool on the back burner for now. He said one issue was that although they could probably find money to build a pool, there is no money to operate it. Supervisor Chapman feels the County could talk about setting up some operational funds and discuss the creation of a County Service Area (CSA) with the high school district as the boundary. Suggests using land in back of the Roosevelt parcel and extending geothermal lines that served the old facility. Would like to have the discussion to see what the County could do to move the discussion to the next level and feels the County can start by creating a vehicle to get money for the pool.

PUBLIC HEARING - APPEAL #2008-006 DAVID AND CARLA ALLEN

Chairman Hanson states that on advice from the Fair Political Practices Commission (FPPC), he will be abstaining on this matter. Chairman Hanson leaves the room and Vice-Chairman Keefer presides over the meeting. The public hearing is an appeal of the Planning Commission's denial of a User Permit #2008-006 filed by Horse Lake Wind Energy LLC/Invenergy, for property owned by David and Carla Allen, which would allow a temporary meteorological tower on their property in the Fredonyer Peak area. The public hearing is opened at 10:15 a.m.

Community Development Associate Planner Gaylon Norwood states the Planning Commission disapproved the use permit for a tower that would allow a 196.85' meteorological tower on Horse Lake Mountain, south west of Horse Lake. The project is exempt from CEQA. The Planning Commission considered the item and adopted a resolution of disapproval. Their findings are part of the agenda packet. This is very similar to an item presented to the Board a few months ago on the Ochotorena property although this does have a recommendation that a fence be placed around the tower.

Project Manager Matt Giblin questions the Technical Advisory Committee (TAC) Findings (page 12), under Operational Condition #6 stating the applicant shall construct 8' cyclone security fence around the tower. This condition was not on the Ochotorena request and the Allen site is very remote. He thinks placement of a cyclone fence would be more of an impact and not necessary.

Supervisor Chapman asks what the significance of the proposed site is in relation to the other towers including the one on the Ochotorena property. Asks if any towers have been erected and if any information has been received from the towers. Mr. Norwood reports there are 4 met towers already up on BLM property. Matt Giblin, Project Manager for Invenergy and Horse Lake Wind Energy states the reason all the towers have been erected is because they have seen a variance in wind speeds and it is not distributed evenly. The Ochotorena property is at the northern part and the Allen property is at the southern part of the area.

SPEAKING IN FAVOR OF APPEAL TO ALLOW USE PERMIT BE GRANTED:

Lassen County +20 year resident Jack Pastor: States he is in favor of allowing this procedure to be done. Main issue is of property rights. States there is a need to look at ways to generate revenue and clean environmental devices is one of them. Feels wind energy would be a good thing for Lassen County and it is an asset that Lassen County has. States small business is absorbing the load for deficits because most large corporations are gone. Wind energy could be an aid for small businesses to pay their bills.

Bucks Bay, Eagle Lake resident Sam Shapiro: Speaks in favor of the permit requested by Mr. Allen for the installation of a temporary met tower. She attended the Planning Commission hearing and states she has concern with some members focusing on projects other than one met tower. States it makes sense that a corporation would not want to invest money in a project unless they did their homework and had information that the project could work. Feels it is the Allen's right to participate in this venture. She urges the Board to please reconsider this

permit and allow this project to move forward.

Project Manager Matt Giblin reinforces the fact that this is a 36 month permit for a temporary structure and there is no major site disturbance. The County Planning staff has determined under Section 15306 of CEQA that this tower is exempt from CEQA and has no major environmental impact. He addresses some of the visual impact concerns. The location is about 4 miles from Hwy. 139 and is in the center of a remote area about 2 - 3 miles from the closest residence and about 4 or 5 miles from any major residential area. The tower diameter is 10" at the base and 6" at the top and in the middle of a typical day it is nearly invisible. Depending on the sun angle in the evening, it is more visible but the visual impact is not distracting to the eye. Feels it is a very important private property issue. Any property owner has the right to know the resources on their property. He also does not feel that Condition #6, regarding the fence, is proper or necessary.

Property owner David Allen states he and his wife are very much in favor of this project. The land has been not used for much and they are in the process of fencing the property. It is not easy to fence as it is rocky and rough. They enjoy the property flying kites with grandchildren. Feels there is a need to determine how much wind is there and whether it is feasible to put in windmills eventually, which would bring money into the County and to the property owners.

SPEAKING IN OPPOSITION TO THE APPEAL

Willow Creek Valley Rancher Darren Hagata: States he is opposed to the project. He has property adjacent to the Allen property and his family grazes cattle on private and BLM land on Fredonyer Mountain. There are three existing met towers at present with one more approved to be constructed. All of the towers will be visible from Eagle Lake, Willow Creek and Horse Lake. Reports that at the Planning Commission meeting Invenergy stated the new met tower is needed to establish a value on the Allen property for the upcoming project that is on its way. Feels the towers could lead to a massive project in Lassen County as currently there are over 15 proposed wind generation projects. States that if built, these projects will exploit Lassen County's resources and have impacts on the existing and historic land uses. Lassen County's biggest and most enjoyed assets are open spaces and visual resources. Asks at what price do we destroy the scenic beauty for the benefit of southern California utility companies?

The public hearing is closed at 10:38 a.m.

It is moved by Supervisor Dahle, seconded by Supervisor Pyle to overturn the PC decision and approve the project, adopting Resolution No. 08-023 with the deletion of #6 regarding a fence.

Supervisor Chapman wants the record to reflect he is siding with his Planning Commissioner in support of the appeal as it is predicated on the categorical exemption status within CEQA for a scientific instrument. States that is the focus; it is not a wind project. It is premature and inappropriate for elected officials to make decisions before the public hearings are held on a project that has not even been formally submitted yet.

County Counsel Settlemire clarifies the motion includes adopting a resolution; the Board agrees. The motion carries on a roll call vote, with Supervisor Hanson abstaining.

Recess 10:54 – 10:57 a.m.

LASSEN COUNTY CHILDREN AND FAMILIES COMMISSION

Lassen County Children and Families Commission Director Laura Roberts presents information on the 2006-2007

activities of the Lassen County Children and Families Commission as well as an update on 2007-2008 activities to date. The Strategic Plan for 2008-2009 and the Five Year Financial Plan for 2008-2013 is also presented.

Annual Report for 2006/2007 commission considered the top concerns of individuals and families and those were related to health, learning and strong functioning families. Information provided - Home visits: 2100 provided to 97 enrolled families. Oral project: 1,097 children received fluoride varnish and 40 children received hospital dentistry services. There was a decline in visual decay in the mouth of children from 48% to 41%. There were many community events with education, screening and assessment services provided. CARES program: 43 childcare providers participated in the program. Behavioral Health Initiative provided education and training to parents, guardians and caregivers. Childcare providers: 46 received training. Mini grants have provided playground equipment for special needs children, sensory integration equipment for autistic children, curriculum and educational materials for a child care center in Westwood and infant toddler playground equipment for the Doyle Community Park. Over 800 new parent kits were distributed. Information was provided on other programs. The Fiscal Plan was also presented.

VETERANS MEMORIAL BUILDING TASK FORCE - RESIGNATION

It is moved by Supervisor Chapman, seconded by Supervisor Dahle and carried to accept letter of resignation from Larry Rogers as Veterans of Foreign Wars member, Veterans Memorial Building Task Force. Supervisor Chapman suggests the Board come up with a suitable recognition at some future point for him.

PSA 2 AREA AGENCY ON AGING - PROCLAMATION

It is moved by Supervisor Dahle, seconded by Supervisor Chapman and carried to adopt Proclamation proclaiming May 2008 as Elder Abuse Prevention Month and Older Americans Month in Lassen County.

CONSENT CALENDAR

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

COUNTY CLERK ITEM - MINUTES

Approve Minutes of December 18, 2007, January 8, 2008 and January 15, 2008.

ADMINISTRATIVE SERVICES ITEM - PERSONNEL REPORT

Receive and file Personnel Movement Report for March, 2008.

AUDITOR & TREASURER DEPARTMENTS ITEM - REPORT

Receive and file Treasurer's Fund Balance Report and Auditor's verification for the month of March, 2008.

COMMUNITY DEVELOPMENT DEPARTMENT ITEM - PLANNING DIVISION

Approve contract with Wilson, Ihrig and Associates for noise monitoring services at the Honey Lake Motocross Park (Use Permit #2002-017, Wosick) through May 31, 2008, and authorize the CAO to sign.

HEALTH & SOCIAL SERVICES ITEM - COMMUNITY SOCIAL SERVICES / LASSEN WORKS DEPARTMENT

Approve Amendment #1 of the Memorandum of Understanding between the California Statewide Automated System Consortium IV (C-IV) and the County of Lassen and authorize the CAO to sign said memorandum.

PUBLIC WORKS DEPARTMENT ITEM - PUBLIC WORKS / AVIATION

Adopt Resolution No. 08-018 authorizing Submittal of Application, Acceptance of an Allocation of Funds and

Execution of a Grant Agreement with the California Department of Transportation for an Acquisition & Development Grant and certifying the availability of the County's share of matching funds.

ROADS DIVISION

Adopt Resolution 08-019 Certifying County Maintained Mileage for 2007.

TREASURER/TAX COLLECTOR ITEM - REPORT

Receive and file Treasurer's Investment Report for March, 2008.

PRISON TRIAL COSTS ITEMS - PRISON TRIAL COSTS REIMBURSEMENT PROGRAM ITEMS

Receive and file Recap of CCC Prison and High Desert State Prison Trials Cost Reimbursement Billing for April 2008.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Local Agency Formation Commission (LAFCo) of Lassen County meeting agenda for May 12, 2008.
- b. Susanville City Council, Susanville Community Development Agency, Susanville Municipal Energy Corporation meeting agenda for May 7, 2008 and Notice of Call of Special Meeting for Susanville City Council for May 6, 2008.
- c. Lassen County Planning Commission meeting agenda for May 7, 2008.
- d. Lassen County Technical Advisory Committee meeting agenda for May 14, 2008.
- e. Lassen County In-Home Supportive Services Notice and Agenda for May 14, 2008.
- f. Lassen County Transit Service Agency meeting agenda for May 12, 2008.
- g. Lassen County Transportation Commission meeting agenda for May 12, 2008.

COMMUNITY DEVELOPMENT DEPARTMENT ITEM - PLANNING DIVISION

County Counsel Settlemire reports that on Item G4, Use Permit #2002-017, Wosick, he just received the court's decision with regard to the hearing that was held. There was a motion to find the Wosicks, as operator of the track, in contempt of court for violating the noise standards. There was a counter motion to eliminate noise monitoring requirements filed by the Wosicks. To summarize the court's decision, the court decided that the Wosicks were not in contempt of court because there was some ambiguity in the Judge's previous order as to whether or not he intended Table 3 which applies to residential noise standard with regard to impact on residential vs. the commercial property standard. He said because of that, there is enough ambiguity that it is not enough beyond a reasonable doubt so there is no contempt. He did modify Judge Young's previous order to now insert a reference to the part of the use permit that refers to Table 3. The Judge is going to order that the noise monitoring continue through the end of August of this year after which there will be no more noise monitoring. If anybody deems there has been a violation, then they can bring it back to the court based on the data collected between now and August.

ADMINISTRATIVE SERVICES

RECOGNITION COMMITTEE

It is moved by Supervisor Chapman, seconded by Supervisor Keefer and carried to approve the recommended revisions to the Lassen County Recognition Committee Policy #02-P04.

RESOLUTION

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve addition to the agreement between the Lassen County Management Association and the County of Lassen to add the Cell Phone Allowance option and approve Resolution No. 08-021 extending the Cell Phone Allowance to Elected Officials and Confidential employees, with the exception of the Lassen County Board of Supervisors and the Lassen County

Sheriff.

COMMUNITY DEVELOPMENT DEPARTMENT - BUILDING AND PLANNING DIVISION

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried unanimously on a roll call vote to adopt, by title only, Ordinance No. 467-AE implementing revisions to various chapters within Title 18 of the Lassen County Zoning Ordinance and Lassen County Building Code, Title 12, as recommended by the Planning Commission, revising mobile home placement criteria for specific zoning districts; amending Section 18.108.270 (maximum size for second dwelling units); and adding Section 18.108.235 (architectural requirements for buildings within residential zoning districts). The amendments will not change the zoning of any parcel of land.

COUNTY COUNSEL - AGREEMENT

County Counsel Settlemire presents information on a proposed indemnity agreement with Sierra Pacific Industries (SPI) regarding requested zone change of property from TPZ to AF. States Lassen County's ordinances regarding subdivision parcel maps and use permits have a provision that requires an indemnity agreement be entered into between the County and any applicant for that sort of action. There is not a provision in our ordinance for an indemnity agreement with a party who is proposing a zone change. Feels it would be appropriate for that sort of action. Discussions have been held with Counsel for SPI and two versions are presented to the Board. County Counsel had proposed establishing a litigation security fund for up to \$250,000 that would satisfy any adverse court decision if there were a legal challenge. SPI Counsel countered with a proposal they deposit \$25,000 and that amount be drawn against for on-going litigation expenses, being replenished as it is drawn down. That would not provide a fund to respond to an adverse judgment. Suggests the Board may wish to establish a policy requiring this type of indemnity agreement for requested zone changes. Supervisor Chapman states he would like to see an indemnification process established as it is probably good business; requests it be referred back to Counsel's office maybe with Community Development Department's input to generate a broad base policy that applies to all considerations that would be subject to legal challenge by a third party. County Counsel agrees to work on a formal policy to be brought back to the Board.

HEALTH & SOCIAL SERVICES - MENTAL HEALTH DIVISION

Deputy CAO for Health and Social Services Kevin Mannel presents information on the software contract with The Echo Group. (Supervisor Dahle is absent 11:46 – 11:48 a.m.)

It is moved by Supervisor Keefer, seconded by Supervisor Chapman and carried, with Supervisor Dahle absent, to approve agreement with The Echo Group for Electronic Clinical Record Software for FY 2007/2008.

PUBLIC WORKS DEPARTMENT - REPORT

Deputy Public Works Director for Facilities Peter Heimbigner presents a follow up report on an Animal Control request for an increased budget appropriation of \$15,000 for horses that had been seized. He reports on the seizure of animals kept without proper care and attention, surrendered by owner and abandoned (at large) animals as it relates to horses. Reports they have primarily been dealing with seized horses that have to be held until there is an outcome through criminal proceedings. Options available to dispose of an unwanted horse, not subject to court proceedings, are 1) adopt in to a suitable home, 2) relinquish to horse rescue organization, or 3) euthanize. It is optimum to place a horse elsewhere within a week. Cost and care for one horse is about \$1,265/month. Cost to euthanize a horse if about \$294 to \$450.

Discussion is held among Supervisors. CAO Ketelsen will investigate recovering costs from a responsible party.

RESOLUTION

It is moved by Supervisor Chapman, seconded by Supervisor Keefer and carried to adopt Resolution No. 08-022 amending Resolution No. 82/83-88 and superseding Resolution No. 98-004; establishing the official policy and administrative guide for the use of the Susanville Veterans Memorial Building.

INFORMATION FOR THE BOARD

CAO Ketelsen reminds the Board of the 1:30 Harassment Awareness and Prevention Training today at Jensen Hall. Reports there is an LMUD meeting 2:00 p.m. May 14, 2008 on the wind projects. The California Energy Commission (CEC) will be there talking about electric transmission routes through this County, which are needed. There is an Air Board meeting at 3:00 p.m. on May 14, 2008.

CORRESPONDENCE

COMMUNITY DEVELOPMENT DEPARTMENT - PLANNING DIVISION

Receive and file Census Bureau's 2010 Local Update of Census Addresses (LUCA) Program.

TIME WARNER CABLE

Receive and file Notice that negotiations are being held with several programmers serving the communities of Susanville, Lassen County and Burney.

Recess 12:12 p.m. – 1:40 p.m.

STUDY SESSION - SUPERVISOR TRAINING WORKSHOP

Harassment Awareness and Prevention Training:

Workshop is held.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 3:40 p.m. in memory of Milton Bennett, Katie and Elizabeth Morgan, Joe Gardner and John Montgomery.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD