



SUMMARY MINUTES
BOARD OF SUPERVISORS
707 NEVADA STREET, SUSANVILLE
OCTOBER 28, 2008

9:03 A.M. CALL TO ORDER

PRESENT: Supervisors Jack Hanson, Bob Pyle, Lloyd Keefer and Brian Dahle; County Counsel Craig Settlemire, County Administrative Officer (CAO) John Ketelsen, Personnel Director/Risk Manager Ron Vossler and Deputy Clerk of the Board Susan Osgood. Supervisor Jim Chapman arrives at 9:04 a.m.

PUBLIC COMMENT: None.

ANNOUNCEMENT OF CLOSED SESSION: Claims: Claim of Lonnie Barger presented September 2, 2008; claim of David R. Williams presented September 4, 2008 and Craig Stokes presented April 14, 2008. Present – as listed above. Closed Session ends at 9:11 a.m.

9:32 A.M. OPENING CEREMONIES: Following the flag salute, the invocation is offered by Chairman Hanson.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION: Deputy Clerk of the Board Osgood (County Counsel Settlemire) reports the Closed Session dealt with Claims: 1) Claim of Lonnie Barger presented September 2, 2008 – **The Board voted unanimously to reject the claim; notice of rejection to be given.** 2) Claim of David R. Williams presented September 4, 2008 – **The Board voted unanimously to reject the claim since it has been presented to the wrong public entity. Notice of rejection to be given.** 3) Claim of Craig Stokes presented April 14, 2008 - **The Board voted unanimously to reject this late claim. Notice of rejection to be given.**

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS:

Supervisor Keefer request the meeting be adjourned in memory of Ivan Harlan, Kathleen Allen and Mark Murray. The minutes of the October 21, 2008 meeting are not ready and should be pulled.

MOVED BY: Keefer

SECONDED BY: Pyle

UNANIMOUS: Yes

PUBLIC COMMENT:

1) Tom Esgate presents an update on Fire Safe Council projects. Janesville: Thinned 404 acres at \$275/acre which is well below past projects. Good progress was made on that and there is about \$6,000 to \$7,000 left in that grant for mastication; waiting for a weather change. Archery/Childrens: Susanville Fuel Reduction Watershed Restoration Project is almost ready to be wrapped up for the year; had to shut back in early August due to weather. Cutting should be finished today for the year and chipping will be completed. All chipping this year has gone to Honey Lake Power. The total is about 450 acres for this year and there is still some funding left to continue next year. Another grant application was filed with the Western State Fire Managers and have been told we are ranked #1 in the North and #2 in the State; optimistic about receiving another \$150,000. Stones Landing: Project will be "skidded up" in a day or two; chipping to be completed in the next week. Ash Valley: Work continues on project; close to 3000 acres of treatment; will cut as long as they can. Have been producing 20 loads of chips a day for renewable energy since August. Day Lassen Bench: Have about \$50,000 left to extend into next year. The FSC still has a full plate ahead of them. There is a new project to deal with the planning of the Lake Forest area; funding has been granted that will come in effect 2009. Another update is the FSC is doing a presentation at the National Firewise Conference next week on our landscape scale fuel treatments. Tom and

Mark Shaffer will be reporting on how the whole community gets treated on a landscape level. They have been interacting with Firewise over last several years and made formal applications earlier this month for Firewise Community status for Janesville, Susanville, Stones-Bengard and Day Lassen Bench; it will give the FSC some new focus to help land owners. The new Title III the Board will be addressing later in the meeting targets Firewise Communities USA and will speak on the Community Wildfire Protection Plan (CWPP).

2) Jim McCarthy and Jim Hardy of Susan River Fire Protection District (SRFPD) are in attendance. Mr. McCarthy presents an update to the Board since their failed election to raise taxes for the SRFPD. States the District is surviving but he doesn't want anyone to think they're doing fine. States it is hard to find a place to cut with unpaid volunteers. They did retire an older piece of equipment and they will try for the tax again but will make the ballot clearer. Other equipment needs to be updated and upgraded. States there is a need for an "umbrella type" person to pull fire district purchasing together, someone who would organize fire efforts and have purchasing authority, such as Chip Jackson. Chiefs are working together to leverage their efforts. Supervisor Pyle reports that was discussed by the Board of Supervisors during a joint meeting at Jensen Hall. Supervisor Keefer states a proposal should be coming in the next few months to address the issue and CAO Ketelsen responds that a proposal should be ready by December.

3) Noelle Haller-Riggs: Speaks to a comment made by Supervisor Chapman last week about the County getting involved on the issue of pricing of gasoline in this area. States Westwood is \$2.40/gallon for regular and \$2.55 for diesel; Susanville is \$3.499/gallon for regular and \$3.559 diesel. Asks why the difference is so great; believes it is a tax revenue issue because people are getting their gas elsewhere. CAO Ketelsen reports there is a letter going to the Public Inquiry Unit of the Attorney General's office on this issue.

UNAGENDIZED BOARD REPORTS:

Supervisor Chapman: 1) Number one issue is local gas prices. 2) Addresses the issue Vicky Lozano brought to the Board last week regarding the Girl Scouts using the Campfire Girls Cabin. Staff had been working on the matter and it should be completed soon. 3) Attended the annual Highway 36 Town Hill Safety Task Force meeting on October 22 to review progress on the report prepared about 4 years ago to bring about improvements. Most discussion centered on the new barrier wall and enforcement issues. 4) Received a publication from Sierra Nevada Alliance relating to frogs and toads in the Sierra Nevada and California Cascade Mountains. 5) Met with Susanville Fire Chief Stu Ratner and Emergency Services Chief Chip Jackson on October 24 and discussed lobbying for consolidated County help for fire districts as mentioned by Mr. McCarthy. Reports that CAO Ketelsen is working on emergency services which should include fire and ambulance.

PUBLIC HEARING – COMMUNITY DEVELOPMENT DEPARTMENT

Lassen County Building Official Steve Fuller states that after Board adoption of Ordinance 467-AE members of the public and local real estate community requested several issues be brought back to the Planning Commission for further review and discussion.

1) PLACEMENT OF MOBILE AND MANUFACTURED HOMES AND 2) ARCHITECTURAL FEATURES.

Planning Commission recommendation (September 3, 2008 meeting): 1) Would revise the date of manufacture for manufactured homes from 10 years old at the time of permit application in residential areas and 20 years old in all other areas, to allow units that are up to 20 years old at the time of permit application to be allowed anywhere within the county. 2) Architectural Requirements for all permitted buildings within residential zoning districts, areas designated as Scenic Highway Corridors and for dwellings requiring conditional use permit approval. This recently adopted section establishes exterior design requirements such as roof pitch and overhangs and siding materials for

buildings constructed or moved into designated design sensitive areas. The Planning Commission proposed to eliminate the minimum roof pitch requirements in their entirety.

Staff recommendation: 1) Adopt the Commission's age limitation of 20 years with regard to manufactured housing. 2) If the Board retains the Architectural Requirements section, Staff recommends the Board adopt a minimum roof pitch rather than eliminate it. Staff recommends adopting a 4 in 12 roof pitch for the other design sensitive areas of the county. Also, Staff recommends the Board adopt review of exterior colors in design review areas in the absence of specific criteria, if it chooses to retain the Architectural Requirements section of the ordinance.

Suggested Ordinance options are:

- 1) to go back to prior to May Ordinance of 1976 age and no architectural review.
- 2) to go with Planning Commission recommendation of 20 year manufactured housing age limit; no roof pitch.
- 3) direct staff to bring back an Ordinance that reflects the number of years for manufactured home placement, 4 in 12 roof pitch and color restriction clarification.

Tina Cordoba (President, 2008 Lassen Association of Realtors): Thanks the Board for re-hearing this matter and listening to everyone's concerns, especially the age of the homes. Most of their members are in agreement with the 20 years.

Noelle Haller-Riggs (Century 21): Thanks County Counsel Settlemire for communication regarding this issue and helping her become more aware of how to get more involved and thanks Community Development for including her on the mailing list.

Gail Helmer (Sunnyside Homes): Thanks the Board for the time and concern they have shown people in Lassen County. Believes 20 year rule would be acceptable to most people. Asks questions regarding a home with a 3 in 12 roof pitch and is told that would go through the standard design review process.

Annie Westerbeke (Carroll Realty): States the County needs affordable housing. Feels if federal law allows someone to buy a 1976 home or newer unit, a person should be able to have those units installed if it is up to building code, snow load, etc. States she is in favor of allowing 1976 and newer models; does not believe now is the time to limit affordable housing and feels this change would make it more difficult for some people.

Public hearing is closed at 10:22 a.m. Further discussion is held.

Mr. Fuller states that the intent was to not have older units come from out of the area to be placed in Lassen County. If the Board wishes to allow for something that is already in the County and is legally approved and permitted to be moved within the County, that is not addressed in the ordinance and is something that could be put in there if directed.

Mr. Fuller explains that some older manufactured home units did not require basic requirements, such as smoke detectors or Ground Fault Circuit Interrupter (GFCI) receptacles around sinks, and some of the designs did not look as good. The CA Department of Housing and Community Development (HCD) has a different set of rules for manufactured homes and their inspections are done in the factory; their standards are now closer to conventional homes than they used to be. Staff feels color should be part of the design review guidelines. Supervisor Keefer is concerned with a lot of out of county manufactured homes coming into the County; feels there is probably enough existing in Lassen County that could be grandfathered.

ACTION: Supervisor Pyle asks for staff to bring back an Ordinance to include “Option 3 Planning Commission’s Recommendation with Staff Proposals” to includes a 20 year limit for placement of manufactured homes; restriction for in county units and roof pitch of 4 in 12.

MOVED BY: Pyle

SECONDED BY: Dahle

UNANIMOUS: No

AYES: Hanson, Pyle, Keefer, Dahle

ABSTENTIONS: None

NOES: Chapman

ABSENTEES: None

TRAFFIC STUDY

Public Works Director Larry Millar presents information on the procedure of Engineering and Traffic Studies. Studies are required to justify reduced speed limits on sections of roadways. Studies should be completed on a five year cycle. Speed limits are established at or near the 85 percentile speed at which the traffic is moving. In 2006 Traffic Data Services was hired to assist the Public Works Department with the completion of an Engineering and Traffic Survey for Center Road and also trained County staff so the studies could be done with in-house staff. Some of the work was done with other roads added to the list; data has been completed but not finalized. The three trained staff members left the department and the work has not been completed. A Licensed Civil Engineer is required to complete the technical studies. Mr. Millar recommends hiring an engineering consultant to assist Public Works.

Further discussion is held. Supervisor Chapman advises that traffic studies do not guarantee a lowering of speed limits; they often get raised. Resident Barbara White presents information on the traffic issues near Johnstonville Road.

ACTION: The Board requests Public Works Director Millar put out a Request For Proposal (RFP) for a consultant who would be on annual retainer to do speed studies and other engineering projects. The contract would be brought back to the Board of Supervisors for approval.

MOVED BY: Dahle

SECONDED BY: Pyle

UNANIMOUS: Yes

TITLE II AND III PROJECTS

Assistant to the CAO Julie Morgan presents information on the HR 1424 Emergency Economic Stabilization Act (P.L. 110-343), reauthorization of the Secure Rural Schools Act. Under new legislation Lassen County will be receiving Titles I, II and III allocations and the Board needs to decide allocations today in order to meet the November 14 deadline. (Supervisor Chapman is absent 11:03 a.m. – 11:05 a.m.) In the past the County elected to share 85% of the money with roads and schools. Under the new legislation the remaining 15% must be allocated to Title II and/or Title III and there can be no more than 7% of these funds now allocated to Title III for Lassen County based on the dollar amount received under the 15%. If the Board does not allocate the 8% to Title II, it would have to be returned to the Department of Treasury. Notes that authorized uses for Title III funds have changed and have become more restrictive. Ms. Morgan states that it appears that the school programs (after school program and nature camp) will not qualify under the new Secure Rural Schools Funding although they will still get their portion of Title I. Title III funds lean towards firefighting efforts, Firewise communities and wildfire protection plans.

Lassen National Forest Community Liaison Heidi Perry McCourt reports this is a big national push to get homeowners educated and feels Congress is encouraging counties to fund those programs. There is no other pot of money for Fire Safe Councils to go to for communication efforts.

Ms. Morgan reports that Ryan Yates of NACo indicated Lassen County will be receiving an additional \$199,243 for Payment in Lieu of Taxes (PILT) in the next 4-6 weeks and that there should be no impact to PILT based on the decision to allocate money between Title II and Title III. Christine Nota of the U.S. Forest Service did not yet know if counties could continue to spend Title III allocation that was received prior to new rules. Title III funding will need to be spent or obligated by September 30, 2012 or it will be sent back.

Further discussion is held.

Ms. Perry McCourt reports that the after school program is already being looked at for funding through the Sierra Nevada Conservancy (SNC) and also through a Lassen Lands and Trails Trust program. It is anticipated it would be kept at the same level as the past year or maybe even increased. The Superintendent of Schools should also be eligible to apply for SNC funding. There are a number of Resource Advisory Committee (RAC) members that are still interested and a full RAC will be re-instituted immediately. Merrillville Road resident Maralee Perez asks if Title III funds can be used to educate homeowners for fire safety through the students or incorporate that training in the nature program. Ms. Perry McCourt states that the Lassen County Fire Safe Council initiated a homeowner education program this summer; with Tom Esgate's lead, they are looking to institute a sixth grade education program. They can look for Title III funding for that.

ACTION: 1) Designate 15% of Secure Rural Schools payments to be allocated to Title II and/or Title III projects;

2) Allocate the portion of funds received for projects through Secure Rural Schools payments of 15%.

Title II 15 % Title III 0 %

3) Adopt resolution **No. 08-048** allocating 15% Secure Rural Schools Payments to Title II and/or Title III Projects; and

4) Adopt resolution **No. 08-049** designating the percentage to be allocated from the 15% Secure Rural Schools Payment to Title II Projects and Title III Projects.

MOVED BY: Keefer

SECONDED BY: Dahle

UNANIMOUS: Yes

The Board thanks Ms. Morgan for doing such a good job.

CONSENT CALENDAR

Item G6 Public Works Bid Award is pulled by Supervisor Dahle as he must abstain. Item G9 Minutes are pulled until a future meeting.

ACTION: Take the noted action on the following Consent Calendar items:

MOVED BY: Dahle

SECONDED BY: Pyle

UNANIMOUS: Yes

BOARD OF SUPERVISORS ITEM - VETERANS DAY PROCLAMATION.

Adopt Veterans Day proclamation.

PUBLIC WORKS DEPARTMENT ITEM - RESOLUTION

Adopt Resolution No. 08-050 establishing Pledge of Revenue for Financial Assurance on the Gravier Pit, CA Mine ID#91-18-0028, in the amount of \$83,954.93.

RESOLUTION

Adopt Resolution No. 08-051 establishing Pledge of Revenue for Financial Assurance on the Westside Pit, CA Mine ID#91-18-0043, in the amount of \$88,975.90.

RESOLUTION

Adopt Resolution No. 08-052 establishing Pledge of Revenue for Financial Assurance on the Eagle Lake Pit, CA Mine ID#91-18-0031, in the amount of \$37,785.11.

RESOLUTION

Adopt Resolution No. 08-053 establishing Pledge of Revenue for Financial Assurance on the Standish Pit, CA Mine ID#91-18-0030, in the amount of \$294,266.57.

BID AWARD

Award bid for Liquid Propane for various County facilities to Ed Staub and Sons (Susanville), the lowest bidder, in the amount of \$0.429/gallon (firm margin above BPN) for the Bieber and Ravendale areas, \$0.399/gallon (firm margin above BPN) for the Doyle and Westwood areas,

SHERIFF - 911 SYSTEM

Assistant Sheriff Dean Growden presents information on the request to enter into a contract for the California 911 system for Lassen County. The plan is to replace the existing 911 equipment for the Primary Public Safety Answering Point (PSAP) for the California 911 system for Lassen County, using State 911 funds that are available. The State's contract to maintain the existing equipment expires November 27, 2008. They will be coming back to the Board in the near future regarding another back up system that does not rely on the phone lines.

ACTION: 1) Authorize the Sheriff to enter into agreement with the California Department of General Services for the provision of 911 answering services for a period of five years.
2) Approve proposed upgrade to the existing 911 equipment in the public safety answering point (PSAP) which is funded directly by the California Department of General Services.
3) Authorize the expenditure of \$10,383.15 for the purchase of radio control interface equipment to integrate the new 911 equipment with the Sheriff's existing radio system.
4) Authorize the expenditure of \$5,684.40 for other equipment related to the equipment upgrade. These funds (\$5,684.40) will be reimbursed by the Department of General Services after the project is completed.

MOVED BY: Pyle

SECONDED BY: Keefer

UNANIMOUS: Yes

COUNTY ADMINISTRATIVE OFFICE - GRAND JURY RESPONSES

CAO Ketelsen presents a letter to the Presiding Judge of the Superior Court in response to the 2007/2008 Grand Jury Report. Spelling and grammatical corrections to letters are discussed. Supervisor Chapman comments on Chief Probation Officer Letha Martin's letter regarding grants for equipment and would like to have a discussion item on an agenda in response to this comment, as he is not aware of a Probation request for acquisition of this type of equipment. CAO Ketelsen states there has not been a request made to him.

ACTION: Authorize Chairman to sign corrected letter forwarding Grand Jury responses to Superior Court Judge.

MOVED BY: Chapman

SECONDED BY: Pyle

UNANIMOUS: Yes

UNAGENDIZED REPORTS – Continued

Lloyd Keefer: 1) Attended the Fair Advisory Board meeting October 21. Their next meeting will be held November 13 because of the holidays. 2) Sylvia Milligan called and she has a group working with the valley counties, particularly Shasta, addressing the Off Highway Vehicle issues with the Forest Service. Shasta County would like to host a joint meeting. Supervisor Pyle states the proposed meeting was cancelled. 3) As mentioned earlier, RAC has been re-constituted; he would be willing to continue representing the County. The Board agrees. 4) Designates the following from his discretionary funds: \$250 to the Lassen County Humane Society and \$250 for the Lassen County Library District.

Brian Dahle: Represented the Board at ribbon cutting ceremony on the Modoc line; several agencies were represented.

Bob Pyle: 1) States his concern with the Sacramento Bee not being delivered in Susanville; is not sure if it will still go to vending machines. Requests CAO write a letter to the Sacramento Bee. 2) Reports there will be a Pine Creek CRMP meeting and tour next month; will bring further information back to the Board.

INFORMATION FOR THE BOARD

CAO John Ketelsen reports: 1) Reports on a California Highway Patrol letter that seems to be suggesting a criteria for recognition of the roads that the Board wants Public Works to approve for Off Highway Vehicle (OHV) joint use designation. It seems they are suggesting the Board adopt the same policy they use. CAO Ketelsen will bring that back with a recommendation. 2) There will be a state wide task force meeting on renewable energy transmission initiative. Assistant Community Development Director Joe Bertotti has been designated to attend. They are working on

a report that will identify the competitive renewable energy zones that Lassen County would be a part of. CAO Ketelsen will advise the Board members of a “webinar” for interested parties.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:04 p.m. in memory of memory of Ivan Harlan, Kathleen Allen and Mark Murray.

Chairman of the Board of Supervisors

ATTEST:

Susan Osgood, Deputy Clerk of the Board