

BOARD OF SUPERVISORS

SEPTEMBER 9, 2003

The Lassen County Board of Supervisors convene in Regular Session at 9:06 a.m. Chairman Chapman 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 9:08 a.m. for a conference with Labor Negotiator Andy Whiteman: United Public Employees of California (UPEC).

Present in the Closed Session are Supervisors Jim Chapman, Lloyd Keefer, and Jack Hanson; Assistant County Counsel Craig Settlemire, County Administrative Officer Andy Whiteman, Personnel Director Lynne Margolies and County Clerk Theresa Nagel. Supervisor Pyle enters at 9:11 a.m., and Supervisor Dahle enters at 9:12 a.m. Closed Session is recessed at 9:31 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, September 9, 2003, at 9:35 a.m. Present: Supervisors Robert Pyle, Jim Chapman, Lloyd Keefer, Brian Dahle, and Jack Hanson; Assistant County Counsel Craig Settlemire, County Administrative Officer (CAO) Andy Whiteman and County Clerk Theresa Nagel. Following the flag salute, the invocation is offered by Supervisor Chapman.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The County Clerk announces the Closed Session dealt with a conference with Labor Negotiator Andy Whiteman: United Public Employees of California (UPEC) - it was moved by Supervisor Keefer, seconded by Supervisor Hanson and carried unanimously to ratify the final three year agreement concluding labor negotiations with UPEC and authorize the CAO to sign the MOU.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Chapman requests that Item H-5, draft response to Grand Jury, be moved to the September 23rd agenda.

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

PUBLIC COMMENT

CDF Unit Chief Don Posten briefs the Board on the Diane Drive Fire (209 acres). He commends the residents for maintaining the thirty foot

clearance around their homes as this made the difference in saving six or seven residences.

He provides information on the use of local water tenders on CDF fires in the north county. He states that CDF uses local fire department water tenders first, then turns to private providers. In regard to recent fires he states that only one out-of-the-area water tender was used by CDF. He notes the Forest Service had a big fire and did use water tenders from out-of-the-area.

UNAGENDIZED BOARD REPORTS

1. Supervisor Dahle reports they held a Family Resource meeting last night and notes the progress on the Family Resource Center is going good. He states there was a lot of discussion regarding CPS issues and it sounds like with Dr. Gauthier in charge things are really improving.

2. Supervisor Dahle reminds the board members the RCRC Board Meeting will be held here next week on Wednesday and Thursday.

3. Supervisor Keefer notes a Forest Service RAC meeting will be held next Thursday and will include a field trip.

4. Supervisor Keefer has heard some complaints relating to office hours for some offices that serve the public and he wants the CAO to do a survey of office hours.

5. Supervisor Keefer wants to address the lack of parity between the assistants in the Auditor, Treasurer/Tax Collector and County Clerk offices. He wants the Personnel Director to identify differences in salary ranges between these positions and all other comparable positions. He also wants information relating to the Fair Manager compared with other comparable positions.

6. Supervisor Keefer announces completion of the 2-5 year old playground at Janesville Park and notes the 5-12 year old playground equipment went out for bid today. In regard to improvements to the ballfield it is now required that a fee be paid to Lahontan Water Quality Control Board for their review of the project. They have been told this is an existing ballfield, but the control board response is that soil disturbance of one acre or more comes under their review.

7. Supervisor Keefer notes that he just got new hearing aids and is amazed at what he can now hear.

8. Supervisor Dahle informs the board members the State Assembly has passed a parcel fee of \$70 per parcel for State Responsibility Area (SRA) fire protection. This bill is on its way to the Senate. Supervisor Keefer explains that timber, rangelands and watershed fall into SRAs. He notes that CDF has a map of these lands. Supervisor Dahle states this will be a significant impact to Lassen County. He wants a copy of the Board's opposition resolution sent to Rico Oller and he wants each board member provided a copy of the SRA map.

9. Supervisor Hanson reports: on the PSA II meeting; that staff is working on the LRA property exchange; a BLM RAC meeting will be held September 26th and 27th; Laura Roberts and Barbara Tiner met with Herlong area residents regarding a family resource center. He requests that an item be placed on the next agenda to discuss a family resource center in Herlong.

10. Supervisor Pyle attended the Highway 44 Fencing Committee meeting last week and reports that a local rancher will use his workers to build the fence which will be a big savings over having to pay prevailing wage. He also notes they will be submitting an application for Title II Funds.

11. Supervisor Chapman reports on the CalTrans Deal (District Eastside Advisory) meeting that he attended.

12. Supervisor Chapman feels we need to be proactive by monitoring the trailer bill that contains Rural Crime funding.

13. Supervisor Chapman reports on the work he and Supervisor Keefer have been doing on the response to the Grand Jury Report.

CONSENT CALENDAR

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

COUNTY CLERK ITEM

Approve minutes of August 26, 2003.

COUNTY CLERK - PROPOSITION 65 REPORT ITEM

Receive and file report #03-05, filed by Environmental Scientist Mike Whipple, R.E.H.S.: NOTIFICATION OF HAZARDOUS MATERIALS RELEASE: On August 26, 2003, Lassen County Environmental Health Department received notification from AEI Consultants that contaminated soil and water was discovered at the Union 76 gas station, 1001 Main Street, Susanville. The time of release of petroleum hydrocarbons and the extent of contamination is not known. The project will be referred to the Lahontan Regional Water Quality Control Board for further investigation and remediation.

AUDITOR'S ITEM

Reject all bids for the A87 Cost Plan, State Mandated SB90 Claims, Property Tax Administration Fees and Jail Booking Fees Calculation Services; and authorize the auditor to negotiate for services to provide A87 Cost Plan, State Mandated SB90 Claims, Property Tax Administration Fees and Jail Booking Fees Calculation Services.

AUDITOR AND TREASURER DEPARTMENTS ITEM

Receive and file Treasurer's Investments Report and Auditor's verification for the month of June, 2003 and Treasurer's Investments Report for the month of July, 2003.

PRISON TRIALS COST REIMBURSEMENT PROGRAM ITEMS

Receive and file recap of CCC Prison Trials Cost Reimbursement Billing for the month of August, 2003; High Desert State Prison Trials Cost Reimbursement Billing for the month of August, 2003.

PUBLIC WORKS DEPARTMENT ITEM

Award bid for the purchase of used 1996 Caterpillar 140H Motor grader for the Public Works Department to Cashman Equipment Company, Sparks, NV, the lowest bidder meeting specifications, in the amount of \$90,027.

TREASURER ITEM

Receive and file Treasurer's Fund Balance Reports for June and July, 2003.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Lassen County Technical Advisory Committee meeting revised agenda for September 2, 2003.
- b. Lassen County Transit Service Agency meeting agenda for September 8, 2003.
- c. Lassen County Transportation Commission meeting agenda for September 8, 2003.
- d. Lassen County Mental Health Advisory Board meeting agenda for September 9, 2003, and unapproved minutes of August 12, 2003.

COMMUNITY DEVELOPMENT DEPARTMENT

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to adopt Resolution No. 03-062, authorizing submittal by Lassen County of a grant application for \$1,200,000 of available grant funds for the per capita grant program under the California Clean Water, Clean Air, Safe Neighborhood Parks, and Coastal Protection Act of 2002.

PUBLIC WORKS DEPARTMENT

It is moved by Supervisor Dahle, seconded by Supervisor Keefer and carried to approve Fiscal Year 2003-2004 Road Department Budget in the amount of \$5,228,065 - Road Operating Fund, and \$11,202,065 - Road Construction.

It is moved by Supervisor Keefer, seconded by Supervisor Dahle and carried to approve the Project Study Report (PSR) that has been prepared by CalTrans for improvements to U. S. Highway 395 in the area

of Johnstonville School; and indicate Alternative 5 as the preferred alternative.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to approve the standard lease agreement with Igor Vasey, for Airport Hangers, Herlong Airport; and authorize the Chairman to sign the agreement.

Recess 10:34 - 10:43 a.m.

BOARD OF SUPERVISORS

Annual Evaluations Report:

Personnel Director Lynne Margolies presents a report on the current status of annual employee performance evaluations. Supervisor Chapman discusses the importance of performing regular evaluations and also the part it plays in reviewing job duties in relation to job descriptions. He states if the Personnel Director has a problem with department managers performing the evaluations, that information needs to be relayed to the Board. Supervisor Keefer feels every employee should be evaluated every year and job descriptions should be reviewed along with the evaluation.

Agricultural Commissioner Recruitment:

CAO Whiteman reports that a letter (140 letters) was sent to every certified agricultural commissioner registered with the State, to see if they were interested in applying to be Lassen County's Agricultural Commissioner. As of this date the only application received is from the current person holding that position. Chairman Chapman directs the recruitment be left open and that the current Agricultural Commissioner will continue in the position.

CHILD PROTECTIVE SERVICES REPORT

Interim Health and Human Services Director Tom Gauthier presents a written interim report to the Board on Child Protective Services (CPS). He states the team that is currently in place is a very professional team led by Debbie Henson. He has been working with the State and the condition of CPS over the past two years could have led to the State shutting down, taking over the program and billing the County. The State is very happy with what is now happening and they are being very helpful to the department. He states he will be presenting a more in-depth report to the Board. He wants to see hard lessons learned and the entire department restructured based on what is learned.

Supervisor Dahle is excited with what he is hearing from schools and others that are involved with CPS as it appears things are really

improving.

Dr. Gauthier notes he has found conflicts between the Penal Code and the Health and Safety Code which guides HHS activities. For instance the judge will make orders and mental health will not be able to legally comply. He will be working with the judges to establish protocol to bridge these legality gaps.

INFORMATION FOR THE BOARD

CAO Whiteman reports a replacement for Veterans Service Officer Chet Streible has been hired - Larry Rogers.

Chairman Chapman does not want to see Larry's daytime responsibilities impacted by his outside activities. Interim Health and Human Services Director Tom Gauthier feels very comfortable with this not being a problem.

CORRESPONDENCE

1. A letter is received from Northern California EMS, Inc. advising that state funding has not been reduced and counties will not be called upon for a fee increase at this time; however, this does not eliminate the possibility of a mid-year reduction from the state.

2. A copy of letter from Pit River Rod & Gun Club President Chester L. Wolter to the Department of Fish & Game stating the club's opposition to the purchase of land (adjoining the Ash Creek Wildlife Area or anywhere in the Big Valley area) as not being justified as there are unfilled positions in Modoc and Lassen Counties, is received. Supervisor Dahle wants the Board to adopt a policy resolution that no property be purchased by the State or Federal Government if there is not adequate money to manage the land. He also wants to have a mechanism in place, like Modoc County has, for notification to the Board of Supervisors by any public agency prior to acquiring land, change in land use or change in management of land, within the County.

3. A letter from Recreation Outdoors Coalition (ROC) Chairperson Sylvia Milligan requesting the board send a letter to Lassen National Forest Supervisor Ed Cole asking what progress has been made on the proposed 130 mile all-inclusive year round trail around Mt. Lassen and Lassen National Volcanic Park, is received.

Chairman Chapman directs staff to generate a letter to the Forest Service for placement on a future agenda.

STATE FAIR EXHIBIT

Virginia Lemke displays the Gold Award and Best Craftsmanship Award ribbons received for the County's State Fair Exhibit.

Chairman Chapman presents appreciation plaques to the following agencies/individuals: Employees of California Correctional Center, Correctional Instructors Stephen B.Dandridge and Gary D. Hansen, Leslie's Jewelry, Picture Perfect Custom Framing, Feather Publishing and Lassen County Times, Sierra Pacific Industries, Lassen Transfer and Storage.

UNAGENDIZED BOARD REPORTS CONT.

14. Supervisor Chapman requests the meeting today be adjourned in memory of Roy Deal.

Noon recess 11:40 a.m. - 1:31 p.m. Assistant County Counsel Craig Settlemire is not present.

BUDGET WORKSHOP

Sheriff Freitas informs the board members the Rural Crimes money is in jeopardy because there has not been a trailer bill passed and the legislature will adjourn Friday. This will mean the elimination of six positions.

CAO Whiteman states that \$614,000 is needed to balance the budget, but he does not anticipate the need for the full amount due to the conservative revenue estimates and the past history of underspending budget requests.

Discussion is held on the possibility of not receiving VLF fees (backfill) which will be a huge hit to the county.

CAO Whiteman states that he has received a very, very late request for a budget increase for the Community Development-Building Division budget. Community Development Director Robert Sorvaag asks for the increase to hire an additional, part-time/temporary building inspector because of increased workload and one employee's medical time off. He shows that revenue and building permits are up 20-34% and he expects it to continue to increase.

Supervisor Keefer feels if permit activity and revenue does not continue to stay up then any new employee position should be laid off.

Chris Beard informs the board members that an additional \$17,000 from reserves will be needed to add this position.

Supervisor Dahle states he is not in support of this.

Chris Beard and Karen Fouch present information on what the peace officers retirement (3% at 50) will cost (\$142,159).

Sheriff Freitas asks the board members to consider that his budget has already lost \$284,000 to the general fund, from A87 and prepaid health. If the additional amount is cut it will mean the loss of three deputies and if Rural Crimes dollars are lost then six more deputies will be lost. Further discussion is held.

District Attorney Bob Burns states he has substantial staffing issues due to a substantial increase in the caseload. The number of cases submitted from law enforcement for review have steadily increased (00/01-2300, 01/02-2800, 02/03-3400). He reviews grants available and expects a \$40,000 hit in the contracts fund.

Supervisor Chapman suggests in regard to the Benjamin Silva Death Penalty Case the funding and expenses be setup as a separate account. (Assistant County Counsel Craig Settlemire enters at 2:40 p.m.)

Mr. Burns is asking for an additional three positions, one investigator, one clerical and one attorney.

In-depth discussion is held between board members and the District Attorney.

Supervisor Dahle states that he will not be supporting the request for additional positions because there are too many needs in the county.

Following further discussion, Supervisor Pyle states that he does not know where the money could come from to fund additional positions for the District Attorney.

Chairman Chapman states it looks like there is not the votes to grant the additional request (\$177,000) and therefore this will have to be put on hold and if things go better than expected then maybe later a change could be made.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 3:43 p.m. in memory of local businessman, and native of Susanville, Roy Deal.

CHAIRMAN OF THE BOARD OF

SUPERVISORS

ATTEST:

THERESA NAGEL, CLERK OF THE BOARD