

BOARD OF SUPERVISORS

AUGUST 14, 2007

The Lassen County Board of Supervisors convenes in Regular Session at 9:06 a.m. Chairman Dahle asks for public comment and no comments are received. Deputy Clerk of the Board Susan Osgood announces the Closed Session items and the Board recesses to Closed Session at 9:06 a.m. to discuss: Employee performance evaluation: Fair Manager, Jim Wolcott.

Present in the Closed Session are Supervisors Brian Dahle, Bob Pyle, and Lloyd Keefer; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, and Deputy Clerk of the Board Susan Osgood. Supervisor Hanson is absent. Supervisor Chapman enters at 9:08 a.m. Closed Session is recessed at 9:38 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, August 14, 2007, at 9:41 a.m. Present are Supervisors Brian Dahle, Robert Pyle, Jim Chapman, and Lloyd Keefer; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, County Personnel Director/Risk Manager Ron Vossler, and Deputy Clerk of the Board Susan Osgood. Supervisor Hanson is absent. Following the flag salute, the invocation is offered by Supervisor Dahle.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

The Deputy Clerk of the Board announces the Closed Session dealt with discussion on Employee performance evaluation: Fair Manager, Jim Wolcott. The evaluation is "awesome and excellent".

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

County Clerk Julie Bustamante requests item H1 reclassification and job description for Senior Recorder position be postponed until the next meeting.

Supervisor Chapman requests the meeting be adjourned in memory of Ed Williams of Kansas who is the father of Shayla Ashmore.

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

PUBLIC COMMENT

1. Susanville resident Phil Nemir states he was unable to attend the last meeting regarding the Dyer Mountain Project and presents a letter to the Board with his suggested changes to the environmental document. He states his analysis of the project is based on promises made before Measure V was passed that should be in the Development Agreement (DA) but are not. One main point is that 60% of the land would remain in open space and the four season mountain resort would exceed all standards required by

state and federal jurisdictional agencies; this information needs to be in the DA. He is opposed to the parcel split and he does not feel the County has enough say in what part of the project should go first. If the projects are not contiguous it would stretch County staff too far. Mr. Nemir feels the project is too big and many people have stated they voted for a smaller project. He is also concerned about a section in the DA called "the priority of enactment" that does not appear to be correct. He would like the Developer to have a fund with enough money to always be ahead of the expenses incurred by the County; and he does not see a clause stating what the penalty would be if the Developer does not perform adequately. He wants an agreement that would protect the County and the citizen of the County.

Supervisor Chapman points out a correction to Mr. Nemir's document. On page 2, of Mr. Nemir's document he discusses the "Mitigation/Development Agreement". Under #2, he refers to Page 4, Section 1.1, where the document states "more than 60% of the land area will remain in open space." Then also on Mr. Nemir's page 2, under #4, he states that on Page 7, Section 2.1 of the Mitigation/Development Agreement states "on not more than 60% of the total land area." That is incorrect and should read "40%"; Mr. Nemir agrees with that correction.

CAO Ketelsen asks Mr. Nemir about his objection to splitting the parcels into 13 different ones. Mr. Nemir states he feels the development would lack cohesiveness. Mr. Ketelsen asks Mr. Nemir if the DA spelled out more County control over the phasing would he be less concerned. Mr. Nemir responded that some phrasing should be in place that required that parcels be contiguous and not scattered.

2. Deputy CAO for Health and Social Services Kevin Mannel responds to an article in today's Lassen County Times regarding medical marijuana and thanks Shayla Ashmore for the accuracy of her report but states some things have changed since they last spoke. On June 26, 2007 the Board of Supervisors adopted a resolution implementing the California Statewide Medical Marijuana Identification Card Program and fee, with the additional wording "Not valid under federal law" on the front of the card in red ink. The identification cards do come back to the Lassen County Public Health Department so stickers can be put on the cards and the recipients can be counseled again. Mr. Mannel believes that Public Health will be able to comply with the intent of the Board of Supervisors and not conflict with the intent of the Medical Marijuana program on the State level.

Supervisor Chapman states he appreciates Mr. Mannel's presentation, the work he has done following through with the Board's request and also Shayla's article in the Times today.

3. Poet Laureate Violet Stout states she received a letter from the Library of Congress in Washington; she also states the County needs to be careful if they do put in a swimming pool because of all the laws regarding them.

CONSENT CALENDAR

Supervisor Chapman requests that item G2 Treasurer's Fund Balance Report be removed for separate consideration.

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

COUNTY CLERK ITEM - MINUTES

Approve Minutes of June 12, 2007 and June 19, 2007.

CHILD SUPPORT SERVICES ITEM - RESOLUTION

Adopt Resolution No. 07-036 proclaiming August, 2007 as "Child Support Awareness Month".

HEALTH & SOCIAL SERVICES ITEMS

CHILD HEALTH AND DISABILITY PREVENTION PROGRAM PLAN

Review and approve the Child Health and Disability Prevention (CDHP) Program Plan for FY 2007/08; and authorize the County Administrative Officer to execute the plan document.

SALARY AGREEMENT

Approve the Negotiated Salary Agreement with Dr. Shepard Greene for 2007, and authorize the County Administrative Officer to execute the agreement.

PUBLIC WORKS DEPARTMENT ITEM - AGREEMENT

Approve the "Agreement Between the County of Lassen and Bartig, Basler and Ray, LLP" for transportation audit services and authorize the Director of Public Works to sign the Agreement upon approval by County Counsel.

TREASURER/TAX COLLECTOR ITEM - REPORT

Receive and file the Treasurer's Investment Report for July 2007,

PRISON TRIAL COSTS REIMBURSEMENT PROGRAM ITEMS

Receive and file the Recap of CCC Prison and High Desert State Prison Trials Cost Reimbursement Billing for July 2007.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Susanville City Council Meeting agenda for August 1, 2007 and minutes for April 18, 2007 and April 25, 2007.
- b. Lassen County Alcohol and Drug Advisory Board Meeting agenda for April 12, 2007 and minutes for March 29, 2007.
- c. Application for Alcoholic Beverage License: Anthony's Mountain Market, 324 Ash Street, Westwood.
- d. PSA 2 Area Agency on Aging Advisory Council Meeting agenda for July 27, 2007 and PSA 2 Area Agency on Aging Executive Board Meeting agenda for August 6, 2007.
- e. Lassen County Planning Commission Agenda for July 24, 2007.
- f. Lassen County Technical Advisory Committee Meeting agenda for August 8, 2007.
- g. Big Valley Newsletter and Calendar for August 2007.

h. Local Agency Formation Commission (LAFCO) of Lassen County meeting agenda for August 13, 2007.

AUDITOR & TREASURER DEPARTMENTS ITEM – REPORT

Supervisor Chapman states that last month's Fund Balance Report did not balance by \$7,749.16 and it was discharged as a systems error. There has to be a reason why the numbers did not match. This month's report states the error was isolated to Fund 4025 which is being out of balance due to the fact that some checks were being posted twice and the computer programmer has fixed the error. Supervisor Chapman thanks the Auditor's staff and the Treasurer's staff.

It is moved by Supervisor Chapman, seconded by Supervisor Keefer, and carried unanimously, to receive and file Treasurer's Fund Balance Report and Auditor's verification for the month of July 2007.

UNAGENDIZED BOARD REPORTS

1. Supervisor Chapman requests CAO Ketelsen schedule the Group Home renovation project for an upcoming meeting. It was brought to his attention that there were problems with the plans and some building code issues after the bid was awarded. He would like to find out what happened and what is being done to prevent this from happening in the future.
2. Supervisor Chapman reports on a PSA 2 meeting he attended in Burney. There were some audit issues with Senior Legal Services with PSA 2 Area Agency on Aging and the California Department of Aging; County Counsel has been advised.
3. Supervisor Chapman requests that the Resolution #98-038 setting forth the Board of Supervisors Rules of Procedure be brought back at a future meeting for review and discussion.
4. Supervisor Keefer reports he attended the Lassen County Resource Advisory Committee (RAC) meeting last week. On June 26, 2007 the Board of Supervisors indicated they wanted to allocate some monies to Title II this year and advertising was done for projects. (Supervisor Chapman is absent 10:14 – 10:16 a.m.) Eleven proposals were received for a total of \$722,000. The total RAC amount expected this year is about \$590,000. RAC did a priority rating of all eleven projects. Six projects were Rank 1, the highest priority projects (totaling \$348,000); three projects were in Rank 2, which would be the second tier (about \$239,000) and two projects were not recommended by RAC to the Acting Lassen National Forest Supervisor. A meeting will be held August 16 with Acting Forest Supervisor Walton and the recommended projects will be presented for his approval. A decision needs to be made before the end of September.
5. Supervisor Keefer reports that Fish and Wildlife Service has been looking at possibly listing Eagle Lake Trout as endangered. Lassen County Fish and Game Commission member Paul Chappell told Supervisor Keefer the Commission had written a letter to the Fish and Wildlife Service expressing their opposition to potential listing of the Eagle Lake Trout and requesting a reply. Supervisor Keefer requests the Board address this issue at the next meeting.

PUBLIC HEARING - COMMUNITY DEVELOPMENT DEPARTMENT – BUILDING DIVISION

Chairman Dahle opens the Public Hearing at 10:19 a.m. Lassen County Building Official Steve Fuller presents information to the Board on proposed Ordinance No. 482-A-7 regarding building fees. All County fees are supposed to be located in Title 3. Over the years some building fees were put in Title 12, the County's Building Ordinance, and some fees in Title 3. The proposed Ordinance would revise some fees to more accurately reflect the services rendered and would put all fees into Title 3 where they can be easily found. A fee analysis is presented. The Building Division bases fees on the International Code Council's Building Valuation Table which is also presented.

Four areas of service requested to be updated are: 1) Document Scanning Fee: There is a need to scan documents; Ordinance would amend fee to include inspections, permit, Certificate of Occupancy, etc. 2) Steel buildings: These require fewer inspections than a stick built structure; fee would be less and would still cover costs. 3) Projects not listed in the Valuation Table: Re-roofs, heating stoves and tanks are not currently covered and should be. 4) Fee for Notice of Cancellation: There is currently no fee for this; would cover time and travel of Code Enforcement Officer. Another proposed fee would be for projects that are started but get withdrawn; there is currently no fee right now but it is proposed to collect a \$25 administration fee.

Lengthy discussion is held. CAO Ketelsen states that he has requested Conrad Montgomery do a study of how things are organized in the Community Development Department such as a peer review of the department. Supervisor Chapman states he appreciates Mr. Fuller's efforts and feels he is very diligent in his job. However, he feels the system is flawed; there is no provision for conflict resolution and how it impacts the time spent on any project. If a permit goes through without problems that person is paying the same amount as someone with a difficult project that takes more time. He states the Department would be taking 100% of the time in charges and the cost of having the workforce deployed, then would divide that by the number of permits at a certain point in time, but since not every permit goes perfectly, there should be some way of balancing out the cost of projects that are troublesome. He would like to see an analysis of how to filter out the impact of the system so the client is not needlessly paying for problems that arise. CAO Ketelsen states that conflict is part of every business and the cost has to be absorbed. Efforts will be made to streamline the process and avoid conflict as much as possible. It could be said that the person with no permit problems is paying for some of the ones that do have conflict. There is no way to come up with a fee schedule that would make the person with a difficult permit pay more because it requires more staff time. Mr. Fuller's methodology averages that out for each of them to pay some of the cost. Further discussion is held. The Public Hearing is closed at 11:03 a.m.

Supervisor Keefer states he is unclear on the analysis part of the matter but he feels the fees collected by the users should pay for services; the General Fund and other taxpayers should not be supporting this program. Supervisor Chapman states he does have concerns about what is included as part of what is charged back to the customer and the appropriateness of that. He is not in favor of altering or changing any fees in any

departments until the budget has been presented. Supervisor Dahle does not feel the budget will make a difference as the fees are based on the number of permits vs. the service provided. Supervisor Pyle states that the fee increases should cover the increase in cost to do business. Supervisor Keefer states he does not see what good it would do to wait until after the budget is presented.

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried, with Supervisor Hanson absent, and Supervisor Chapman voting NO, to introduce and adopt Ordinance No. 482-A-7 implementing the amendments as proposed:

Revision to Lassen County Code; Title 3 amending Section 3.18.090 "Building Inspection Fees". This revision would amend Section 3.18.090 to reflect the inspection fees currently found in Section 12.24.060 and repeal Section 12.24.060. This revision would also include updates of the "Document Scanning Fee", the fee charged for steel buildings and for projects for which fees are not established in the Building Valuation Table. Also to include the establishment of a "Notice of Cancellation" fee to remove a "Notice of Non-Compliance" from a property's title and an "Administration Fee" for withdrawn projects.

BUDGET

The public hearing for the Budget is not opened. CAO Ketelsen explains that although it was advertised for today, there are time constraints between opening and closing the public hearing. In recognition of the State's difficulty in adopting a timely budget the Board of Supervisors passed a resolution (#94-104) extending the time for the County to adopt its budget. Section 29081 governs the public hearing aspect and allows the Board to postpone the period of time within which the public hearing is opened either one time or permanently. The proposal before the Board today is to 1) set September 11, 2007 as the Public Hearing date; and 2) adopt one of the Resolutions presented to extend the time for the Public Hearing to September 18 either for this year only or permanently.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer, and carried, with Supervisor Hanson absent, to adopt Resolution 07-037 to extend time for the public hearing no later than September 18 of each year.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer, and carried with Supervisor Hanson absent, to set the public hearing for the budget on 9/11/2007.

COUNTY COUNSEL

CAO John Ketelsen presents information on the agenda item regarding an assignment of option to purchase contained in lease of premises at 1410 Chestnut Street, Susanville (Alcohol & Other Drug Programs building) from Lassen County to Lassen County Office of Education. He states this agenda item was previously discussed by the Board in closed session. (Supervisor Chapman is absent 11:18 -11:20 a.m.) County Counsel Settlemire states that during the closed session the Supervisors decided to direct the real property negotiator to work with the County Office of Education on this matter. A proposed agreement is part of the packet. The ten-year lease began a year ago and contained an option to purchase. The County Office of Education became aware of the property and wanted to build a new facility for their continuation school and move the Pace Program into

it. The Alcohol and Other Drug Programs would remain where they are with reduced rent. It appears to be a favorable arrangement for the parties but requires the cooperation of the owners. Owner, Mr. Dale Soule, stated to Mr. Settlemyre that his one concern was that there is a five year period for the Office of Education to complete the purchase of the property, obtain funding and get approval of architectural plans or the option reverts back to the County and the Office of Education is out of it. Mr. Soule would like to see this happen sooner and suggests three years. County Counsel Settlemyre recommends the Board approve the agreement as drafted with authorization to our negotiator, Mr. Ketelsen, to set a period for five years or less which would accommodate Mr. Soule's request if it is something that can be worked out among the three parties. Supervisor Keefer states he would be in favor of transferring this option to the Lassen County Board of Education with the recommendation that the wording be changed to "five years or less". County Counsel Settlemyre suggests the wording state that the negotiator could have any time frame "five years or less".

It is moved by Supervisor Keefer, seconded by Supervisor Pyle, and carried with Supervisor Hanson absent, to assign the option to purchase contained in Lease of premises at 1410 Chestnut Street, Susanville (Alcohol & Other Drug Programs building) from Lassen County to the Lassen County Office of Education; and authorize the negotiator to have a time frame of five years or less.

HEALTH AND SOCIAL SERVICES – CONTRACTS

It is moved by Supervisor Chapman, seconded by Supervisor Pyle, and carried, with Supervisor Hanson absent, to approve the Health and Social Services Contracts for local contractors/providers FY 2007/08, and authorize the County Administrative Officer to execute said agreements on their behalf.

HEALTH & SOCIAL SERVICES - LASSEN SENIOR SERVICES

CAO Ketelsen states that Supervisor Chapman requested the cash flow problem with Lassen Senior Services (LSS) be investigated. The State pays PSA 2 Area Agency on Aging who in turn pays LSS for their community work. The State budget delay presents a cash flow problem. This item is a request for the Board to give direction to staff to monitor the situation and, if necessary, temporarily loan them General Fund money which would be reimbursed to the County after the budget problem has been resolved. Supervisor Chapman states this action would prevent a major cash flow problem in October and November as LSS is a non profit organization and does not have a lot of cash resources. The Transportation Commission is advancing six months of the transportation contract to help out through August and September. Supervisor Chapman suggests that the allocation be advanced to PSA 2 who would then provide the monthly distribution to LSS. The Board agrees to this arrangement. CAO Ketelsen states Staff will bring the final paperwork back to the Board.

UNAGENDIZED REPORTS – Continued

3. Supervisor Pyle reports that he and Deputy Public Works Director of Facilities Peter Heimbigner attended the Spalding Community Services District meeting August 7. The issue of the 2002 Parks Bond Funds was on the agenda; money has been authorized for a

beach but they do not have the beach yet. Several people were upset about the matter. It was explained that Eagle Lake is a sensitive area and the State has to approve everything, as well as Fish & Game, Fish and Wildlife and Lahontan Water Quality Control Board. Discussion is held.

INFORMATION FOR THE BOARD

CAO Ketelsen states that on July 24, 2007, the owners of Honey Lake Motocross Park (HLMP), Lise and Larry Wosick, appeared at Public Comment and requested the Board agendaize further discussion of HLMP. Supervisor Keefer requests the Staff have a prepared statement ready stating the County's position for this meeting. The Board directs this item be set for August 28, 2007 at 1:00 p.m.

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 11:48 a.m. in memory of Ed Williams of Kansas, father of Shayla Ashmore.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD