

BOARD OF SUPERVISORS

DECEMBER 18, 2007

The Lassen County Board of Supervisors convene in Regular Session at 9:05 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 9:05 a.m. to discuss: 1) Public Employee Employment, pursuant to Subdivision (b) of Government Code Section 54954.5: County Administrative Officer; and 2) Claims: Claim of Eric R. Mathews presented September 14, 2007; and claim of Pauline Frohrib presented September 13, 2007.

Present in the Closed Session are Supervisors Brian Dahle, Bob Pyle, 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 Osgood. Supervisor Chapman arrives at 9:09 a.m.; Supervisor Hanson arrives at 9:10 a.m. Mr. Vossler departs at 9:13 a.m. and Supervisor Chapman departs at 9:45 a.m. Closed Session is recessed at 9:46 a.m.

The Lassen County Board of Supervisors reconvenes in Regular Session on Tuesday, December 18, 2007, at 9:46 a.m. Present are Supervisors Brian Dahle, Robert Pyle, Jim Chapman, Lloyd Keefer and Jack Hanson; County Counsel Craig Settlemire, County Administrative Officer John Ketelsen, County Personnel Director/Risk Manager Ron Vossler, 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

The Deputy Clerk of the Board announces the Closed Session dealt with discussion on: 1) Public Employee Employment, pursuant to Subdivision (b) of Government Code Section 54954.5 –County Administrative Officer - This Closed Session will be continued at the end of the regular agenda; and 2) Claims: Claim of Eric R. Mathews presented September 14, 2007 – Claim rejected; notice of rejection to be given; and claim of Pauline Frohrib presented September 13, 2007 – Claim rejected; notice of rejection to be given.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

Supervisor Chapman requests the meeting be adjourned in memory of Robert Geffre and Supervisor Dahle requests the meeting also be adjourned in memory of Merldean Bidwell.

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

PUBLIC COMMENT

1. Everd McCain, resident of Belfast Road, states he comes before the Board with great regret. He had great hopes when a new Director and staff were hired in the planning department but states that, unfortunately, the planning department is still non-functioning. The situation has become unbearable and he appeals to the Board to take action. Examples: Submitted a subdivision for William Lee on August 17, 2007; has had no response from planning department. Submitted a parcel map for Tom Hammond at The Mark on April 23, 2007 and he received word back fairly quickly that it required a traffic study. The traffic study was submitted to planning on

August 22, 2007; he has had no response. There is a parcel map for Walter Sphar submitted in February 2005. The next year was spent haggling over many issues. Caltrans wanted a corridor study for 30 miles of road even though the project didn't call for any intersections to be provided. The traffic study was finally agreed to during a meeting in Mr. Montgomery's office. One traffic study was submitted for this project and Mr. Hammond's project. Nothing has been heard from planning for two months. Mr. McCain states he was relieved to hear that the study had been submitted to a consultant, Scott Friend, that he had worked with in the past. Mr. Friend stated that he was waiting for a response from Caltrans who had the traffic study for two months. Mr. Montgomery was contacted November 15 and said he would contact the consultant to see what was going on; he has not reported back on the status. Mr. McCain asks that Community Development be scheduled to respond to the problems presented as this type of thing is holding up development in Lassen County. Supervisor Keefer recommends that be done. Supervisor Hanson asks for specific responses as well as general discussion.

2. Deputy CAO for Health and Social Services Kevin Mannel briefly updates the Board of Supervisors on the Mental Health Services Act (MHSA) agreement previously discussed December 11. Mr. Mannel distributes a pass-out showing some of the future proposed allocations and funding. A consultant will be working over the next 3-4 months to develop a plan that will respond to these allocations. This is information only so the Supervisors are aware of dollar amounts and what they are being earmarked for.

3. Lassen County Fire Safe Council (LCFSC) representative, Tom Esgate updates the Board on work done this project year. This year: The Susanville project has done 600 acres that produced over 7,000 bone dry tons of biomass fuel. There are several years to go on that project and it is closed now for the winter. The Butte Creek project that formally started up in August was completed around the first week of November. That project has done 550 acres of treatment and produced another 7,000 bone dry tons of biomass fuel. The Day Lassen Bench project has done another 400 acres. Day Lassen Bench will continue for at least another year. Two additional grants through the Sierra Nevada Conservancy were recently awarded for the Sage Brush Steppe project. That project now has leveraged almost 3.2 million dollars of funds and is the only project currently being worked on right now. Next year: The LCFSC hopes to reach an agreement with the Janesville Town Council in the next month or so for the Janesville project with the LCFSC taking the lead on that. The Susanville project will open up again next year. The Stones Landing Eagle Lake project will be under way and completed by next year along with Day Lassen Bench. The LCFSC is very busy and they appreciate your Board's support.

4. Poet Laureate Violet Stout reads a poem titled "The Diamond Years" for Jim and Jane Jeskey's 58th anniversary.

PROCLAMATION

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried to adopt a Proclamation recognizing Sonjia Edwards (Auditor's office) on her retirement from Lassen County and a Proclamation recognizing Emma Freeman (Clerk/Recorder's office) for sixty years of service to Lassen County.

RECOGNITION COMMITTEE - PRESENTATION

Chairman Dahle makes the following presentations for years of service:

Twenty years: a desk clock to Dave Martin (Sheriff)

Sixty year proclamation: Emma Freeman (Clerk/Recorder)

Retirement: Plaque and proclamation to Sonjia Edwards, Auditor's Office.

ADMINISTRATIVE SERVICES - TITLE III REQUESTS

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to approve the Title III request from the Lassen County Fire Safe Council in the amount of \$132,400 for FY March 1, 2008 to February 28, 2009, for 1) planning, 2) grant writing, 3) agency collaboration and coordination, 4) community organization and 5) public awareness and education and authorize public posting.

It is approved by Supervisor Keefer, seconded by Supervisor Pyle and carried to approve the Title III request from the Lassen County Fire Safe Council in the amount of \$60,000 to extend the Cooperative Sagebrush Steppe Restoration Initiative/CIG project through August of 2009, for 1) project administrative costs, 2) cultural resource surveys, 3) financial management, and 4) travel, all substantially for planning efforts and authorize public posting.

STONES-BENGARD COMMUNITY SERVICES DISTRICT - VACANCIES

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to reappoint Kay Oring and Sandra Shapiro to fill vacancies to the Stones-Bengard Community Services District due to the expiration of terms.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried to appoint Debra Bush to fill a vacancy on the Stones-Bengard Community Services District due to the resignation of George Wickman.

MILFORD FIRE DISTRICT - VACANCIES

It is moved by Supervisor Keefer, seconded by Supervisor Pyle and carried to reappoint Dena Wemple and James E. West to fill vacancies to the Milford Fire District board due to expiration of terms.

LASSEN COUNTY CHILDREN & FAMILIES COMMISSION - APPOINTMENTS

It is moved by Supervisor Pyle, seconded by Supervisor Hanson and carried to reappoint Barbara Malone, Brenda Poteete, Amiee Osborn and Mae Sherman to serve on the Lassen County Children & Families Commission each for another four year term. Their terms are due to expire December 31, 2007.

BIG VALLEY RECREATION DISTRICT - VACANCIES

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried to reappoint Kelly Oney and Marion Parks to fill vacancies on the Big Valley Recreation District due to the expiration of terms.

PUBLIC HEARING - AGRICULTURAL PRESERVE & REZONE APPLICATION #2007-099, J AND M ANDERSON REVOCABLE TRUST

Supervisor Dahle recuses himself from hearing this agenda item and Vice-Chairman Jack Hanson conducts the meeting during the public hearing. Chief Planner Maurice Anderson presents the staff report for the Agricultural Preserve and Rezone Application #2007-099, J and M. Anderson Revocable Trust. The request is to put over 2,000 acres into the Williamson Act. This request was brought to Community Development at the last possible day to be acted on; the matter went before the Land Conservation Committee meeting and they recommend that the County offer a contract. The Planning Commission recommends the Board approve a rezone application, which would add the agricultural preserve district onto the zoning, which is already zoned UC2. Supervisor Hanson opens the public hearing at 10:17 a.m. No one speaks in favor or against the rezone. Property owner Joe Anderson thanks the Board for their consideration and explains that he and his wife, as well as the seller, thought the property was in the Williamson Act when they purchased it. They appreciate the hard work from County staff.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried, with Supervisor Dahle abstaining, to approve rezone application #2007-099.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried, on a roll call vote, with Supervisor Dahle abstaining, to introduce and adopt Ordinance N. 467-A-352 implementing the rezone of the 2,153.52 acres of property from U-C-2 to U-C-2-A.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried, with Supervisor Dahle abstaining, to adopt Resolution No. 07-063 establishing an agricultural preserve.

It is moved by Supervisor Pyle, seconded by Supervisor Keefer and carried, with Supervisor Dahle abstaining to authorize the execution of a Williamson Act contract.

CONSENT CALENDAR

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

AGRICULTURAL COMMISSIONER ITEM - CONTRACT

Approve FY 2007/2008 contract with California Department of Food & Agriculture for insect trapping/pest detection in the amount of \$4,961; and authorize the Chairman to sign both the contract and certification.

AUDITOR & TREASURER DEPARTMENTS ITEM - REPORT

Receive and file Treasurer's Fund Balance Report and Auditor's Verification for the month of November 2007.

PUBLIC WORKS DEPARTMENT ITEM

SURVEYOR DIVISION - CURTIS WHITELEY

Adopt Resolution No. 07-065, approving Parcel Map #2006-131, Curtis Whiteley.

SURVEYOR DIVISION - STEVEN DOW

Adopt Resolution No. 07-066, approving Parcel Map #2006-87, Steven Dow.

SURVEYOR DIVISION - DEBRA DOW

Adopt Resolution No. 07-067, approving Parcel Map #2006-88, Debra Dow.

TREASURER/TAX COLLECTOR ITEM - REPORT

Receive and file Treasurer's Investment Report for November, 2007.

MISCELLANEOUS CORRESPONDENCE ITEMS

Receive and file the following correspondence:

- a. Susanville City Council meeting minutes of July 5, 2007 and July 18, 2007.

LASSEN COUNTY HOUSING AUTHORITY

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

Community Social Services & LassenWORKS Director Melody Brawley presents the request to proceed with a plan to transfer the Section 8 Housing Voucher Program to the Plumas Housing Authority (PHA) as previously authorized by the Board. There are several requirements and documents required in order to transfer the program. The Memorandum of Understanding with

PHA ensures that Section 8 Housing services continue with the least amount of disruption to tenants. Everything is ready to go. It is highly recommended that this transfer take place because of shortened budgets and economies of scale.

It is moved by Supervisor Chapman, seconded by Supervisor Hanson and carried unanimously to adopt Resolution No. 07-064 , divesting itself of the Section 8 Housing Choice Voucher program in its entirety and transferring administration of the program to the Plumas PHA and allowing Plumas PHA to work within the borders of Lassen County; to authorize the CAO to sign the contract with Plumas PHA for housing inspection services; to authorize the Director of Community Social Services to transfer all Section 8 program files, materials, software, and licenses to Plumas PHA within 10 days of the HUD approved effective date of transfer; to authorize the Chief Fiscal Officer of Health and Social Services to transfer all of remaining Section 8 funds to Plumas PHA within 30 days of the HUD approved effective date of transfer; and to authorize the Deputy CAO for Health and Social Services and the Director of Community Social Services to sign the Memorandum of Understanding with the Plumas PHA.

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

U. S. FOREST SERVICE - ACTING LASSEN NATIONAL FOREST SUPERVISOR JEFF WITHROE

Mr. Withroe is not in attendance.

Sylvia Milligan (Chairperson of Recreation Outdoors Coalition; on Board of the Sierra Access Coalition; North Region Director of the CA NV Snowmobile Association; member of State Winter Recreation Committee; member of Shasta County RAC) states she has been heavily involved in political issues and with forest issues since the early 1990s. She has been involved in helping Lassen County transition from a farming and logging community to one of recreation; sees Lassen County as the hub of recreation. States she is concerned with the Route Designation process; there are serious problems with the amount of mileage that the Lassen National Forest (LNF) wants to designate. The LNF changes the mileage frequently; out of +1100 miles, the LNF says they might be able to designate 37 and there is no consistency between the forests. She is on a committee that is trying to figure out how to create sustainable loops; is having problems with engineering staff, not the Route Designation team.

State Bill 742 changed as of January 1 increasing fees to register a snowmobile or quad from \$25 every two years to \$50 every two years. That should increase grant funds by about \$25 million, and the new bill designates that 50% of the money must be used "on the ground." States she is concerned about the lack of connection between designated areas and allowed parking. Supervisor Chapman agrees with Ms. Milligan and states a new Forest Supervisor is due to arrive in mid-January. Supervisor Keefer states he feels all national forest lands should be managed in a similar manner; rules and regulations should be almost seamless as you cross boundaries. Lorraine Forrester-Hansen urges the County to do the best they can to designate as many County roads as they can for mixed use. Further discussion is held. Chairman Dahle suggests Supervisors Keefer and Chapman work with Ms. Milligan and Mrs. Forrester-Hansen on a letter to the regional Forest Service to get the route designation process and Share the Dream Trail back on track.

UNAGENDIZED REPORTS

1. Supervisor Pyle attended the Emergency Medical Care Committee (EMCC) meeting December 13. The compliance report was 100%; Sierra Medical Services Alliance (SEMSA) has

received \$100,000 from the Department of Corrections in back payments and that has helped a little. Their auditor did not have the audit complete to present at the meeting.

2. Supervisor Hanson acknowledges KSUE/JDX Reporter Greg Knight. He attended the Mental Health Advisory Board meeting December 11 and the Mental Health Services Act (MHSA) was reviewed in detail. They are recruiting for a MHSA coordinator. Attended a Solid Waste meeting where they approved an adjustment to their fee schedule; these were justified due to increased costs at the landfill and fuel surcharges.

3. Supervisor Keefer also attended the Solid Waste meeting. Dale Soule was reappointed as the public member. He reports that the Janesville Fire Safe Council is one of the earliest FSC established in California. They work under the Janesville Town Council and garnered well over half a million dollars in projects for the community. The Janesville Town Council will probably allow the Lassen County Fire Safe Council to take over the operational side of the fuel treatments.

4. Supervisor Chapman wishes everyone a Merry Christmas and a Happy Holiday. He attended the Air Pollution Board meeting last week where they completed a number of grants for funding for the Carl Moyer Program. This year's Senior Light Tour of Christmas lights was on December 13 and very successful. There were four buses from Lassen Rural Bus and a van from Eagle Lake Village.

5. Supervisor Dahle attended the RCRC meeting. It is estimated that there will be a \$10 to 14 billion dollar state deficit in next year's budget.

QUINCY LIBRARY GROUP (QLG) - FORESTER FRANK STEWART

Forester Frank Stewart presents an update on the Herger-Feinstein Quincy Library Group (QLG) Pilot Project. He reports on threats of fire to communities, watersheds and wildfire and the status of lawsuits. He states that Judge Morrison England of the Eastern District Court of California ruled for the citizens in the Herger-Feinstein QLG Pilot Project, affirming the public interest and denying the lawsuit filed by the Sierra Nevada Forest Protection Campaign, et al, against the Basin, Empire and Slapjack hazardous fuel reduction and forest restoration projects. The Plaintiffs have since filed an appeal with the Ninth Circuit Court of Appeals. Judge England still has to make a ruling on the same Plaintiffs' lawsuits against the 2004-Sierra Nevada Framework – Record of Decision.

Nine projects are currently in lawsuits and appeals that ties up about 45,000 acres of hazardous fuel reduction and fuel restoration treatments or almost 150 million feet of merchantable saw logs and an equivalent in bone dried tons of biomass for power plants.

Mr. Stewart states there are three projects recently ruled on by Judge England that have ramifications to the Lassen but are not Lassen projects. Lassen County will have more projects that will address about 20,000 acres of additional fuel reduction, about 50 million feet of saw logs and 80,000 bone dry tons for local power plants.

Mr. Stewart and group from QLG have been working with Senator Feinstein and Department of Agriculture Under-Secretary Mark Rey regarding impacts of the appeals and lawsuits on the implementation of the pilot project. A Plumas County Board of Supervisors Resolution declaring a State of Emergency was presented as a result of the 65,000 acre Moonlight Fire. Mr. Stewart states the Moonlight Fire could have been significantly reduced if that project had not been stopped because of appeals and lawsuits. They will continue to work with Senator Feinstein for a legal solution and will continue to defend QLG projects in the courts.

Today's request is for Lassen County's continued financial support for the QLG Lawsuit/Legal Funds. Mr. Stewart reports that he has participated in hearings and the matters the QLG has intervened on have been won; the ones the QLG did not intervene on have been lost. He states

that attorney Michael Jackson is very active in the QLG and his presence and his understanding of the issues puts a face on the communities when it comes to court.

Attorney Michael Jackson discusses intervention and how a large part of the QLG involvement is to convince the courts that it is necessary to rule in a timely fashion. He speaks of the importance of Secure Rural Schools and Community Self Determination Act of 2000 is to county roads and schools. States the Forest Service is attempting to negotiate with the opposition which results in less intense activity on the forest and that will take the economic value out of the sales. States he does not intervene in cases where it is clear from reading the documents that they will lose; having a face of a local community is important when going before a judge.

Supervisor Keefer feels the Board should continue supporting the lawsuit fund. Assistant to CAO/Budget Analyst Julie Morgan reports that funds were not specifically earmarked in the 2007/2008 budget for this item but there are sufficient funds in the litigation expense item of the General Fund if needed.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried unanimously to approve payment to the 2007/2008 Quincy Library Group (QLG) Lawsuit and Legal Fund in the amount of \$11,000 and Chairman Dahle requests that County Counsel and CAO are to be updated regularly on the status of cases relevant to Lassen County.

AGRICULTURAL COMMISSIONER - FEE INCREASE

Acting Agriculture Commissioner Craig Hemphill presents information on the new schedule for Weights and Measures services.

It is moved by Supervisor Keefer, seconded by Supervisor Hanson and carried with Supervisors Chapman and Pyle voting NO, to introduce, by title only, Ordinance No. 570, adopting new schedule for Weights and Measures services as permitted by Assembly Bill 889.

COMMUNITY DEVELOPMENT DEPARTMENT - BUILDING

Lassen County Building Official Steve Fuller presents information on three proposed revisions to the Lassen County Building Code. 1) Notice of Non-compliance - proposes to authorize recording of a notice for substandard and dangerous buildings for the purpose of disclosure and as an incentive to rectify non-compliant conditions. 2) Minimum Lot Size for the Installation of Private Sewage Systems - updates the variance procedure for the installation of septic systems on lots of less than an acre. 3) Lassen County/City of Susanville Historic Building Review Committee - proposes to change the make-up of the committee from 7 to 5 members. Discussion is held.

It is moved by Supervisor Hanson, seconded by Supervisor Keefer and carried, with Supervisor Chapman voting NO, to introduce by title only Ordinance No. 569 implementing the amendments to the Lassen County Building Code, Title 12, amending Section 12.24.035 "Notice of Non-Compliance"; amending Section 12.12.020 "Minimum Lot Size for the Installation of Private Sewage Systems"; and amending Section 12.29.040 "Historic Building Review."

COUNTY ADMINISTRATIVE OFFICE - ANNEXATION

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to adopt Resolution No. 07-069, pertaining to tax revenue exchange for annexation to the Standish-Litchfield Fire Protection District.

It is moved by Supervisor Hanson, seconded by Supervisor Pyle and carried to adopt Resolution No. 07-068 Leavitt Lake, pertaining to tax revenue exchange for annexation to the Leavitt Lake Community Services District.

COUNTY ADMINISTRATIVE OFFICER

SUBJECT: County Administrative Officer (CAO) recruitment process.

ACTION REQUESTED: Discussion and direction to staff.

Personnel Director Ron Vossler states the initial review date for recruiting for the CAO position has passed. There were 7 applicants for that position, 3 applicants were deemed to have qualifications specified in the announcements and could be referred to the Board if they wish to proceed with that action. Some options available to the Board are stated in the information provided. Mr. Ketelsen has formally made himself available as an interim or an assistant CAO. Chairman Dahle suggests holding this item over until the closed session is finished.

CLOSED SESSION RECONVENES 11:57 a.m. – 12:48 p.m.

Chairman Dahle reports the Board would like to proceed with the interview process and requests Mr. Vossler bring the matter back to the Board when ready.

Supervisor Chapman requests an item be added to the December 27 special meeting agenda to consider appointing an interim CAO.

UNAGENDIZED BOARD REPORTS - CONTINUED

6. Supervisor Chapman asks that an item be put on the January 15, 2008 meeting agenda to consider establishing a special fund within the Treasurer's office or Treasurer/Auditor to accept donations that could be dedicated for a future pool facility for Honey Lake Valley. Diamond View School students requested this so they could donate their money to "Pennies for the Pool".

ADJOURNMENT IN MEMORY

There being no further business, the meeting is adjourned at 12:54 p.m. in memory of Bob Geffre and Merldean Bidwell.

CHAIRMAN OF THE BOARD OF SUPERVISORS

ATTEST:

SUSAN OSGOOD, DEPUTY CLERK OF THE BOARD