

The Board of Supervisors of the County of Modoc met in regular session this 4th day of February, 1997. The following Supervisors were present: Nancy J. Huffman, Ron McIntyre, Patricia Cantrall and Joe Colt. Absent: Supervisor Zandstra. County Clerk Maxine Madison, Auditor Judi Stevens, Director of Administrative Service Michael Maxwell and County Counsel Hugh Comisky also present.

Meeting called to order by Vice-Chairman Colt. Following the flag salute the invocation is offered by Supervisor Huffman. Vice-Chairman Colt noted that the agenda was posted January 29, 1997.

MATTERS INITIATED BY THE PUBLIC.

Barry Kinman introduces himself to Board members. He is a new attorney in town. He informs members that he wishes to speak about the merits of the law suit between the County of Modoc and Judge John Baker. He further informs members that he has absolutely no interest in the case. He submits for information of Board members a copy of a document entitled Trial Court coordination Plan, Exhibit 8.

Supervisor Colt questions County Counsel whether this is legal to discuss in open session in this forum. County Counsel advises Supervisor Colt that this matter has been discussed in open forum in the past.

Attorney Kinman informs members that he has one point to make, he explains that he went through the briefings and looked for issues, he read exhibit 10, and states that he noticed that there was no acknowledgment in the letter from Judicial Council to the County that they are incorporating as a part of the approved plan, Exhibit #9, of the law suit which is a copy of the Memorandum of Understanding signed by Judges Barclay and Dier. He further informs members that he was advised that the Coordination Plan for Modoc County is solely Exhibit #8 and does not include Exhibit #9, basis for the lawsuit is that Exhibit #9 is part of the Exhibit #8, Coordination Plan. He informs members that he is not here to give a legal opinion, he as a public citizen went through the records and received the above information. He explains to members if they wish to check the information out it is public records and can be checked into at Judicial Council.

Supervisor Zandstra present and Vice-Chairman Colt turns the gavel over to Chairman Zandstra. Supervisor Colt does not believe this is the correct forum to discuss this issue.

Supervisor Cantrall states that she checked the documents personally and will let the Courts decide the issues. She informs the public that if there is a doubt about statements made at the meetings that tapes are available in the Office of the County Clerk.

County Counsel Comisky informs members that he has worked very closely with the Judicial Council during the whole proceeding. There have been many attempts to settle the lawsuit and everyone is of the opinion at this time that it will proceed to the Courts.

Supervisor Zandstra makes statement regarding the seriousness of the lawsuit and that it deserves the attention it is being given.

Paul Nielsen questions board members as to what the county plans are for CALTAP, Welfare Reform. Supervisors report that there are still many questions regarding the implementation of Welfare Reform. Director Maxwell explains that the Welfare Directors are being kept well informed regarding the implementation. Many questions have been answered but not in enough details for the counties to come up with a plan for implementation. He expects this to be over a period of time and how fast counties have to come into compliance is not known at this time.

10:30 a.m. Board in recess.

10:40 a.m. Board meeting reconvenes with members present as heretofore. County Counsel is not present at this time.

DEPARTMENT HEAD REPORTS:

Agricultural Commissioner Wright discusses the ozone regulations. The wood stove smoke is the reason we exceed state standards, the county does not exceed federal standards. The counties of Lake and Klamath exceeded state standards and this is the reason they have regulations dealing with wood stoves. Board members request Agricultural Commissioner Wright to write a letter opposing the new P.M. and Ozone standards.

Planning Director Kessler discusses the Change of Title report he received from the Modoc County Title Company that is titled as Preliminary Report. It informs members that he believes the report is based on Preliminary Title done in 1980. He advises members that in quickly reviewing the report there are items that are going to require further work on his part. He reviews the report with members and reports that there is still a lot of research to be done on the report.

Planning Director Kessler would like to do some training sessions for Board members on the processes for his office. He would do this on Board days to make it more convenient for members. It would be in 15 or 20 minute segments following Board meetings.

11:00 a.m.

6. PUBLIC HEARING: REGARDING THE COUNTY'S INTENT TO APPLY FOR A COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) PLANNING /TECHNICAL ASSISTANCE ALLOCATION.

Director of Administrative Services Maxwell announces that this is a Public Hearing to receive input regarding the County's intent to apply to the California Department of Housing and Community Development for a Community Development Block Grant (CDBG) Planning/Technical Assistance allocation on behalf of the Cedarville Fire District. If the application is approved, this grant will be used to fund the following activities related to the construction of a fire station in the Cedarville Fire District:

1. District Income Survey	\$ 5,750
2. Preliminary Engineering/Architectural Feasibility Study	25,000
3. Preparation of Project Funding Application	2,500
4. General Administration	1,750
Total	\$35,000

Daniel A. Ross, appearing on behalf of Cedarville Fire District. He presents a Resolution from the Cedarville Fire District stating that they agree to provide the 3% cost share of the \$35,000. in the amount of \$1,050. payable to the County of Modoc when the Grant is approved by the Board of Supervisors and the request for proposal is written and approved.

No further comments the hearing is closed.

7. PUBLIC HEARING: AUTHORIZE ROAD COMMISSIONER TO POST LOAD LIMITS ON BRIDGES 3C-117 AND 3C-118.

Road Commissioner Pedersen presents information according to Title 23 of the Code of Federal Regulations (Federal highway Act), Caltrans Office of Structures Maintenance and Investigations made biennial inspections of bridges under Modoc County jurisdiction.

Caltrans representations present report regarding Caltrans investigations on Bridge No. 03C-0118 Rush Creek at County Road 86 and Bridge No. 03C-0117 Ash Creek at Walters Road.

Audience members question Caltrans representatives regarding the load limits. There are three ranches that their livelihood depends on hauling cattle, hay, etc. across the bridge 3C-118. Caltrans representatives recommend that the County contact their department and discuss the issues with them and see if they can elevate the projects to a higher ranking for replacement. County could do temporary work to modify the bridges to the the safe load capacity in order for the bridges to be used. Road Commissioner to work on the project to do the temporary work.

No further comments the public hearing is closed.

Motion by Supervisor Cantrall, seconded by Supervisor Huffman and unanimously carried, to authorize Road Commissioner to retrofit Bridge No. 03C-0118 and Bridge No. 03C-0117 to be used without limits on a temporary basis in order for the bridges to be used.

b. CONSIDERATION/ACTION: RESOLUTION APPROVING APPLICATION FOR FUNDING AND EXECUTION OF GRANT AGREEMENT FROM THE STATE CDBG PROGRAM.

Motion by Supervisor Colt, seconded by Supervisor McIntyre and unanimously carried, to adopt Resolution No. 97-07 approving an application for funding and the execution of a Grant Agreement from the General Planning/Technical Assistance allocation of the State CDBE Program.

2. MODOC MEDICAL CENTER ITEMS:

- a. NOVEMBER & DECEMBER FINANCIAL & STATISTICAL REPORTS.
- b. DECEMBER A/R TRANSFER REQUEST.

This matter is continued to the February 21, 1997 Board agenda as there is no hospital representative present.

3. CONSIDERATION/ACTION: RESOLUTION -- "M" OVERLAY APPLIED TO CLOUGH WAIVER OF PARCEL MAP PARCELS.

Planning Director Kessler requests this matter be removed from the agenda to be Noticed for Public Hearing for March 4, 1997 meeting.

4. DEPARTMENT OF HEALTH SERVICES ITEMS:

Director of Health Services Judi Johnson and Jack Futterman present.

a. CONSIDERATION/ACTION: APPROVE CONTRACT #96-26363 LOCAL ASSISTANCE BLOCK GRANT AND PROVISION OF HIV TESTS.

Discussion by Board members regarding the time it takes to get contracts from the state. Director Johnson will write a letter concerning this issue.

Motion by Supervisor Colt, seconded by Supervisor Cantrall and unanimously carried, to approve Contract #96-26363 Local Assistance block Grant and Provision of HIV Tests.

11:20 a.m. County Counsel Comisky present.

4b. CONSIDERATION/ACTION: REQUEST APPROVAL TO ENTER INTO AN AGREEMENT TO PARTICIPATE IN THE SMALL COUNTIES EMERGENCY RISK POOL. THE INTENT OF THIS RISK POOL IS TO PROTECT SMALL COUNTIES AGAINST THE RISK OF EXCEEDING BUDGET ALLOCATIONS FOR FEE FOR SERVICE/MEDI-CAL PSYCHIATRIC INPATIENT HOSPITAL COSTS.

Motion by Supervisor Huffman, seconded by Supervisor Cantrall and unanimously carried, to approve the Risk Pool contract as presented.

4c. CONSIDERATION/ACTION: REQUEST APPROVAL OF THE APPOINTMENT OF AMBER KNAUSS TO THE MODOC COUNTY MENTAL HEALTH AND ALCOHOL & DRUG ADVISORY BOARD FOR A ONE YEAR TERM.

Motion by Supervisor Colt, seconded by Supervisor Huffman and unanimously carried, to appoint Amber Knauss, High School Student, to the Modoc County Mental Health and Alcohol & Drug Advisory Board for a one year term.

Board members thank Jack Futterman for filling the position of interim Director of Health Services. Letter to be written to be placed in his personnel file.

5. CONSIDERATION/ACTION: AUTHORIZATION TO SIGN BLOCK GRANT WITH O.E.S. FOR \$22,499.00. ORAL PRESENTATION OF PROGRAM BY PAT STEIMETZ OF O.E.S.

Sheriff Mix introduces Pat Steimetz of Governor's Office of Emergency Services (OES). The program is administrated by the Federal Government through FEMA. EMA stands for Emergency Management Assistance Program and the purpose of the program is to assist local government in the crafting and maintaining viable emergency preparance disaster program. He discusses the funding, the funds come from the Federal Government to the States and then on to the counties. The grant for Modoc County this year is \$22,499. The match requirements are 50-50, this could be salary and benefits for the Sheriff, or someone in the Public Works Department or equipment use. You can expect to get 90 to 95% of the grant as there is usually a shortfall in the funding. He discusses the five work requirements for the grant. They will help with the plans to update the local emergency plan.

Director Maxwell reports that Jeri Standley is interested in working on the plan and will work with Sheriff Mix. He reports that she is currently working on the current disaster.

Motion by Supervisor McIntyre, seconded by Supervisor Cantrall and unanimously carried, to authorize Sheriff/OES Director Mix to sign Block Grant with O.E.S. for \$22,499.

8. ROAD COMMISSIONER/PUBLIC WORKS DIRECTOR ITEMS:

a. DISCUSSION/INFORMATION OF 1996 ENERGY SAVINGS AT MODOC COUNTY DETENTION FACILITY.

Road Commissioner Pedersen presents information regarding the 1996 energy savings at the Modoc County Detention Facility. The heating, ventilation and air conditioning system at the Detention Facility was repaired in 1996. The savings translated into a 14% reduction in electricity costs and 63% in propane usage. Heating oil savings are expected but the contract is not completed at this time.

8b. PERSONNEL MATTER--AUTHORIZE ROAD COMMISSIONER TO HIRE JAMES MURPHY AS DEPARTMENTAL FISCAL OFFICER, AT RANGE 48, STEP C, \$2186.10 PER MONTH, DUE TO EDUCATION AND EXPERIENCE, EFFECTIVE MARCH 3, 1997.

Road Commissioner Pedersen requests authorization to hire James Murphy, as Departmental Fiscal Officer, at Range 48, Step C, \$2186.10 per month, due to education and experience, effective March 3, 1997. He reports that the position was advertised in the county and in several newspapers in the adjoining counties.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and unanimously carried, to authorize Road Commissioner to hire James Murphy, as Departmental Fiscal Officer, at Range 48, Step C, effective March 3, 1997, due to education and experience.

8c. CONSIDERATION/ACTION: ADOPT DESIGNATION OF APPLICANT'S AGENT RESOLUTION AS REQUIRED BY THE STATE OF CALIFORNIA OFFICE OF EMERGENCY SERVICES.

Road Commissioner Pedersen informs members that to obtain federal financial assistance under the Stafford Disaster Relief and Emergency Act and state financial assistance under the Natural Disaster Assistance Act agent's must be designated by resolution.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and unanimously carried, to adopt Resolution No. 97-08, designating Judith Stevens, Auditor/Recorder, Bruce Mix, OES Director/Sheriff and John G. Pedersen, Road Commissioner/ Public Works Director to execute for and in behalf of the County of Modoc, authorizes its agent to provide to the State Office of emergency services for all matters pertaining to such state disaster assistance and agreements required.

Road Commissioner reports that he received a letter from the Department of Transportation that the Maximum Speed 65 miles per hour sign at the end of Likely has been moved further out of town. A sign "end 40 MPH" signs have been placed near each end of town. He reports that the following changes have been made on Route 299 over Cedar Pass: a new advisory 55 mph curve warning sign is to be placed at the curve near the Cedar Pass Campground. A series of three curves about one mile West of the "Water Fountain turn out" will be signed with a 45 mph advisory. The existing 65 mph limit sign on a curve just East of Cedar Pass, mile post 51.5, will be relocated West of Cedar Pass near

the Caltrans sand house, mile post 50.4. Board members thank Road Commissioner for the information.

12:10 p.m. NOON RECESS.

1:35 p.m. Board meeting reconvenes with Supervisors Zandstra, Colt, McIntyre and Huffman present. Absent: Supervisor Cantrall. Also present County Clerk Madison, Auditor Stevens and Director of Administrative Services Maxwell.

9a. CONSIDERATION/ACTION: APPROVE "DESIGNATION OF APPLICANT'S AGENT RESOLUTION" AUTHORIZING AGENTS TO ACT ON BEHALF OF THE COUNTY TO FILE APPLICATION IN THE OFFICE OF EMERGENCY SERVICES FOR PURPOSE OF OBTAINING FEDERAL FINANCIAL ASSISTANCE UNDER P.L. 93-288 FOR FLOODS WHICH OCCURRED IN JANUARY, 1997.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to adopt Resolution No. 97-09, Designation of Applicant's Agent Resolution authorizing agents to act on behalf of the County to file application in the Office of Emergency Services for purpose of obtaining federal financial assistance under P.L. 93-288 for floods which occurred in January, 1997. AYES: Supervisors Zandstra, Colt, McIntyre, Huffman ABSENT: Supervisor Cantrall

10. CONSIDERATION/ACTION: REQUEST A LETTER OF SUPPORT TO HANG A BANNER FOR THE MODOC COUNTY HEALTH FAIR ACROSS MAIN STREET FROM MARCH 3, TO MARCH 8, 1997.

Correspondence is read from Kaye Johnson, Modoc Indian Health Project requesting a letter of support to hang a banner for the Modoc County Health Fair across Main Street from March 3, to March 8, 1997.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to write a letter of support of placement of banners in Alturas on Main Street from March 3, through March 8, 1997. AYES: Supervisors Zandstra, Colt, McIntyre, Huffman ABSENT: Supervisor Cantrall

10: CONSENT AGENDA:

a. REAFFIRM EMERGENCY FLOOD RESOLUTION

b. APPROVAL OF BOARD MINUTES OF 12/17/1996, 1/2/1997 AND 1/7/1997.

Supervisor Colt removes Item "b" the minutes for discussion.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to approve Consent Agenda Item "a", Reaffirm Emergency Flood Resolution. AYES: Supervisors Zandstra, Colt, McIntyre, Huffman ABSENT: Supervisor Cantrall

b. APPROVAL OF BOARD MINUTES OF 12/17/1996, 1/2/1997 AND 1/7/1997.

Supervisor Colt requests that the minutes of January 2, 1997 be removed as he and Supervisor Zandstra were absent and must abstain from voting on approval of the minutes.

Supervisor Huffman requests the minutes of December 17, 1996, Book 17, Page 186, that item 7b. Supervisor Huffman advises members that the Modoc Lassen Flood Control District in Big Valley has been checking into the groundwater issue to see if they could "do some testing of wells", in place of "put in some test wells" be corrected.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to approve the minutes as corrected. AYES: Supervisors Zandstra, Colt, McIntyre, Huffman
ABSENT: Supervisor Cantrall

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to approve the minutes of January 2, 1997. AYES: Supervisors McIntyre, Huffman ABSTAINS:
Supervisors Colt, Zandstra

County Counsel Comisky present.

12. DEPARTMENT HEAD REPORTS:

County Counsel Comisky reports that he attended the Northern County Counsel's meeting in Red Bluff last week. One of the items discussed was Proposition 218. He discusses proposition 218 and advises members that he does not believe that proposition 218 will effect the County Solid Waste Assessment fee. He is checking further into this and will keep the Board updated. He discusses having the County Code placed on the scanner in his office and that way you can do immediate updates rather than once a year. This was discussed at the meeting and several counties are looking into this procedure, rather than sending the material out for publication to scan the complete County Code.

Director Maxwell reports on the ongoing negotiations with Crest Systems for the software contract for the Recorder and also the tax cycle for the Assessor and Tax Collector. The old computer main frame system was purchased in 1980 and parts are not available for the hardware at this time. There is a meeting next week for further negotiations.

Director of Administrative Services Maxwell informs members that the Risk Management representatives are requesting permission to go into negotiations for settlement of a lawsuit filed against the county Haynes vs. County of Modoc.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman to add the item as an emergency item as the request came to Director Maxwell after the agenda was posted and needs to be acted on prior to the next meeting. The item to be added as Agenda item 14. AYES: Supervisors Zandstra, Colt, McIntyre, Huffman ABSENT: Supervisor Cantrall

Director Maxwell reports that he spoke to Lassen County representatives last week and they are interested in having a Tricounty meeting. One of the items they would like to discuss is they are interested in building in Lassen County a Juvenile Hall and contracting with Plumas and Modoc counties for bed space to house juveniles. Modoc County is interested in discussing water issues. He hasn't been able to discuss the matter with Plumas representatives. The meeting date suggested is March 25, 1997.

Director Maxwell reports that negotiations with employee associations are ongoing and the hold up is having to do with the classification studies.

2:50 p.m. Board in recess.

3:20 p.m. Board meeting reconvenes with members present as heretofore.

13. CLOSED SESSION: PER GOVERNMENT CODE SECTION 54957.6 (a) LABOR NEGOTIATIONS.

Director Maxwell requests that this item be removed from the agenda.

14. HAYNES VS. COUNTY OF MODOC--SETTLEMENT NEGOTIATIONS.

Director Maxwell discusses settlement negotiations in the lawsuit, Haynes vs. County of Modoc. Attorneys Moss and Enchoian have requested Board authorize settlement negotiations in an amount of to \$75,000.00.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to authorize settlement negotiations of the lawsuit Haynes vs. County of Modoc in an amount not to exceed \$75,000.00. AYES: Supervisors Zandstra, Colt, McIntyre, Huffman
ABSENT: Supervisor Cantrall

BOARD OF SUPERVISOR REPORTS:

Supervisor Colt requests SB 147 by Kopp be placed on the agenda for discussion. This bill would limit counties from going into long term lease purchases without going to the vote of the people. He discusses the Fish & Game regulations and requests the matter be referred to the Fish, Game and Recreation Commission and request their input to the Board regarding mammal regulations. Supervisor McIntyre will deliver the information to a Fish, Game and Recreation Commission member. He reports that he received a letter from Dave Strelbel wanting information regarding when legal action will be commenced to get prescriptive right on 805. County Counsel is checking into the matter. Supervisor Colt will check on this at a later date. He would like local vendor preference and centralized checked into. Director Maxwell discusses the matter and informs members how some small counties are handling central purchasing through a capital purchases budget. Discussion regarding getting information out to the public regarding government issues.

Supervisor McIntyre discusses the Preliminary Title Report received from the Modoc County Title Company on Beatty & Associates property exchange that was discussed at a prior meeting. When Beatty & Associates requested the title report and the County granted a waiver for a Chain of Title the Title Company agreed to help Planning Director with the report, since that time a private person has been hired and a Preliminary Title Report was prepared on the property. He discussed the matter with the Title Company and was advised that they hired a private person to prepare the Preliminary Title as they had in the past rather than a Chain of Title. Supervisor Huffman requests an update from Planning Director Kessler to discuss the Preliminary Title Report for the Beatty & Associates change of title. A report will be scheduled from Director Kessler the next Board meeting.

Supervisor Huffman questions who is responsible for Judge Baker's attorney fees and is there any timeline on when the case will be finalized. She requests an update from County Counsel regarding the timeline on the case, or has anything been determined. Director Maxwell advises Supervisor Huffman that there is nothing scheduled at this time, and there is no indication whether there will be a hearing. Attorney fees will not be an issue until Judge Baker presents the county with a claim for the fees.

Supervisor Huffman reports that there is a dog problem in Adin and she has received reports that some dogs have been poisoned in the area. She reports that Lesley Chace, representing Work Activity Center has requested to be on the Board agenda to discuss recycling for toner cartridges.

Supervisor Huffman questions whether the Courts are able to turn in all the reports that are required and also the Trial Court budgeting due to the Court Executive position being vacant. Director Maxwell states there is no one capable of doing the budgeting for the Trial Courts at this time. Supervisor Huffman questions Director Maxwell whether the county took the lots at CalPines offered by THENA in the bankruptcy settlement. Director Maxwell reports that the County did not take the property as they could not be provided a clear title. He has received nothing further regarding the acceptance of the offer of \$110,000 for settlement of the bankruptcy of County claim against THENA.

Supervisor Huffman reports that she attended the CMSP meeting. She reports the CMSP group gets 10% less than the MediCal fees. If a hospital has an agreement with MediCal they will not accept CMSP patients in Southern California. The interim rate is usually higher than the MediCal pay, the interim rate is much closer than the final rates paid. She attended the RC&D meeting in Dorris last week. They are requesting letters be written encouraging additional funding for RC&D. Director Maxwell will write the letter in support of RC&D.

Supervisor Zandstra reports that he will be appearing before the Grand Jury the 11th of this month. Budget reviews started and will continue this week. He has received a lot of calls about Fandango Pass not being maintained. He spoke to Road Commissioner Pedersen and was informed that it is not a winter maintained road and there is a lot of work in the area due to the flooding. He just notes that Melvin Carter's scheduled release date is tomorrow.

No further business to come before the Board at this time the meeting is adjourned to meet in regular session, Tuesday, February 18, 1997 at 10:00 a.m.

4:40 p.m. Board meeting adjourned.



Maxine Madison, Clerk



Ben Zandstra, Chairman