

The Board of Supervisors of the County of Modoc met in regular session this 21st day of January, 1997. The following Supervisors were present: Ben Zandstra, Patricia Cantrall, Ron McIntyre, Nancy J. Huffinan. Absent: Supervisor Colt. Michael Maxwell, Director of Administrative Services, Judi Stevens, Auditor, Maxine Madison, County Clerk, Hugh Comisky, Jr., County Counsel also present.

Meeting called to order by Chairman Zandstra. Following the flag salute the invocation is offered by Supervisor Zandstra. Chairman Zandstra notes that the agenda was posted on January 15, 1997.

MATTERS INITIATED BY THE PUBLIC.

No matters initiated by the public..

1. DEPARTMENT HEAD REPORTS:

No Department Head reports at this time.

2. DISCUSSION/INFORMATION: BLM - ALTURAS AREA OFFICE WOULD LIKE TO BRIEF THE BOARD ON THE INITIAL STEPS REGARDING LAND TENURE ADJUSTMENT PLAN. THIS PLAN WILL ADDRESS THE ACQUISITION OF PRIVATE LANDS, AND DISPOSAL OF FEDERAL PG&E LANDS WITHIN THE COUNTY.

Paul Whitcome, Acting General Manager for Bureau of Land Management. He briefs Board members on the Land Tenure Adjustment Plan. PG&E has proposed a trade of approximately 10,000 acres in the Pit River and Hat Creek area to them. BLM policy is to trade dollar value for equal value of land. It is very early in the process. They are just starting to identify parcels that may be suitable for disposable. He reports they are seeing a tremendous increase in recreational use of the land. In Modoc County it is still the traditional use such as grazing. They want to involve the public and get input on the land use plan. All counties involved will be briefed. Mr. Whitcome advises members that a briefing paper will be prepared and a draft plan will be prepared this summer and a record of decision is expected by the summer of 1998.

3. CONTRACT APPROVAL: 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 requests this matter be continued to the February 4, 1997 meeting as Mr. Steimetz is ill.

4. PERSONNEL MATTER: AUTHORIZE PROBATION OFFICER TO HIRE JOHN HERNDON AS PROBATION AIDE, RANGE 30, STEP B, DUE TO EXPERIENCE IN THIS POSITION, HAVING SERVED IN THAT CAPACITY SINCE SEPTEMBER, 1995, AS A GAIN WORK.

Probation Officer Pineo informs members that he has noticed the position vacancy in county offices as required by County Code.

Motion by Supervisor McIntyre, seconded by Supervisor Cantrall and carried, to authorize Probation Officer Pineo to hire John Herndon as Probation Aide, Range 30, Step B, effective February 1, 1997, due to his experience in this position as a GAIN Work Experience and extra help employee.

AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffinan ABSENT:Supervisor Colt

5. SOCIAL SERVICES ITEMS:

- a. **PERSONNEL MATTER: AUTHORIZATION FOR MERIT STEP INCREASE OF NANCY BICONDOA FROM RANGE 18, STEP A, TO STEP B, AS SHE HAS COMPLETED HER ONE YEAR PROBATIONARY PERIOD EFFECTIVE FEBRUARY 1, 1997.**

Motion by Supervisor Huffman, seconded by Supervisor McIntyre and carried, to authorize Social Services Director Belarde to grant a salary increase to Nancy Bicondoa from Range 18, Step A, to Range 18, Step B, effective February 1, 1997 as she has successfully completed the required probation period. AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman ABSENT: Supervisor Colt

b. CONSIDERATION/ACTION: REQUEST TO PURGE VARIOUS ITEMS FROM FIXED ASSET INVENTORY LIST.

Social Services Director Belarde requests authorization to purge various items from the Social Services Department inventory and to declare them surplus.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to authorize Social Services Director to delete the items as requested from the inventory and to declare the items as surplus.

AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman ABSENT: Supervisor Colt

Director Belarde presents information on Welfare Reform.

6. DISCUSSION/INFORMATION RE: AB13, CALIFORNIA'S LAW FOR A SMOKE-FREE WORKPLACE.

Director of Health Services Futterman introduces Tara Shepherd, Tobacco Control Program Director appearing on behalf of Bert Teamey, Tobacco Control Coordinator as he is ill and unable to attend the meeting today. AB13 is the law for a smoke free workplace in California. Ms. Shepherd advises members that she is in charge of getting the program implemented in Modoc County. AB13 prohibits smoking in enclosed work places, the bill was passed to protect the worker. The bill specifies that local governing bodies designate the specific agency for enforcement. She reports that the Alturas City Council has designated the Alturas City Police for enforcement of AB13. She suggests an ad hoc committee or a task force made up of different agencies working together to enforce this in Modoc County may be a solution. The Tobacco funds cannot be used for enforcement they can only be used for education.

Supervisors question the penalty for smoking in a public place if AB13 is enforced. County Counsel Comisky informs members that the offense is an infraction. Supervisor Zandstra reports that he receives calls regarding the matter and would like to take action to see that AB13 is enforced. Board members direct that Ms. Shepherd look into options for enforcement with the costs associated with the enforcement and source of funding. Director Shepherd informs members that she will check into the matter and report her findings to the Board.

11:13 a.m. Board in recess.

11:30 a.m. Board meeting reconvenes with members present as heretofore. County Counsel Comisky absent.

10. PUBLIC HEARING: REGARDING THE COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG).

This is the time advertised for public hearing regarding the Community Development Block Grant (CDBG). The County of Modoc may apply for CDBG funds for any one or a combination of several activities: Economic Development, Housing Rehabilitation, Public Works, Community Facilities, Public Services and Planning/Technical Assistance Programs.

Dan Ross, Assistant Fire Chief, Cedarville Fire District presents request for a grant for a new fire facility. The initial grant is \$35,000 for a study grant. The local match for the grant is 3% which the

district will provide in the amount of \$1050. The complete project grant is \$500,000 and in order to qualify for the grant a low income study must be made of the district plus other studies.

No further projects presented the hearing is closed.

Motion by Supervisor Cantrall, seconded by Supervisor Huffman and carried, to set the public hearing for Tuesday, February 4, 1997, to hear specifics and grant application authorization.

AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman ABSENT: Supervisor Colt

8. CONSIDERATION/ACTION: REQUEST BOARD TRANSFER OF \$1,010.00 FROM CONTINGENCY FUND TO ACCT. #4682 VISION INSURANCE.

Auditor Stevens presents request to transfer \$1,010. from Contingency Fund to Account #4682 Vision Insurance. The Vision Service Plan has requested this additional amount for advancing the claims for Modoc County prior to the County payment due to the higher cost of the claims. They are continuing the County administration with no increase in fees.

Motion by Supervisor Huffman, seconded by Supervisor Cantrall and carried, to approve transfer of \$1,010. from contingency fund to Account #4682 Vision Insurance. AYES: Supervisors Zandstra, Cantall, McIntyre, Huffinan ABSENT: Supervisor Colt

- a. DISCUSSION/INFORMATION: REPORT ON FIRST TWO QUARTERS OF MCAC, INC. FY 1996-97 PROGRAM BUDGET.MODOC COUNTY ARTS COUNCIL.

Ken Franklin, Arts Council Director presents first and second quarter reports. He has approached businesses for help with sponsorship for Arts Council events. Citizens Telecom is sponsoring the Missoula Children's Theatre this year.

- b. CONSIDERATION/ACTION: ADOPT RESOLUTION APPROVING THE APPLICATION AND AUTHORIZING EXECUTION OF A GRANT CONTRACT WITH THE CALIFORNIA ARTS COUNCIL.

Motion by Supervisor Cantrall, seconded by Supervisor McIntyre, and carried to adopt Resolution No. 97-05, approving the application and authorizing execution of a grant contract with the California Arts Council. AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman ABSENT: Supervisor Colt

- c. CONSIDERATION/ACTION: ADOPT RESOLUTION DECLARING SUPPORT FOR THE CALIFORNIA ARTS COUNCIL AND ENCOURAGING FULL AND CONTINUED FUNDING FOR SAME.

Motion by Supervisor Huffman, seconded by Supervisor McIntyre and carried, to adopt Resolution No. 97-06 Declaring support for the California Arts Council and encouraging full and continued funding for same. AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman ABSENT: Supervisor Colt

- d. LETTER OF SUPPORT OF MODOC COUNTY ARTS COUNCIL FROM BOARD OF SUPERVISORS AND AUTHORIZATION FOR CHAIRMAN TO SIGN PROPOSED LETTER.

Motion by Supervisor Huffman, seconded by Supervisor McIntyre and carried, to send a letter of support of the Modoc County Arts Council and authorize to sign the letter. AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman ABSENT: Supervisor Colt

11:59 a.m. NOON RECESS

1:30 p.m. Board meeting reconvenes with members present as heretofore. County Counsel Comisky present.

9a. CONSIDERATION/ACTION: REPORT ON STATE FUNDING FOR FEBRUARY, 1997--MODOC TRIAL COURT FUNDING.

Director of Administrative Services Maxwell reports that Auditor Stevens received information last week that the Judicial Council had approximately 2 million in funds that they are going to allocate to counties. Modoc County had requested \$53,000 for funding for February. Sixteen counties made requests for funding and each of the counties received 55% of the request. The county is going to receive \$29,604 from the state for Trial Court Funding for the month of February. It is estimated it would cost \$43,727 to run the Trial Courts a month. He reports that several bills have been introduced regarding Trial Court Funding. He discusses the Trial Court Funding bills. If the county is going to operate at full budget the County will have to backfill the courts in the amount of \$114,124. Judge Dier outlines in a letter a possible cutback in staffing and he requests hours be reduced for the courts to be open.

County Counsel Comisky reports on the the problems or consequences of closure of the courts. He answers questions of Board members regarding closing the courts for a day or possibly more than a week.

2:00 p.m. Supervisor Cantrall excuses herself at this time for a commitment.

11. APPOINTMENTS:

LIBRARY ADVISORY BOARD MEMBER--DISTRICT 2, VELDA R. MOORE.
LIBRARY ADVISORY BOARD MEMBER--DISTRICT 1, SOPHIE SHEPHERD.
LOOKOUT FIRE DISTRICT DIRECTOR--DUANE LEVENTON
HOSPITAL BOARD OF TRUSTEE APPOINTMENTS: DISTRICT 1, EMMA JOHNSON,
DISTRICT 5, JIM HOLCOMB, DISTRICT 3, BOBBY RAY AND DISTRICT 4, VERN KNOCH.
PSA 2 EXECUTIVE BOARD MEMBER, SUPERVISOR PATRICIA CANTRALL.

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

12. PERSONNEL MATTER: REQUEST FOR PERMANENT STATUS FOR DIANA MCCULLEY, FROM RANGE 26, STEP C, STEP D, EFFECTIVE JANUARY 8, 1997.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to authorize County Clerk Madison to grant permanent status to Diana McCulley, from Range 26, Step C, to Step D, effective January 1, 1997. AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman
ABSENT: Supervisor Colt

13. CONSENT AGENDA:

- a. REAFFIRM EMERGENCY FLOOD RESOLUTION.
- b. APPROVAL FOR CONTRACT ADDENDUM FOR FY 1996/97 BETWEEN MODOC COUNTY ALCOHOL & DRUG AND TEHAMA RECOVERY CENTER, INC. CONTRACT #96-01 A&D. (Modoc Co. Alcohol & Drug Service)
- c. APPROVAL FOR CONTRACT ADDENDUM FOR FY 1996/97 BETWEEN MODOC COUNTY ALCOHOL & DRUG SERVICES AND EMPIRE RECOVERY CENTER. CONTRACT #96-03 A&D. (Modoc Co. Alcohol & Drug Service)
- d. APPROVE BOARD MINUTES OF 11/19/1996 AND 12/3/1996.

Supervisor Huffman removes the minutes for discussion.

Motion by Supervisor McIntyre, seconded by Supervisor Huffman and carried, to approve Consent Agenda Items A, B and C and Chairman or Clerk to sign all documents as presented. AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffman
ABSENT: Supervisor Colt

d. CONSENT AGENDA ITEM (d) APPROVE BOARD MINUTES OF 11/19/96 AND 12/3/1996.

Supervisor Huffinan amends the minutes to change the title of District Attorney Comisky to County Counsel Comisky when he is acting as County Counsel.

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

14. DEPARTMENT HEAD REPORTS:

Director Maxwell discusses the various types of contracts for doing the work from the recent storm damage in Surprise Valley. He does not know when the contract work will start on the creeks. He believes Mill Creek will qualify as a FEMA project. Work on it will start today or has started. This project is the maximum risk to the county for more flooding at this time.

2:30 p.m. Supervisor Cantrall present.

Discussion of midyear budget reviews. Budget review committee members are Supervisors Huffinan and Zandstra. Budget reviews set for Monday, February 3, 1997 in the afternoon, Wednesday, February 5, 1997 in the morning and all day Thursday, February 6, 1997.

9b. CONSIDERATION/APPROVAL OF CONTINGENCY PLAN FOR REDUCED COURT OPERATION EFFECTIVE FEBRUARY 1, 1997, IF NECESSARY.

Motion by Supervisor Huffinan, seconded by Supervisor Cantrall and carried, to recommend that the Courts stay within the money that the State is providing. AYES: Supervisors Zandstra, Cantrall, McIntyre, Huffinan ABSENT: Supervisor Colt

Motion by Supervisor McIntyre, seconded by Supervisor Cantrall and carried, to direct the Courts to notify the court staff of the furlough program and to do that no later than tomorrow, January 22, 1997.

Discussion by Board members regarding cancelation of the furlough program if funding is received. A special meeting will called if information is received that the funding is available for Trial Courts.

11. PSA 2 EXECUTIVE BOARD AND PSA 2 ALTERNATE MEMBER.

Motion by Supervisor McIntyre, seconded by Supervisor Huffinan and carried, to appoint Supervisor Huffinan and Melvin "Andy" Anderson to the PSA 2 Executive Board and Supervisor Huffinan as alternate member of PSA 2.

2:58 p.m. Board in recess.

3:10 p.m. All present as heretofore.

14. BOARD OF SUPERVISORS REPORTS:

Supervisor Huffinan requests an update on the Adin transfer days, an update from the Library to see if any insurance funds were received. She requests an update from the Hospital to see whether the ambulance was a lease or purchase. She requests that Planning Director Kessler update the Board on whether the Chair of Title received from the Modoc County Title Company is working out in place of the Preliminary Title report. She questions whether there is interest in a Tri County meeting soon. If there is a Tri County meeting she would like the water shed problem to be presented. She is concerned that the County could use the water shed restoration for control of the juniper trees.

She attended the CMSP meeting. She attended the RCRC meeting and was presented a plaque for being chairman the past year. Ken Marks is chairman of RCRC for 1997. She attended a meeting with mountain counties regarding water problems. The mountain counties have been reluctant because they want in-stream storage and are very strong on Auburn Dam. She reports that the meeting on Proposition 218 is scheduled for February 6, 1997 in Sacramento.

Supervisor McIntyre reports that he received notification that new standards will be adopted for Air Quality Control. The Canby post office will be changing locations and it will be moved to one of the Forest Service buildings.

Supervisor Cantrall reports that she was questioned by an audience member the reason the amount of money is not mentioned when a personnel matter is on the agenda and a step increase is requested. Board members would like to have the salary set forth when a step increase is requested for employees and also state the requested effective date. She questions the Superior Court Judge selecting Grand Jury members and would like to know if this is the way Grand Jury members are selected in other counties.

Director Maxwell reports that he is unaware of the process mandated by law for selection of Grand Jury members. In the past when Board members submitted names to be included in the panel Board members had trouble finding persons that were willing to serve as Grand Jury members.

Supervisor Zandstra reports that he attended the Mental Health Advisory Board meeting and they are trying to get more people interested in attending the meetings. He spent time talking with a geologist about the big slide on Cedar Pass.

3:55 p.m.

15. CLOSED SESSION: PER GOVERNMENT CODE SECTION 54957.T (a) LABOR NEGOTIATIONS.

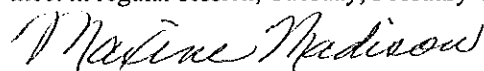
4:14 p.m. Board meeting reconvenes in open session with members present as heretofore. County Counsel Comisky present at this time.

Chairman Zandstra announces that the Board ratified the new Memorandum of Understanding between the Deputy Sheriff's Association and the County. Director of Administrative Services Maxwell announces that the MOU consolidates all previous MOU's and further stipulates those new areas that were negotiated effective July, 1995 through June 30, 1998. The provisions of the contract negotiations were a \$500 signing bonus for FY 1995/96, a 4% pay increase effective September 1, 1996 through June 30, 1997 and a 2 1/2% pay increase effective July 1, 1997 through June 30, 1998. There is an option that an employee of the Sheriff's Department that has 20 years service at time of retirement and opts at time of retirement to maintain county insurance, his insurance premium will be reduced \$50.00 per month for employee.

Supervisor Cantrall questions County Counsel regarding appointment of Grand Jury members. She believes that the best method is to choose them randomly as Trial Jurors are chosen.

County Counsel Comisky will check into the process and report to Board members. He discusses the different types of Grand Juries.

There being no further business to come before the Board at this time, the meeting is adjourned to meet in regular session, Tuesday, February 4, 1997 at 10:00 a.m.


Maxine Madison, Clerk


Ben Zandstra, Chairman