

BOARD OF SUPERVISORS

DECEMBER 19, 1995

The Board of Supervisors of the Modoc County met in regular session this 19th day of December, 1995. The following supervisors are present: Ron McIntyre, Ben Zandstra, Ed Carver, Joe Colt and Nancy J. Huffman. County Clerk, Maxine Madison, County Counsel, Hugh J. Comisky, Jr. are also present.

Meeting called to order pursuant to law by Chairman McIntyre. Following the flag salute, the invocation was offered by Pastor Mike Hubbard of the New Life Evangelical Church.. Chairman McIntyre noted that the agenda was posted on December 13, 1995.

MATTERS INITIATED BY THE PUBLIC: None

1. DEPARTMENT HEAD REPORTS:

Planning Director Kessler reports regarding the final decision on the EIR for the Sierra Pacific Power Line project. He reports that the EIR did address the county and city concerns. If an injunction is filed by the board, it cannot be filed until after December 20, 1995. The matter could be placed on the agenda and addressed at a regular meeting if the board would like to take action on the matter.

Discussion by board members. District Attorney Comisky reports that he estimates that to litigate this matter that it could cost up to \$15,000.00 or even more and would tie up the project and could be unsuccessful. The challenge would not be the decision of the CPUC but challenging the information the decision is based on. The county has the right to challenge this information. Director Kessler advises members that the issue of fiberoptics is still on the table and this is one of the items requested by the county. Director Kessler advises the board that they will get a package on the final decision.

Supervisor Huffman states that she would not like to see the same thing that happened to Sierra Pacific that happened to the gas line, that we will not come up with enough need or users. Director Kessler states that if we do not have fiber optics that "we are going to get left behind".

Matter to be placed on the agenda for further discussion.

2. UPDATE ON EXCELLENCE IN ADMINISTRATION (EA0)

Diane Henderson, USFS Superintendent updates board members on USFS. She reports that letters have gone to employees, regarding implementation of new organization effective January 24, 1996. No jobs are moving out of this county, there are some personnel that were offered jobs that will be moving to Plumas County. There has been internal centralizing done, involving computers. Due to the reorganization some workers have new jobs, some jobs have been downgraded, and those that do not want to accept those jobs will be placed on the excess placement list, getting first chance at a job which is a nation wide employment list. Hiring has been reduced by 30% in the past two (2) years and there are vacancies, some people are doing jobs that they do not ordinarily do. The loss in employees due to centralization of the 3 forests is in administration only and does not include field work. In the province there are vacancies that were not filled and there is 30% reduction in administration personnel. They are looking at reducing this even more. She informs members that they will shut down this afternoon at 4:30 p.m. and will reopen when the federal budget is adopted. In the past employees have received retroactive pay when they were shut down, at the present time it is unknown whether they will receive this or not.

Supervisor Colt requests a copy of the Forest Service agreement with the state be sent to the board.

3. REQUEST FOR EXPENDITURE OF BOND FUNDS:

Bobby Ray, Chairman of Hospital Board of Trustees presents request for expenditure of bond funds in the amount of \$40,000 to complete the Clinic Project. The funding is available through the depreciation fund and will not come from county funds. There is \$118,000.00 in the fund at the present time. He reports that some of the reasons for the overrun were \$6,000.00 for items that were not included in the proposal, plus additional monies for problems with sewer lines, keeping the trees, engineering and architectural fees were higher than expected. The funds requested will be spend for telephone lines, lobby furnishings, signs for rerouting traffic. The engineering and architectural fees plus general change orders are higher than anticipated. He reports that he is pleased with the project. He informs members that there will be an open house sometime in January. They are moved in an operating at this time, there is a few things that are not completed but are in progress.

Motion by Supervisor Colt, seconded by Supervisor Zandstra and unanimously carried to approve the request for expenditure of \$40,000 from Bond Funds to complete the Clinic Project.

4. PERSONNEL MATTER--REQUEST TO PERMIT SOCIAL SERVICES THE INCREASED RANGE FOR OFFICE ASSISTANT II AND ADMINISTRATIVE CLERK II TO RANGE 20 IN ORDER TO BE IN COMPLIANCE WITH COUNTY ORDINANCE:

Social Services Director Belarde discusses his request to change Salary Range for persons in his office. He requests that he be authorized to place two (2) persons currently in Range 18, Administrative Clerk, into Range 20 in order to be in compliance with County Code. He requests authorization to promote two clerks to Administrative Clerk II, Range 20. He will be advertising for a new position soon and would like to advertise in the higher range.

Board members question Director Belarde regarding the urgency of the matter as there is a Classification Study in progress at the present time. Matter tabled at this time in order for Director Belarde to discuss the matter with Director of Administrative Services Maxwell, Auditor Stevens and the MCEA.

11:00 a.m. recess.

11:14 a.m. Meeting reconvenes with all members present.

5 a. MODOC COUNTY ARTS COUNCIL, INC., ITEMS:

a. CONSIDERATION/ADOPTION: RESOLUTION FOR THE MCAC, INC., TO APPLY TO THE CALIFORNIA ARTS COUNCIL FOR FY 1996/97 PROGRAM FUNDING:

Modoc County Arts Council Director Franklin present and requests Board of Supervisors to approve the grant contract with the California Arts Council.

Motion by Supervisor Carver, seconded by Supervisor Huffman and unanimously carried, to adopt Resolution 95-62, approving the Application and Authorizing Execution of a Grant Contract with the California Arts Council.

5b. CONSIDERATION/ADOPTION: RESOLUTION TO SHOW COUNTY SUPPORT FOR THE CAC:

Motion by Supervisor Zandstra, seconded by Supervisor Carver and unanimously carried, to adopt Resolution No. 95-63, Declaring Support for the California Arts Council and Encouraging Full and Continued Funding for Same.

5c QUARTERLY REPORT CONCERNING THE MCAC, INC'S, FY 1995/96 PROGRAM BUDGET:

Director Franklin requested to submit financial report in writing with approval from the Arts Council. Financial Report to be submitted to the Clerk. Auditor Stevens requested to keep board advised of the revenue.

8. CONSIDERATION/ACTION: MEMORIAL PARK PAVILION COMMITTEE REQUEST TO DONATE FUNDS FOR THE INSTALLATION OF LIGHTING AND ELECTRICAL OUTLETS AT PAVILION.

Bob Savage discusses the need for lights in the Memorial Park Pavilion. There was a fund created several years ago for a cover over the Memorial Park Pavilion this was private funds. The Warner Mountain 4-H Club several years ago had a special community project for a picnic area at the park. They received a small grant from the state for the project, Kiwanis Club helped with the project. There is a small amount of money left and they would like to use the funds for lighting and outlets at the pavilion. He said he checked with the Building and Grounds Department and they will work with them on the project.

Motion by Supervisor Colt, seconded by Supervisor Zandstra and unanimously carried, to approve the installation of lighting and electrical outlets at Memorial Park Pavilion.

6. APPROVAL OF MEMORANDUM OF UNDERSTANDING BETWEEN DEPT. OF FISH AND GAME AND COUNTY AS NEGOTIATED BY MODOC COUNTY LAND USE COMMITTEE.(Land Use Committee/Planning Dept.)

Planning Director Kessler discusses proposed MOU. He informs members that basically this means "we agree to talk". He reports that the agreement is broad. Supervisors agree that this is the first step and if it works it should keep communication open with the Fish and Game Department. Jim Nelson, Dept. of Fish and Game is present and Sean Curtis, Land Use Committee, Chairman.

Carolyn Carey is present and comments that "this is a major step forward between the state and local agencies, there is nothing else in the West like it, and it can help as to future mitigation."

Sean Curtis, Land Use Committee member informs members that the agreement is to facilitate communication between the County and Department of Fish and Game on matters involving the acquisition of land and the establishment of goals. Language in this document is broad enough to be a working document.

Jim Curtis, Fish & Game Dept. discusses the proposed Memorandum of Understanding. The MOU sets forth annual meetings, meetings for large events dealing with the state and county. The document sets forth a course for better operating communications between the state and county.

Motion by Supervisor Carver, seconded by Supervisor Colt and unanimously carried, to adopt the MOU between F&G and County contingent upon approval of County Counsel.

Annual report of Land Use Committee filed with the board. Chairman acknowledges the report as filed. Appointments to Land Use Committee to be on the agenda for the January 2, 1996 meeting.

7a. CONSIDERATION/ACTION: COUNTY LEASE PURCHASE 1. ASSESSOR, TAX COLLECTOR & RECORDER COMPUTER SYSTEM, 2. SORENSEN BUILDING REMODEL 3. 130 ACRES OF LANDFILL BUFFER.

This matter is removed from the agenda at request of Director of Administrative Services Maxwell.

7b. CONSIDERATION/DESIGNATION: DISTRICT ATTORNEY TO HANDLE THE PETITIONS FOR COMMITMENT OF SEXUALLY VIOLENT PREDATORS AS PRESCRIBED IN AB 888.

The DA discusses AB 888 he states that it is a "good law". This law restores the practical situation that used to exist under the determinate sentencing law. The Sexually Violent Predators Act (SVPA), passed this year by the Legislature, provides that if the California Department of Corrections and the Board of Prison Terms determines through screening, that an inmate is likely to be a sexually violent predator, the CDC shall refer the inmate to the Dept. of Mental Health for a full evaluation. If the DMH determines that the inmate is a sexually violent predator, the DMH shall forward a request to the county in which the person was convicted, for a petition for commitment to the custody of the DMH to be filed by the Court. District Attorney Comisky advises members that he is the sexual habitual offender coordinator for Modoc County. This law becomes effective January 1, 1996. There is presently sexual offenders being released monthly. It is a law that is really needed, it shouldn't impact us that much in fact it should lessen the number returned to the county as a habitual sexual offender must to returned to the county of committment. He says the "Carter" case had a monumental effect and had a lot to do with these two new laws.

Motion by Supervisor Carver, seconded by Supervisor Colt and unanimously carried, to designate District Attorney Comisky to handle all petitions for commitment of sexually violent predators as prescribed in AB 888.

7d. CONSIDERATION/ACTION: APPROVAL OF CONTRACTS FOR DOT DRUG & ALCOHOL TESTING THROUGH CSAC EIA.

County Counsel Comisky recommends that the contract for DOT Drug & Alcohol Testing through CSAC EIA be approved as presented. He advises board members that he has discussed the matter with Director of Administrative Services Maxwell.

Motion by Supervisor Carver, seconded by Supervisor Colt and unanimously carried, to approve the contract and authorize Director of Administrative Services Maxwell to move forward with the program with concurrence of District Attorney Comisky..

DISCUSSION ONLY-DRUG AND ALCOHOL TESTING POLICY:

This matter is continued until a later date.

7c. CONSIDERATION/ACTION: APPROVAL OF COUNTY RESPONSE TO 1994/95 GRAND JURY REPORT:

Motion by Supervisor Carver, seconded by Supervisor Colt and unanimously carried, to approve the county response to the 1994/95 Grand Jury and authorize Director of Administrative Services to sign response on behalf of the Board of Supervisors.

District Attorney Comisky files Response to Grand Jury. Board members make this report a part of the county response to the 1994/95 Grand Jury.

9. CONSIDERATION/APPOINTMENT: MODOC REPRESENTATIVE TO THE FAR NORTHERN REGIONAL CENTER BOARD:

Supervisor McIntyre reports that he was contacted by Far Northern Regional Center and requested for the board to appoint another member as April White has resigned from the position. He informs members that Stacy Loudon was recommended for the position.

Motion by Supervisor Huffman, seconded by Supervisor Colt and unanimously carried, to appoint Stacy Loudon to the Far Northern Regional Center Board as a representative from Modoc County.

10. CONSENT AGENDA ITEM--APPROVAL OF MINUTES OF 12/5/1995:

Minutes amended on Page 675, under Approval of Minutes of 11/21/95 the first is to remove item "b" of the consent agenda and approve item "a". The second motion is to approve item "b" with Supervisor Colt abstaining from the vote as he was absent from 11/21/95 meeting.

Motion by Supervisor Huffman, seconded by Supervisor Carver and unanimously carried, to approve the minutes of November 21, 1995 as amended.

11. BOARD OF SUPERVISORS REPORTS:

Supervisor Colt reports that he attended open house of MPAT and that it was very nice. He reports that there isn't much going on with roads at this time, the Road Department is getting ready for winter.

Supervisor Carver discusses a letter received from Veterans Affairs regarding the number of veterans residing in Modoc County. Board discusses the Veteran's Service Office checking the accuracy of the figures and submit the matter to the paper. Supervisor Carver to discuss the matter with Veteran's Office personnel.

Supervisor Carvar discusses bring to the attention of board members that the sidewalks should be resurfaced at the park. It is kind of a showplace for the county and is in need of resurfacing. He requests that this item be considered at next budget.

Supervisor Zandstra updates members on situation in Surprise Valley School District. At the last meeting Mental Health Director Gillaspie was present and presented a suicide workshop. There is a good working relationship between the school and the Health Dept. Parents are asked to volunteer to work in school halls during lunch hours.

Supervisor Zandstra discusses a Resolution of Congratulations to Lake City Fire Dept. 50 years. He will prepare the information and submit it for the January 16, 1995 meeting.

Attended meeting on antismoking law with DA no clear resolution of the problem. Supervisor Zandstra suggests that consider a resolution to the state regarding enforcement of AB13. No funding for enforcement funds only for education. Another possibility is local ordinance re: enforcement of the public.

Supervisor Huffman presents for review of members a Resolution of Northern California County Supervisors Association in support of Counties' Area of Origin Alternative to be Offered to the CALFED Process and to the State Water Resources Control Board in its Delta Water Rights Process. Representative from state water board was present at the Nor Cal meeting and discussed the issue with members.

RCRC canceled their meeting this month due to heavy rains and power outages. The RCRC Conference will be in Yreka the RCRC regular meeting will be in

Alturas in June. RCRC is working on water rights issues. SB 900 Costa will be discussed at the NorCAL meeting coming up in January. It is a funding bill to do water projects. There are several bills dealing with funding for water projects and RCRC is looking into them.

Supervisor Huffman presents report regarding state reduction of 15% for CMSP counties. Only 5 hospitals are presently in CMSP Program. She discusses dog problems in Newell and reports that she is receiving calls regarding this problem.

Supervisor McIntyre reports as follows: Sierra Pacific--Bonneville posted notice re: Sierra Pacific tying into their line, Fish & Game meeting re: Pine Creek. Discusses Fish & Game meeting dates. Fish & Game requests permission to have antlerless deer hunt in Surprise Valley. He reports that they want to increase the number of tags issued this year. The Fish, Game and Recreation Commission of Modoc County opposes the hunt. He advises members that the Secretary of the commission will send a letter to the board commenting on their opposition to the hunt.

Letter from Walter Davis, Bank of America, regarding cost to county in mailing flyers for private business in the county checks. Board members question Auditor Stevens regarding the matter. Board members have received inquiries regarding the county sending out private business material. Auditor Stevens informs members that there is no board policy regarding material being included in the paychecks. Matter to be reviewed and placed on the agenda at a later date. Members agree that the services should be tied to service to county employees.

Supervisor McIntyre invites Board members and all Dept. Heads together for a no host lunch sometime after Christmas. December 27, 1995 at 12:00 p.m. for lunch, Clerk will send a notice to Department Heads.

**1:10 p.m. CLOSED SESSION:
REJECTION OF C.H. NEAL, R.E. MCLEY & B.J. MCLEY CLAIM VS. COUNTY
OF MODOC. REJECTION RECOMMENDED BY ADJUSTERS ROONEY &
ANDERSON, INC.**

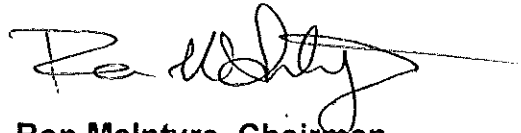
**1:15 p.m. Board meeting reconvenes in open session with all members
present as heretofore.**

Chairman announces that by a unanimous motion the claim filed by C.H. Neal, R.E. Mcley & B.J. Mcley vs. County of Modoc was rejected.

**No further business to come before the board at this time the meeting is
adjourned to meet in regular session, Tuesday, January 2, 1996 at 10:00
a.m.**

A handwritten signature in cursive script, reading "Maxine Madison".

Maxine Madison, Clerk

A handwritten signature in cursive script, reading "Ron McIntyre".

Ron McIntyre, Chairman