

BOARD OF SUPERVISORS

AUGUST 15, 1995

The Board of Supervisors of Modoc County met in regular session this 15th day of August, 1995. The following Supervisors are present: Ron McIntyre, Ben Zandstra, Joe Colt, Ed Carver and Nancy J. Huffman. County Clerk Maxine Madison and Director of Administrative Services Mike Maxwell are also present.

Meeting called to order pursuant to law by Chairperson McIntyre. Following the flag salute the invocation is offered by Supervisor Zandstra. Chairman notes the agenda was posted on August 9, 1995.

MATTERS INITIATED BY THE PUBLIC

Don Stahl presents rough draft of proposed letter to be sent to Department of Fish and Game regarding proposed changes in regulations regarding Janes Flat Reservoir. The letter was drafted by Delbert Craig of the Modoc County Fish, Game and Recreation Commission. Mr. Stahl reported that the deadline for submitting proposed changes in regulations for FY 96/97 is 8/25/95. Administrative Services Director Maxwell will draft letter of recommendation to be signed by Board of Supervisors and sent to Department of Fish and Game.

1. DEPARTMENT HEAD REPORTS - NONE

Administrative Services Director, Maxwell requests that the following three items be added to the agenda as emergency items. A. Mental Health is requesting authorization to purchase fixed assets in the amount of \$5,190. B. Discussion re setting of public hearing on Fee Reservoir Grant Application. C. Discussion re setting of public hearing for County Budget FY 95/96

Motion by Supervisor Zandstra, seconded by Supervisor Carver and carried to be added as Agenda Items #8d,e, and f.

2. Public Works: John Pedersen, Director

A. Request permission for expenditure of \$15,500 & authorization for Public Works Director to advertise bid, award bid to lowest responsible bidder and execute bid documents to repair concrete at Veterans Building, Courthouse and Museum.

Motion by Supervisor Carver, seconded by Supervisor Huffman to authorize expenditure of \$15,500 to repair concrete at Veterans Building, Courthouse and Museum with funds to come from Building and Grounds Maintenance and Structures. Motion unanimously carried.

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B. Request permission for expenditure of \$2,000 to repair Museum roof at air-conditioning unit

Motion by Supervisor Carver, seconded by Supervisor Zandstra to authorize expenditure of \$2,000 for repair of roof at Museum. Funds to come from Building and Grounds Maintenance and Structures. Motion unanimously carried

C. Request permission for expenditure of \$8,585 and authorization for Public Works Director to advertise for bid, award bid to lowest responsible bidder, and execute bid documents to repair roof at Social Services Belli Building

Rick Hironymous reports that a request to FEMA and to the insurance company for the funds to repair the roof have been turned down, however communication is ongoing with FEMA regarding the funds and there is still a possibility that the county may be reimbursed by FEMA. Motion by Supervisor Huffman, seconded by Supervisor Carver to authorize expenditure up to \$8,585 for repair of Social Services Building, to advertise for bid, award bid to lowest responsible bidder, and to execute bid documents. Motion unanimously carried.

D. Request permission for expenditure of \$2,300 to repair roof at Public Health

Rick Hironymous reports that the insurance company will reimburse the county for the roof repair minus the \$500 deductible. Public Works is still negotiating with FEMA in regard to the county being reimbursed for the \$500 deductible. Motion by Supervisor Huffman, seconded by Supervisor Zandstra to authorize expenditure of \$2,300 for the repair of the roof at Public Health. Motion unanimously carried.

E. Request permission for expenditure of \$1,500 to repair roof at Mental Health

Rick Hironymous reports that insurance will cover the cost of the repair to the roof, minus the \$500 deductible which will be covered by FEMA. Motion by Supervisor Zandstra, seconded by Supervisor Carver to authorize expenditure of \$1,500 to repair roof at Mental Health, moneys to be reimbursed to county by insurance company and FEMA. Motion unanimously carried.

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F. Request permission for expenditure of \$3,750 to repair the Alturas Airport Fence

The fence at the Alturas Airport was blown down by wind, and Rick Hironymous reported that the cost of repair would be covered by insurance minus the deductible. FEMA has refused to pay the deductible, however Public Works Director Pedersen is still working on reimbursement of the deductible by FEMA. Motion by Supervisor Colt, seconded by Supervisor Carver to authorize expenditure of \$3,750 to repair fence at Alturas Airport. Motion unanimously carried.

3. Request Board order to accept easement from Eddie and Marilyn Hill and authorize chairman to sign Certificate of Acceptance and Agreement

County Surveyor, Kip Lybarger is present regarding an easement on a small piece of property adjacent to Modoc Medical Center. Also present is Mark Miller from Adkins Associates who developed the plan for the Modoc Medical Center expansion project. Eddie and Marilyn Hill have offered an easement, at no cost, to the county which ensures access in and out of Modoc Medical Center. The easement is being offered with the following conditions: the small ditch on north ^{part of Hill} property must be mowed and maintained by the hospital, a stop sign is to be placed at Modoc Medical Center ^{hospital} entrance for traffic control and safety, and a street sign to be placed on the west side of the county entrance to discourage cars from entering the Hill property in error.

Supervisor Colt suggested that it would be a good idea to install a "PRIVATE PROPERTY" sign at the entrance to the Hill property. He also questioned what would happen with the easement if the property were ever sold. Administrative Services Director Maxwell advised the Board that the "easement runs with the deed" except in the case of a foreclosure. Kip Lybarger will send a letter of thanks to the Eddie and Marilyn Hill for their generosity in giving the easement to the County.

Motion by Supervisor Huffman, seconded by Supervisor Carver and unanimously carried to accept easement from Eddie and Marilyn Hill and to authorize Chairman to sign Certificate of Acceptance and Agreement.

4. Probation Officer Pineo requests waiver of provision precluding overtime pay and authorization for Auditor to pay 18.5 hours of overtime to Assistant Probation Officer Fernandez

Probation Officer Pineo explains that the request for overtime is due to an officer shortage in the department for a four month period. Discussion follows regarding the fact that the 95/96 budget will have to be increased to cover this expenditure. Motion by Supervisor Zandstra, seconded by Supervisor Huffman to waive provision precluding

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4. Continued

overtime pay and authorize Auditor to pay 18.5 hours of overtime to Officer Fernandez. Approval of the foregoing is based on the condition that Probation Officer Pineo come to the Board prior to the same situation occurring in the future.

Board in Recess 10:00 a.m.

Board reconvenes in open session 10:10 a.m.

5. District Attorney, Hugh E. Comisky, Jr.

A. Request Board authorization to dispose of surplus, non-serviceable inventory

Motion by Supervisor Colt, seconded by Supervisor Huffman and unanimously carried to authorize District Attorney to dispose of surplus, non-serviceable inventory.

B. Request Board approval to promote Susan M. Clark, Family support Collection Officer from Range 26, Step A to Range 26, Step B effective 9/1/95 as she has successfully completed her probationary period.

Motion by Supervisor Zandstra, seconded by Supervisor Carver to authorize promotion of Susan Clark to Range 26 Step B effective 9/1/95 as she has successfully completed her probationary period.

C. Request Board order rescinding the sale of tax defaulted property to Willard Porter

Linda Monroe, Modoc County Tax Collector informs Board members that Mr. Porter requested that the property in question be placed on the tax rolls ten years ago so that he could purchase the property. Until that time the property had not been on the tax rolls. When the property was placed on the roll and came up for tax sale, Mr. Porter successfully bid on, and received title to the property. Discussion follows regarding location of property and request to rescind sale to Mr. Porter.

Motion by Supervisor Carver to rescind the sale of tax defaulted property to Willard Porter. Motion dies for lack of a second.

D. Second Reading and Adoption of Proposed Amendment to Nuisance Ordinance.

Reading of Ordinance waived. County Counsel Comisky presents proposed amendment to Ordinance. Page 2 is to be modified to add "Agricultural Commissioner" as a

designated enforcement officer. Motion by Supervisor Huffman, seconded by Supervisor Colt to adopt Ordinance No. 271 A, amending Chapter 1.16 of the Modoc County Code, Nuisance Ordinance as presented. Motion unanimously carried.

Proposed Amendment to modify Nuisance Ordinance: Modify section 1.16.020 Authority to Arrest Without Warrant to include "Fire Marshall, Fire Chiefs of all Fire Districts within County and Agricultural Commissioner".

Motion by Supervisor Colt, seconded by Supervisor Zandstra to approve amendment to Nuisance Ordinance modifying section 1.16.020 to include Fire Marshall, Fire Chiefs of all Fire Districts within the County and Agricultural Commissioner. Ayes McIntyre, Zandstra, Huffman and Colt. Noes Supervisor Carver

6. Assessor Josephine Johnson requests approval to promote Allen "Butch" Hess from Range 36, Step A to Range 36, Step B effective 8/1/95 as he has successfully completed his probationary period.

Motion by Supervisor Carver, seconded by Supervisor Colt to approve the promotion of Allen "Butch" Hess to Range 36, Step B effective 8/1/95. Motion unanimously carried.

7. Consent Agenda Items:

- A. Approval of Contract 95-0073 with Department of Food and Agriculture**
- B. Approval to delete items from inventory (County Clerk)**
- C. Appointment of Administrative Services Director as Alternate to CSAC-EIA Board of Directors and Trindel JPA Board of Directors**
- D. Approval of Minutes of 8/1/95 Board Meeting**
- E. Authorization for Administrative Services Director to sign contract between County of Modoc, Child Abuse Prevention & Intervention Program and TEACH, Inc. in amount of \$34,500**
- F. Authorization for Administrative Services Director to sign contract between County Child Abuse Prevention and Intervention Program and Phillip J. Smith in amount of \$7,500**
- G. Authorization for Administrative Services Director to sign contract between County of Modoc, Federal Prevention Program and TEACH, Inc. in amount of \$17,149**

Motion by Supervisor Colt, seconded by Supervisor Carver to approve consent agenda items with the exception of Item "D" Minutes of 8/1/95 Board Meeting. Minutes to be corrected as follows: Item #7 page 617 to show motion and second, Page 616 "CMS" should read "CMSP", "SPA II Joint Powers Agreement" should read "PSA 2 Joint Powers Agreement". Motion unanimously carries.

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8. Administrative Services Director Items (Mike Maxwell)

**A. Consideration/Action: Approval of Property Purchase Agreement ,
property adjacent to Alturas Landfill, owners Jimmy and Dee Ferguson:**

Mike Maxwell reported that the legal description on the contract is incorrect and is in the process of being reviewed by County Counsel. Purchase price for the property is \$40,000 with \$10,000 funded from the County's risk management firm. The County will pay \$30,000 plus one half of the escrow fees.

Motion by Supervisor Huffman, seconded by Supervisor Zandstra to approve the purchase with modifications to exhibit A as staff and owner are agreeable to and to authorize Mike Maxwell to sign the contract for the county upon final review and approval by County Counsel. Motion unanimously carried.

**B. Consideration/Action: Resolution of Intent to finance the Ferguson
property through lease purchase**

Motion by Supervisor Zandstra, seconded by Supervisor Carver and unanimously carried to adopt Resolution No. 95-46, of official intent to finance Ferguson property and to reimburse certain expenditures from proceeds of indebtedness, as presented.

**C. Consideration/Action: Resolution to extend County budget consideration
from 8/20/95 to 9/5/95 as allowed by Division 3, Title 3, Article 4, Section
29080 of California Government Code**

Motion by Supervisor Carver, seconded by Supervisor Zandstra to adopt the resolution No. 95-47, to extend county budget consideration from 8/20/95 to 9/5/95. Motion unanimously carried.

8. Emergency items added by Administrative Services Director Maxwell

**D. Request from Modoc County Mental Health department for
authorization to expend \$5190 for fixed assets for the newly combined
departments of Alcohol and Drug, Mental Health and Public Health**

Motion by Supervisor Zandstra, seconded by Supervisor Carver to approve expenditure of \$5190 for fixed assets out of the FY 95/96 budget on the condition that the proposed computer equipment purchase is presented to and approved by the Data Processing Committee. Motion unanimously carried.

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/ E. Request authorization to set public hearing on Fee Reservoir Grant Application

Motion by Supervisor Zandstra, seconded by Supervisor Huffman to set public hearing on the Fee Reservoir Grant Application for 9/5/95 at 11:00 a.m. in the Board of Supervisors Room. Motion unanimously carried.

/ F. Request authorization to set public hearing to adopt FY 95/96 County budget

Motion by Supervisor Zandstra, seconded by Supervisor Colt to set public hearing to adopt FY 95/96 County budget for 9/5/95 at 2:00 p.m. in the Board of Supervisors Room. County Clerk will advertise the public hearing date. Motion unanimously carried.

9. Department Head Reports - NONE

Board of Supervisors Reports:

Supervisor Zandstra: Supervisor Zandstra reported that he, Supervisor McIntyre and Supervisor Huffman had attended a BLM meeting. They discussed the East Lassen Plan and the stewardship committee with Ed Hastey.

The Wismaths, the couple who were recently married on the steps of the courthouse, will present a photo of the wedding to Supervisor Zandstra.

12:00 p.m. Board in recess.

1:30 p.m. Board meeting reconvenes with all members present as heretofore. Board meeting convenes in closed session.

CLOSED SESSION: G.C. 54956.9 DISCUSS LITIGATION - JOHNSTON V. COUNTY OF MODOC, BRUCE MIX, ET AL.

2:15 p.m. Board meeting reconvenes in open session with all members present.

County Clerk Madison announces that by a unanimous vote the board authorized counsel be hired to defend Sheriff Bruce Mix as a Modoc County elected official. in the litigation Johnston vs. County of Modoc, Bruce Mix, et al. Further the board approved payment for cost of counsel for Sheriff Mix.

BOARD OF SUPERVISORS REPORTS:

Supervisor Huffman reports on Contract With People of Northern California discussed at the Northern California Supervisors Association meeting. The purpose of the "contract" or document is to put forth a unified front with regard to common issues among the north state counties. She reports on the Bio Diversity Council meeting that she attended. Supervisor Huffman reports that a Fish, Game and Recreation Commission member contacted her regarding a request to drain Pine Creek Reservoir in order to get rid of the trash fish in it. The request will be presented to Board ^{members} meeting at a later board meeting.

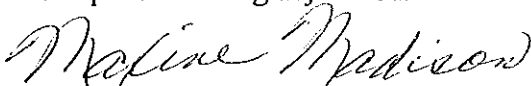
Supervisor Colt reports on the Local Transportation Meeting. He reports that the paving project on CR 54 is moving forward. Supervisor Colt informs members that he has received inquires regarding placing trailers on property for 90 days. Director Maxwell states that the City of Alturas is allowing trailers on property for short periods of time.

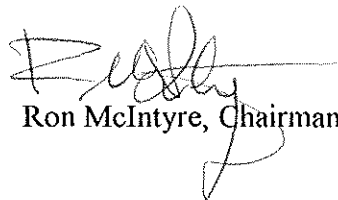
Supervisor Carver comments on the Memorial Park and that there is a lot of use of the park at this time. He suggests a letter be written to the Public Works Department commending them on the way the park is maintained. He reports that he has been approached with a request to keep the park restrooms open after 3:30 p.m.

Supervisor McIntyre reports that the Jess Valley Road project is not complete at this time. He discusses the meeting with Ed Hastey, BLM in Cedarville. He reports that the Modoc County Law Library Committee authorized hardware and software bids for the Law Library. The MDA will be interviewing candidates for the position of Developer soon.

Director of Administrative Services Maxwell reports that the sale closed on the Baker property and it is now the property of the County.

Nothing further to come before the Board at this time the meeting is adjourned to meet in regular session, Tuesday, September 5, 1995 at 9:00 a.m.
3:20 p.m. Meeting adjourned.


Maxine Madison, Clerk


Ron McIntyre, Chairman