

**BOARD OF SUPERVISORS**

**July 5, 1995**

The Board of Supervisors of Modoc County met in regular session this 5th day of July, 1995. The following Supervisors are present: Ben Zandstra, Joe Colt, Ron McIntyre, 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 Reverend David Sullivan. Chairman notes the agenda was posted on June 28, 1995.

**MATTERS INITIATED BY THE PUBLIC:**

No matters initiated by the public.

**DEPARTMENT HEAD REPORTS:**

No Department Head reports at this time.

Director of Administrative Services Maxwell requests an item that came to his attention after the agenda was posted be added to the agenda as a closed session item under GC Section 54956.9 (d)(2). 14 (b) Possible litigation - Ferguson, and 14 (c) Dr. Richert & Panner Request for Consideration..

Motion by Supervisor Zandstra, seconded by Supervisor Huffman and unanimously carried, to add the following to the agenda as items that needs immediate attention pursuant to GC Section 54954.2(2) and that the need arose subsequent to the agenda being posted. Item 14b Possible Litigation - Ferguson and 14c, Dr. Richert & Panner Request for consideration.

**ADOPT RESOLUTION ESTABLISHING SCHEDULE OF FEES FOR UNDERGROUND STORAGE OF HAZARDOUS SUBSTANCES:**

Agricultural Commissioner Wright presents information regarding the history of the Underground Storage Tank Program and how the fees were established. Board members discuss the issue and agree that the fee schedule should remain as set last year. This is a mandated program designed to cover the cost of the program. It is not mandatory for the fees to cover the cost of the program it can be funded by General Fund.

Motion by Supervisor Huffman, seconded by Supervisor Colt and carried, to maintain the same fee schedule that is presently in existence with no increase. Agricultural Commissioner Wright to prepare resolution with no increase in fees.

AYES: Supervisors Zandstra, Colt, McIntyre, Huffman  
ABSTAINS: Supervisor Carver Motion carries.

**MODOC MEDICAL CENTER: FINANCIAL/STATISTICAL REPORT-MAY 1995:**

Teresa Jacques, Modoc Medical Center Financial Services Officer reports that at the end of May the facility was \$84,041 above budget. Skilled nursing days were 1903 with an average daily census of 61.39. Overall revenue was (\$84,386) lower than budgeted, inpatient and SNF revenue

were (\$43,872) under budget. Outpatient revenue was below budget by (\$40,514). Expenses were \$3,380 over budget overall.

**DISCUSSION/ACTION: CENTRAL MODOC RCD CHANGE FIVE PERSON BOARD OF DIRECTORS TO SEVEN PERSON BOARD:**

Motion by Supervisor Huffman, seconded by Supervisor Zandstra and unanimously carried, to approve the request to increase the number of directors from five to seven member board of directors.

**AUTHORIZATION TO PROMOTE EMPLOYEE FROM RANGE 30, STEP F, TO RANGE 36, STEP E:**

Motion by Supervisor Colt, seconded by Supervisor Carver and unanimously carried, to authorize Road Commissioner to promote Rulon Oyler, to the position of Supervisor Building And Grounds Worker, Range 36, Step E, from Building and Grounds worker, Range 30, Step F. Further the action taken at the June 20, 1995 board meeting regarding his promotion to this position is rescinded as the information presented regarding range and step was incorrect.

**REQUEST BOARD LETTER OF SUPPORT FOR MODOC DISTRICT FAIR TO ACCOMPANY ENCROACHMENT PERMIT TO THE STATE OF CALIFORNIA, DEPARTMENT OF TRANSPORTATION:**

Motion by Supervisor Zandstra, seconded by Supervisor Carver and unanimously carried, to send a letter of support for the Modoc District Fair.

**REQUEST BOARD ORDER ADOPTING THE 1995/96 ROAD DEPARTMENT BUDGET:**

Motion by Supervisor Huffman, seconded by Supervisor Carver and unanimously carried, to approve the 1995/96 Road Department budget as presented by Road Commissioner Pedersen.

10:15 a.m. Board in recess.

10:30 a.m. Board in recess with all members present.

**DISCUSSION/ACTION: CSAC EXECUTIVE COMMITTEE REQUEST FOR COUNTY'S FINANCIAL PARTICIPATION-SUPERIOR COURT OF MENDOCINO COUNTY V. COUNTY OF MENDOCINO:**

Director of Administrative Services Maxwell discusses litigation. The Litigation Overview Committee of the County Counsels' Association has recommended that Supreme Court review be sought, but Mendocino County has no funds to pursue the case.

Motion by Supervisor Zandstra, seconded by Supervisor Huffman, and unanimously carried, to authorize county counsel to request that the name of County of Modoc be added to the amicus brief in support of the County of Mendocino which is being coordinated by the Litigation Coordination Program of the County Counsels' Association and the California State Association of Counties. This authority is conditioned on County Counsel's approval of the brief or knowledge of the skills of the briefwriter. Chairman authorized to sign the authorization on behalf of the County of Modoc.



Director Maxwell informs members that the CSAC Executive Committee feels that the issues involved are important enough that Mendocino should be assisted in this effort. The amount requested from Modoc County is \$500. and if the money is not used it is refunded to the county.

Motion by Supervisor Zandstra, seconded by Supervisor Huffman and unanimously carried, to approve the \$500. contribution to CSAC Litigation Program for support of Superior Court of Mendocino County v. County of Mendocino. Funds to come from Administration Professional and Specialized budget.

**ADOPT RESOLUTION: ACCEPT/EXECUTE HOUSING AND COMMUNITY DEVELOPMENT, OFFICE OF MIGRANT SERVICES CONTRACT #95-OMS-449 IN THE AMOUNT OF \$162,139 AND AUTHORIZE MICHAEL MAXWELL SIGNATORY AUTHORITY:**

Motion by Supervisor Huffman, seconded by Supervisor Carver and unanimously carried, to adopt Resolution No. 95-41, authorizing Michael Q. Maxwell to execute Operations Contract No. 95-OMS-449 in the amount of \$162,139.00, Migrant Services Program Agreement by and through the Department of Housing and Community Development of the State of California on behalf of the County of Modoc.

**AUTHORIZATION FOR COMMUNITY PROGRAMS COORDINATOR TO SIGN CONTRACT WITH JOB TRAINING CENTER TO PROVIDE ASSESSMENT SERVICES TO GAIN CLIENTS:**

Motion by Supervisor Zandstra, seconded by Supervisor Colt and unanimously carried, to authorize Community programs Coordinator Maxwell to sign the contract with Job Training Center to provide assessment services to GAIN clients.

**AUTHORIZATION FOR COMMUNITY PROGRAMS COORDINATOR TO SIGN CONTRACT WITH TEACH, INC. TO PROVIDE CHILD CARE SERVICES TO GAIN CLIENTS:**

Motion by Supervisor Colt, seconded by Supervisor Carver and unanimously carried, to authorize Community Programs Coordinator Maxwell to sign contract with TEACH, INC. to provide child care services to GAIN clients.

**CONSENT AGENDA ITEMS:**

**(a) CERTIFICATE OF COMPLIANCE - CALIFORNIA DEPARTMENT OF VETERANS AFFAIRS 1995-96 COUNTY SUBVENTION PROGRAMS: (VETERANS SERVICE OFFICER)**

Motion by Supervisor Colt, seconded by Supervisor Huffman and unanimously carried, to authorize the Chairman to sign Certificate of Compliance California Department of Veterans Affairs 1995-96 County Subvention Programs.

**APPROVAL OF MINUTES OF 6/6/95 MEETING:**

Motion by Supervisor Colt, seconded by Supervisor Carver to approve the minutes of 6/6/95 as amended with Agenda Item 9(c) to read Motion by Supervisor Carver, seconded by Supervisor Huffman in place of Motion by Supervisor Carver, seconded by Supervisor Carver.

**DEPARTMENT HEAD REPORTS:**

No Department Head reports t this time.

**ADMINISTRATIVE SERVICES DIRECTOR REPORT:**

Director of Administrative Services Maxwell reports that the foreclosure proceedings on Tom Lee Meadows has closed and the county now owns the property. The property is for sale from the sale proceeds the liens will be cleared on the property the balance will be retained by the county and will go into the revolving loan fund.

Director Maxwell reports that three departments, Assessor, Recorder and Treasurer and checking into a new computer system and will be going to Redding to look at new equipment and software from Crest Systems.

Director Maxwell and Counsel Counsel Comisky discuss the Lockyear bill, Corrections Realignment which would shift or realign violent prisoners from the state to the counties.

**BOARD OF SUPERVISORS REPORTS:**

Supervisor Zandstra reports that the small business seminar conducted in Surprise Valley had a good attendance with approximately 35 persons taking advantage of the seminar.

Supervisor Zandstra reports on the Hospital Board of Trustees meeting he attended and also the RC&D meeting. He reports on the computer Internet at the library.

Supervisor Huffman reports on the CMSP Governing Board meeting in Sacramento. She reports that she and Supervisor Zandstra met with Congressman Wally Herger in Alturas following the parade. She reports that the PSA II meeting will be July 18, 1995.

Supervisor Colt reports that it is anticipated that the Jess Valley Road project will be completed by the end of the month. He discusses the conditions of county roads.

Supervisor McIntyre reports that he attended the power line meeting with the USFS. The USFS wanted another study on the route of the line. An although the route had already been studied by Sierra Power it had not been documented to a satisfactory level. An agreement has been reached and the route in question will be addressed and substantial documentation will be submitted.

11:30 a.m.

**PUBLIC HEARING: APPROVAL OF REQUEST FILED BY JIMMIE FERGUSON FOR APPROVAL OF A PARCEL MAP CHANGE:**

Planning Director Kessler recommends approval of the application filed by Jimmie Ferguson for approval of a parcel map to divide 156.26 acres into four parcels. The parcels will be approximately 40 acres for three parcels and one Parcel 36 acres.

Staff report presented by Planning Director Kessler. Mr. Ferguson present. No appearances in opposition to the application. Hearing closed.

Motion by Supervisor Colt, seconded by Supervisor Carver and unanimously carried, to adopt Resolution No. 95-42, to approve the proposed tentative and final map as set as recommended by Planning Commission Resolution No. 95-07.

NOON RECESS:

1:30 p.m. Board meeting reconvenes with Supervisors Zandstra, Colt, McIntyre and Huffman present. Supervisor Carver absent. Director of Administrative Services Maxwell and Clerk Madison also present.

DISCUSSION/ACTION: LAND USE COMMITTEE:

(a) LAND USE COMMITTEE'S RECOMMENDATIONS ON FOREST SERVICE SUMMARY DRAFT ENVIRONMENTAL IMPACT STATEMENT (MANAGING CALIFORNIA SPOTTED OWL HABITAT IN THE SIERRA NEVADA NATIONAL FOREST OF CALIFORNIA) (LETTER TO WALLY HERGER):

Sean Curtis, Land Use Committee representative presents comments and recommendations on Forest Service Summary Draft Environmental Impact Statement, Managing California Spotted Owl Habitat in the Sierra Nevada National Forest of California. Comments are due on or before July 10, 1995.

Motion by Supervisor Huffman, seconded by Supervisor Zandstra and carried, to accept the comments of the Land Use Committee and that a letter be written to USFS by July 10, 1995 incorporating comments of the Land Use Committee.

AYES: Supervisors Zandstra, Colt, McIntyre, Huffman

ABSENT: Supervisor Carver Motion carries.

LAND USE COMMITTEE RECOMMENDED COMMENTS USFS LAND AND MANAGEMENT PLANNING PROPOSED RULES CHANGES:

Sean Curtis, Land Use Committee representative presents Proposed Rule changes recommendations.

Motion by Supervisor Zandstra, seconded Supervisor Huffman and carried, to accept recommendations as proposed by the Land Use Committee to the USFS proposed rules changes and to send the comments to the USFS.

AYES: Supervisors Zandstra, Colt, McIntyre, Huffman

ABSENT: Supervisor Carver Motion Carries.

REPORT/ACTION: DEPARTMENT OF COUNTY HEALTH SERVICES: (Director of Administrative Services)

Director of Administrative Services Maxwell presents report requested by the board regarding the feasibility of combining the Department of Public Health, Mental Health/Drug and Alcohol and Environmental Health under one department head. The growth of the Public Health Department has made it difficult for the County Health Officer to administer the department with the added responsibilities of the department since he was appointed some 15 years ago. The Public Health Department now has a staff of ten persons. Director Maxwell reports discussed the matter with Director of Mental Health Gillaspie, Dr. Richert and state representatives regarding the proposal to combine the departments.

Board members discuss the matter. Director Gillaspie is present and is confident that the departments can be combined into one department. At

the present time the departments are scattered in various buildings Supervisors discuss the possibility of locating the departments in one building. Dr. Richert present and discusses combining the departments. Board members discuss placing the Environmental Health Department near the Public Works Department which would place various required permits in one area.

**CONSIDERATION/ACTION: ESTABLISH THE DEPARTMENT OF COUNTY HEALTH SERVICES:**

Proposed ordinance introduced to Establish the Department of County Health Services.

Motion by Supervisor Huffman, seconded by Supervisor Zandstra and carried to waive first reading of the proposed ordinance and set reading and adoption for July 5, 1995.

AYES: Supervisors Zandstra, Colt, McIntyre, Huffman

ABSENT: Supervisor Carver

**CONSIDERATION/ACTION: INTRODUCTION OF ORDINANCE ESTABLISHING THE POSITION OF DIRECTOR, COUNTY HEALTH SERVICES:**

Proposed ordinance introduced to Establish the Position of Director, County Health Services.

Motion by Supervisor Colt, seconded by Supervisor Zandstra, and carried, to waive first reading of the proposed ordinance and set reading and adoption for July 5, 1995.

AYES: Supervisors Zandstra, Colt, McIntyre, Huffman

ABSENT: Supervisor Carver

**APPOINTMENT OF DIRECTOR OF COUNTY HEALTH SERVICES:**

Motion by Supervisor Zandstra, seconded by Supervisor Colt and carried, to appoint Robert (Bob) Gillaspie as Director of County Health Services, effective August 1, 1995, with no increase in salary at this time.

AYES: Supervisors Zandstra, Colt, McIntyre, Huffman

ABSENT: Supervisor Carver

**READING AND ADOPTION OF PROPOSED ORDINANCE ESTABLISHING THE POSITION OF MENTAL HEALTH CLINICIAN I:**

Proposed ordinance establishing the position of Mental Health Clinician I is read.

Motion by Supervisor Colt, seconded by Supervisor Huffman and carried, to adopt Ordinance No. 250-55, establishing the position of Mental Health Clinician I.

AYES: Supervisors Zandstra, Colt, McIntyre, Huffman

ABSENT: Supervisor Carver

2:55 a.m. CLOSED SESSION:

GC 54956.9 ADVICE FROM LEGAL COUNSEL RE: PROPOSED REORGANIZATION OF COUNTY DEPARTMENTS:

GC 54956.9(D)(2): POSSIBLE LITIGATION-FERGUSON:

GC 54957.6 INSTRUCTIONS TO COUNTY LABOR NEGOTIATOR:

GC 54956.9(D)(2) DR. RICHERT & DR. PANNER REQUEST FOR CONSIDERATION:

4:00 p.m. Board meeting reconvenes in open session. Supervisor Carver absent.

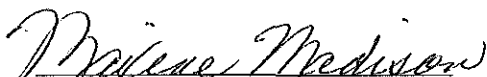
Chairman McIntyre announces that the item under litigation --Ferguson, Director of Administrative Services was directed to pursue a settlement reasonable to both parties. County Counsel to be present at negotiations. Ayes: Supervisors Colt, Huffman and Zandstra  
Absent: Supervisor Carver Abstains: Supervisor McIntyre


Litigation--Request from Dr. Richert and Dr. Panner for consideration. Chairman announces that the claims filed by Dr. Richert and Dr. Panner in the amount of \$2582.75 are approved for payment.  
Ayes: Supervisors Zandstra, Colt, McIntyre, Huffman  
Absent: Supervisor Carver

No action taken on remaining closed session items.

There being no further business to come before the board at this time the meeting is adjourned. Regular meeting of the board is scheduled for Tuesday, July 18, 1995 at 9:00 a.m.

4:10 p.m. Meeting adjourned.

  
Maxine Madison, Clerk

  
Ron McIntyre, Chairman