

**BOARD OF SUPERVISORS**

**MAY 2, 1995**

The Board of Supervisors of Modoc County met in regular session this 2nd day of May, 1995. The following Supervisors are present: Ben Zandstra, Joe Colt, Ron McIntyre, and Nancy J. Huffman. Absent: Supervisor Ed Carver. County Clerk Maxine Madison, Director of Administrative Services Mike Maxwell and County Counsel Hugh Comisky, Jr. are also present.

Meeting called to order pursuant to law by Chairman McIntyre. Following the flag salute the invocation is offered by Supervisor Zandstra. Chairman notes the agenda was posted April 27, 1995.

The following high school seniors who are being hosted as Honorary Supervisors are introduced by board members.

John Callos	District 1	Warner Mountain School
Liz Harris	District 1	Surprise Valley High School
Susan Hall	District 2	Modoc Joint Unified High School
Tracy Weed	District 3	Modoc Joint Unified High School
Leslie Lancaster	District 4	Modoc Joint Unified High School

Each Supervisor briefly discusses the responsibilities as Supervisor.

**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 that an item that came to his attention after the agenda was posted be added to the agenda. He requests the following be added as item 10-b: Resolution authorizing County District Attorney to make OCJB Grant application on behalf of the County of Modoc.

Motion by Supervisor Colt, seconded by Supervisor Zandstra and carried, to add the following to the agenda as an item that needs immediate attention pursuant to GC Section 54954.2(2) and that the need arose subsequent to the agenda being posted. Item 10b "Consideration/Action: adopt resolution authorizing County District Attorney to make: OCJB Grant application on behalf of County of Modoc.

**FOREST SERVICE ADMINISTRATIVE REORGANIZATION:**

Diane Henderson, Supervisor Modoc National Forest, reports on proposed administrative

reorganization. The comment period will end May 8, 1995. The decision on the reorganization will be made May 30, 1995. The plan will go into effect in 1996, it is anticipated that part of the plan will be implemented in 1995.

**FINANCIAL & STATISTICAL REPORT:(Modoc Medical Center)**

Teresa Jacques, FSM, Modoc Medical Center presents Financial Review for March, 1995. Hospital Administrator Donald reminds board members of the Health Fair, May 6, 1995.

**REQUEST FOR \$2,800 FROM CONTINGENCY BUDGET TO PURCHASE SECONDARY DISPATCH RADIO TO CONSOLIDATE MULTIPLE SECONDARY RADIOS INTO ONE CONSOLE. REQUEST TO PURCHASE AT WHOLESALE FROM LOCAL TECHNICIAN AT "O" PROFIT-NO BID ADVERTISEMENT: (Sheriff)**

Motion by Supervisor Huffman, seconded by Supervisor Zandstra and carried, to approved the request for \$2,800. from one time funds to purchase secondary dispatch radio to consolidate multiple secondary radios into one console. Further the bid process is waived as it is not in the best interest of the County to bid the item.

**ADOPT RESOLUTION CONFIRMING FEE SCHEDULE FOR SOLID WASTE ASSESSMENT: (Public Works)**

Motion by Supervisor Colt, seconded by Supervisor Huffman and carried, to adopt Resolution No. 95-30, pursuant to Government Code 25830 and Modoc County Code Establishing Fee Schedule for Land Classified for Solid Waste Generation, Fiscal Year 1995/96.

**REQUEST TO ADVERTISE FOR PROPOSALS TO FURNISH A COUNTYWIDE AUDIT FOR FISCAL YEARS ENDING JUNE 30, 1995 AND JUNE 30, 1996: (Auditor)**

Motion by Supervisor Huffman, seconded by Supervisor Colt and carried, to authorize Auditor to advertise for proposals to furnish a countywide audit for Fiscal Years ending June 30, 1995 and June 30, 1996.

**BUDGET TRANSFER FROM SALARY AND BENEFITS TO AGRICULTURE LINE ITEM: (Agricultural Commissioner)**

Agricultural Commissioner Wright requests budget transfer in the amount of \$4,000 . from salary and benefits to Agriculture line item Services and Supplies. He informs board members that he has the funds available in salary and benefits that due to the weather he has not hired part time help as early as planned.

Motion by Supervisor Colt, seconded by Supervisor Zandstra and carried, to approve the transfer of \$4,000. from salary and benefits to Services and Supplies Agriculture budget.

**REQUEST TO BID FOR CHEMICAL NOT TO EXCEED \$5,500. (Agricultural Commissioner)**

Agricultural Commissioner Wright requests permission to bid for purchase of Velpar and Roundup Chemicals for weed control programs not to exceed \$5,500.

Motion by Supervisor Huffman, seconded by Supervisor Zandstra and carried, to authorized Agricultural Commissioner to advertise for bid for purchase of Velpar and Roundup chemicals for weed control programs not to exceed \$5,500. Bid opening set for May 16, 1995 board meeting.

**PROCLAMATION DECLARING JUNE, 1995 AS ELDER ABUSE AWARENESS MONTH IN MODOC COUNTY:**

Motion by Supervisor Colt, seconded by Supervisor Huffman and carried, to approve Proclamation Declaring June, 1995 as Elder Abuse Awareness Month in Modoc County.

**APPROVE TRANSFER OF FUNDS FROM PROBATION TITLE IVA-EA TRUST FUND FOR SOCIAL SERVICES COMPUTER AND PRINTER:**

Director of Social Services Belarde presents requests for purchase of a computer and printer. The Data Processing Committee has approved the proposed acquisition. Probation Officer Pineo describes the Title IVA Emergency Assistance program that is a fund administered by the Probation Department.

Motion by Supervisor Zandstra, seconded by Supervisor Huffman and carried, to approve the transfer of funds from Probation Title IVA-EA Trust Fund into Social Services fixed asset budget. Further the purchase of computer and printer as requested is approved for the sum of \$2354.00.

10:10 a.m. Board in recess.

**INTRODUCTION OF TOBACCO CONTROL MANAGER. PROVIDE INFORMATION ON ENFORCEMENT OF THE CA LAW FOR SMOKEFREE WORKPLACES IN OTHER COUNTIES:**

Linda Nelson introduces Steven Foster, Tobacco Control Manager for Modoc County. Mr. Foster gives update on enforcement of AB13 in other counties. Discussion follows regarding the wording of AB13. Chairman McIntyre request that Mr. Foster return for the next Board Meeting on May 16, 1995. At that time Board will designate an agency to enforce AB13.

**RESOLUTION TO SUPPORT PROPOSITION B AND ADVISORY VOTE TO DIRECT THE LEGISLATURE TO PROPOSE AN AMENDMENT TO CALIFORNIA CONSTITUTION OPPOSING UNFUNDED MANDATES:**

Motion by Supervisor Zandstra, seconded by Supervisor Colt and carried, to adopt Resolution No. 95-31, in support of binding statewide constitutional amendment opposing Federal and State unfunded mandates imposed on local governments.

**RESOLUTION REGARDING OFFICE OF CRIMINAL JUSTICE PLANNING ANTI-DRUG ABUSE GRANT FOR FISCAL YEAR 1995-1996:**

Motion by Supervisor Colt, seconded by Supervisor Zandstra, and carried, to adopt Resolution No. 95-32, authorizing District Attorney on behalf of Modoc County to submit Anti-Drug Abuse Application grant for Fiscal Year 1995-96.

11:00 a.m. PUBLIC HEARING:

**HEARING RE: THE BUREAU OF LAND MANAGEMENT AND THE PUBLIC UTILITIES COMMISSION -DRAFT ENVIRONMENTAL DOCUMENT FOR THE CONSTRUCTION OF A 345Kv POWER LINE THAT IS PROPOSED TO STRETCH BETWEEN ALTURAS AND RENO:**

Steve Duncan, Sierra Pacific Power is present and reports that the comment period on the EIR has been extended to June 2, 1995.

Mark Armstrong , owner of Earth Engineers, and spokesperson for the "NO" group speaks in opposition to the proposed routing of the line.

PUBLIC HEARING CLOSED  
BOARD RECONVENES

County Counsel Comisky will redraft the resolution in support of the Modoc County Planning Commissions resolution to contain language that will incorporate mitigating concerns of property owners. This item will be on the agenda for the May 16, 1995 meeting.

**CONSENT AGENDA ITEMS:**

**APPROVAL OF MINUTES OF 4/4/95 AND 4/18/95:  
RERATIFY LOCAL EMERGENCY PROCLAMATION 3/14/95:**

Supervisor Huffman requests that the minutes of 4/18/95 be removed. She takes exception with the following items and wishes them to be corrected:

Page 558 item regarding NORTEC alternates. The minutes should reflect that the alternate for Joe Colt is Richard Belarde.

Page 558. Item regarding shredder for Social Services Department, the vote on the motion should be AYES: Supervisors Colt, Zandrstra, McIntyre. Noes: Supervisors Huffman and Carver.

Page 558 Item 18 from 4/18/95 Meeting - Supervisor Huffman notes that it was decided that all of the Supervisors should sign the proposed land use ordinances and NOT just the Chairman. Minutes to be amended to reflect this in the minutes of the 4/18/95 meeting.

Page 560 PUBLIC HEARING 4/18/95 re: CDBG BLOCK GRANT: Supervisor Huffman wants minutes amended to remove "native American" in Paragraph 2 .

ITEM 10 C - Public Health removal of items from inventory, should read "all items deleted except "metal 4-drawer steel cabinet"

Motion by Supervisor Huffman, seconded by Supervisor Colt and unanimously carried, to approve the minutes as corrected.

**RE-RATIFY LOCAL EMERGENCY PROCLAMATION:**

Motion by Supervisor Huffman, seconded by Supervisor Zandrstra and carried to Re-Ratify the Local Emergency Proclamation of March 14, 1995.

**NOON RECESS:**

2:05 p.m. Board meeting reconvenes with all members present. Honorary Supervisors present as heretofore.

**READING & ADOPTION OF PROPOSED ORDINANCE: COMPREHENSIVE LAND USE AND MANAGEMENT PLAN FOR THE FEDERALLY & STATE MANAGED LANDS IN MODOC COUNTY:**

County Counsel Comisky reads summary of proposed ordinance. Supervisor Huffman requests signature line for each board member on the ordinance.

Motion by Supervisor Zandrstra, seconded by Supervisor Huffman and carried, to adopt Ordinance No. 311 Comprehensive Land Use and Management Plan for the Federally & State Managed Lands in Modoc County.

**READING & ADOPTION OF PROPOSED ORDINANCE: PROTECTION OF THE PUBLIC PEACE, GENERAL WELFARE, HEALTH & SAFETY OF THE**

**CITIZENS OF MODOC COUNTY FROM VIOLATIONS OF THEIR  
CONSTITUTIONAL RIGHTS:**

County Counsel Comisky reads summary of proposed ordinance.

Motion by Supervisor Zandstra, seconded by Supervisor Colt and carried, to adopt Ordinance No. 312, Protection of the Public Peace, General Welfare, Health & Safety of the Citizens of Modoc County from Violations of their Constitutional Rights.

**READING & ADOPTION OF PROPOSED ORDINANCE REAFFIRMING THE  
PROTECTIONS FOR PRIVATE PROPERTY AS PROVIDED IN THE FIFTH  
AND FOURTEENTH AMENDMENTS TO THE US CONSTITUTION AND THE  
CIVIL RIGHTS ACT AND RE-ESTABLISHING THE DEFINITION OF  
PRIVATE PROPERTY PROTECTED BY THE CONSTITUTION AND CIVIL  
RIGHTS ACT AS DEFINED IN CURRENT FEDERAL CASE LAW AND  
REGULATION:**

County Counsel Comisky reads the proposed ordinance in full.

Motion by Supervisor Zandstra, seconded by Supervisor Colt, and carried, to adopt Ordinance No. 313 Reaffirming the Protections for Private Property as Provided in the Fifth and Fourteenth Amendments to the US Constitution and the Civil Rights Act and Re-Establishing the Definition of Private property Protected by the Constitution and Civil Rights Act as Defined in Current Federal Case Law and Regulation.

**INFORMATION/ACTION: MITIGATIONS OF CONCERN EIS TUSCARORA  
GAS LINE:**

Sean Curtis representing Land Use Committee reports on mitigations of concern of final EIS Tuscarora Gas Line project. The comment period has ended as this is the final EIS on the project. The committee is concerned with the acquisition of government lands and not private parties, third party sales of property that has an economic impact on the county is a concern. Sean and Planning Director Kessler to assist Director of Administrative Services in writing the letter to Senator Leslie expressing the views and concerns of Modoc County.

Motion by Supervisor Huffman, seconded by Supervisor Zandstra and carried, to write a letter to Senator Leslie stating the views and concerns of Modoc County Board of Supervisors and the Land Use Committee regarding a process to mitigate a third party purchase of land..

**HONORARY SUPERVISORS PRESENTED CERTIFICATES:**

Each Supervisor presents Honorary Student Supervisor from their district with a certificate and thanks them for attending the board meeting. Supervisor Huffman presents each with a Modoc County pin.

**3:05 p.m. Board in recess.**

**3:18 p.m. Board meeting reconvenes with all members present.**

**DISCUSSION: PATTERSON GUARD STATION PACK STATION:**

Tom and Ruth Lake present and request a letter of support of their proposal for a Pack Station at the Patterson Guard Station. The Granger-Thye Act authorized the Forest Service to rent or lease government owned facilities to the public with the fees being used for the maintenance of the facility. Mr. Lake has submitted a proposal to the Forest Service for a pack station under the Granger-Thye Act.

Supervisor Zandstra requests a letter of support for a temporary permit at this time and a long term permit under the Granger-Thye Act. Director of Administrative Services Maxwell to write a letter of support of the proposal of Tom and Ruth Lake for a Pack Station at the Patterson Guard Station.

**CONSIDERATION/ACTION: RESOLUTION PROCLAIMING MAY 4, 1995 AS THE NATIONAL DAY OF PRAYER:**

Board members have no objection to a group prayer on the Courthouse steps on May 4, 1995.

Motion by Supervisor Zandstra, seconded by Supervisor Huffman and carried, to adopt Resolution No. 95-33, Proclaiming May 4, 1995 as the National Day of Prayer.

**READING AND ADOPTION OF PROPOSED ORDINANCE AUTHORIZING AMENDMENT TO CONTRACT BETWEEN MODOC COUNTY AND CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM:**

Director of Administrative Services Maxwell reads proposed ordinance.

Motion by Supervisor Zandstra, seconded by Supervisor Huffman and carried, to adopt Ordinance No. 314, authorizing an amendment to the Contract between the Modoc County Board of Supervisors and the Board of Administration of the California Public Employees' Retirement System..

**TRI-COUNTY BOARD OF SUPERVISORS MEETING: DISCUSSION/ACTION:**

Wednesday, May 17, 1995 is joint county Board of Supervisors meeting with Plumas, Lassen and Modoc Counties. The meeting is at the Lassen County Fairgrounds in Susanville, CA.

**DISCUSSION/ACTION: OCCUPATIONAL LEAD POISONING FEE-STATE BOARD OF EQUALIZATION ENVIRONMENTAL FEES DIVISION:**

Director of Administrative Services discusses the State Board of Equalization Environmental fees for Occupational Lead Poisoning Fee. The fee for Modoc County is \$760. with 270 county employees.

Motion by Supervisor Colt, seconded by Supervisor Zandstra and carried, to approve payment of the \$760. fee for Occupational Lead Poisoning, with payment to be transferred from contingency fund into the Director of Administrative Services budget. Board members request a letter of protest of the fee be sent with the payment.

**DEPARTMENT HEAD REPORTS:**

No Department Head Reports.

**BOARD OF SUPERVISOR REPORTS:**

Supervisor Zandstra reads a letter from Leanna Rose, dated April 24, 1995 regarding a Superior Court action handled by District Attorney Comisky. District Attorney Comisky presents a letter to each board member answering allegations set forth in the letter of Mrs. Rose. Board members direct Director of Administrative Services Maxwell to respond to the letter from Mrs. Rose finding no conflict with the county ordinance.

Supervisor Zandstra discusses a letter from Surprise Valley Resource Conservation District that they are interested in entering into a partnership with the county on the Emergency Watershed Protection program, as it applies to Owl Creek. They state that Owl Creek is in need of flood retarding structures, and needs the removal of debris and sediment from water course to prevent future flooding.

Supervisor Zandstra reports on RC&D meeting he attended. He reports that in the meeting a letter of support of Ash Creek Wild Life land acquisition was approved. Board to write a letter to RC&D requesting that the Land Use Committee and Board members be notified regarding land use issues.

Supervisor Huffman reports that she will attend the spotted owl meeting in Sacramento. The persons who drafted the document did not appear. She reports that she attended the LAFCO meeting on April 27, 1995. She attended the endangered species meeting April 28, 1995. She reports that the meeting was well attended by farmers..

Supervisor Colt reports that he has traveled many of the county roads and reviewed for storm damage.

Supervisor McIntyre reports he attended CSAC meeting. He discusses spotted owl issue and the impact on some counties. Discusses a resolution regarding Orange County that CSAC adopted. He reports that Supervisor Carver is still hospitalized in Washoe Medical Center, Reno, NV that he understands he will be home this week.

Director of Administrative Services Maxwell reports on PSA II meeting he attended with Supervisors Huffman and Carver.

**CLOSED SESSION: GC 54956.9**

**ADVISE FROM LEGAL COUNSEL RE: PROPOSED REORGANIZATION OF COUNTY DEPARTMENTS:**



**OPEN SESSION:**

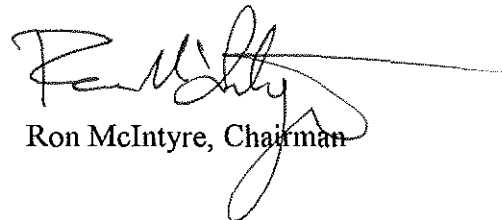
Chairman announces that no action was taken in closed session.

No further business to come before the board at this time the meeting is adjourned to meet in regular session Tuesday, May 16, 1995.

6:30 p.m. Meeting adjourned.



Maxine Madison, Clerk



Ron McIntyre, Chairman