

**BOARD OF SUPERVISORS**

**MARCH 5, 1996**

The Board of Supervisors of the County of Modoc met in regular session this 5th day of March, 1996. The following supervisors were present: Nancy J. Huffman, Ron McIntyre, Ed Carver, Joe Colt and Ben Zandstra. County Clerk Maxine Madison, Auditor Judi Stevens and Director of Administrative Services Mike Maxwell also present.

Meeting called to order pursuant to law by Chairperson Huffman. Following the flag salute, the invocation was offered by Supervisor Zandstra. Chairperson Huffman noted that the agenda was posted on February 29, 1996.

**MATTERS INITIATED BY THE PUBLIC:**

Warren Stevens representing Lookout Fire Department requests board members recognize Bob Seibert for his years of volunteer community service to the Lookout Rural Fire Department. Board members agree that a certificate be prepared for presentation as requested.

**2. PRESENTATION: CERTIFICATION OF APPRECIATION TO GLENN JOBE.**

Certificate of Recognition and Appreciation presented to Glenn Jobe for 30 years of service to Central Modoc Resource Conservation District.

**3. COUNTY LETTER OF RESPONSE TO MR. MARK ARMSTRONG'S LETTER TO BOARD OF SUPERVISORS ON BID ALLOCATION.**

Director of Administrative Services Maxwell reads letter of response to Mr. Mark Armstrong's letter to the Board of Supervisors on bid allocation. He reports that the Board of Supervisors, County Counsel, and Board Staff, and Director of Administrative Services have studied the information regarding the allegations and information regarding the "wrong-doing" by the County.

1. Awarding of a contract for a \$25,000 "Landfill Plan" 2. The Local Transportation Agency issuing a contract to do "Traffic Studies for the Area." 3. Consultant qualification requirements for mining and reclamation plans recently bid. The Board finds response to No. 1, that the County acted within the scope of its authority and responsibility and did meet all the requirements of pertinent California Government Code in awarding of the contract for a Landfill Closure Analysis Report. His demand for restitution is unwarranted and will not be given. In response to No. 2, all state and local requirements for public notification of meeting and advertisement for bid were met and exceeded by the LTC in their contracting for the Transit Development Plan. The demand for restitution is unwarranted and will not be given. Response to No. 3, the Board finds the protest and allegations are without merit. The Board authorizes the Road Commissioner to complete contract arrangements with Environmental Science Associates and proceed with the project without further delay. The demand for restitution is unwarranted and will not be given. The Board offers Mr. Armstrong the opportunity to obtain the appropriate forms to file an official claim against the County if he desires.

**4. MODOC MEDICAL CENTER ITEMS:**

**a. FINANCIAL & STATISTICAL REPORT:**

Theresa Jacques, FSM presents financial overview for January, 1996.

**4b. A/R TRANSFER REQUEST:**

Motion by Supervisor Colt, seconded by Supervisor Carver and unanimously carried, to approve the request to relieve the Hospital Administrator and Financial Services Manager from active accountability for the collection of the following debts in the amount of \$25,707.85. Forty-four accounts totaling \$5,996.96 to go to Small Claims and two hundred and sixteen accounts in the amount of \$42,970.14 to be referred to a collection agency.

**4c. RURAL HEALTH SERVICES OUTREACH GRANT APPLICATION APPROVAL:**

Hospital Administrator Donald presents information regarding Rural Health Services Outreach Grant Application.

Motion by Supervisor Colt, seconded by Supervisor Zandstra and unanimously carried, to approve the Rural health Services Outreach Grant Application as requested.

**4d. POSITION REQUEST:**

Hospital Administrator presents request for the position of Information Services Manager. The department is the Medical Records/Information Services, Modoc Medical Center. The Hospital Board of Trustees have recommended the position be created.

Motion by Supervisor Zandstra, seconded by Supervisor McIntyre and unanimously carried, to approve the position of Information Services Manager, in salary level 72, with steps 1-6, \$10.6003--13.5290 per hour.

**5. DEPARTMENT OF HEALTH SERVICES ITEMS: (R. Gillaspie, Director)**

**a. CONSIDERATION OF ADOPTION OF ORDINANCE ESTABLISHING POSITION OF COUNTY PUBLIC HEALTH NURSE AT RANGE 66.**

Director of Administrative Services Maxwell requests board members stipulate that the two ordinances to be considered today be considered emergency ordinances, that would make it possible for the ordinances to be effective immediately upon passage of the ordinance following the reading and adoption.

Director Gillaspie informs members that he has referred the request to create the positions to the Modoc County Employees Association. At this time a response has not been received.

Motion by Supervisor Colt, seconded by Supervisor Carver and unanimously carried, to introduce proposed ordinance creating the position of County Public Health Nurse at Range 66,, waive first reading and set for reading and adoption for the March 19, 1996 meeting.

**5b. CONSIDERATION AND ADOPTION OF ORDINANCE ESTABLISHING POSITION WITHIN THE MENTAL HEALTH/DRUG AND ALCOHOL DEPTS. CASE MANAGER/SUBSTANCE ABUSE COUNSELOR, RANGE 48.**

Director Gillaspie informs members that this position will be 50% Drug and Alcohol and 50% Mental Health Department. He has the funds for the position.

Motion by Supervisor Colt, seconded by Supervisor Zandstra, and unanimously carried, to introduce proposed ordinance creating the position of Case Manager/Substance Abuse Counselor at range 48, step A., waive the first reading and set reading and adoption for the March 19, 1996 meeting.

10:50 a.m. Board in recess.

11:00 a.m. Board meeting reconvenes with all members present as heretofore.

**6. ROAD DEPARTMENT ITEMS: (Road Commissioner Pedersen)**

**a. PROVIDE THE BOARD INFORMATION ON THE RESULTS OF THE FINANCIAL BIDS FOR THE LEASE/PURCHASE OF FIVE (5) 1996 KENWORTH T800B TRUCKS TO BE PURCHASED FROM REDDING KENWORTH AT A COST OF \$485,022.05 AS PREVIOUSLY AUTHORIZED BY THE BOARD ON 10/17/1995. THE FINANCIAL BIDS WERE RECEIVED BY REDDING KENWORTH DURING THE WEEK ENDING 2/9/1996.**

Road Commissioner Pederson presents information to board members regarding results of the financial bids for the lease purchase of 5 1996 Kenworth trucks to be purchased from Redding Kenworth at a cost of \$485,022.05. The board authorized purchase of the trucks at the October 17, 1995 meeting. He reports that the interest rate is 4.81% and the low bidder is American Financial Institute. He reports the interest will be paid with the savings on the fuel, the old trucks get 4 miles per gallon and the new trucks are supposed to get 8 miles per gallon. The trucks should arrive soon and will be used for snowplowing and transporting other equipment.

**6b. REQUEST THE BOARD TO ADOPT A RESOLUTION AWARDING A MUNICIPAL LEASE AND OPTION AGREEMENT FOR THE PURCHASE OF FIVE 1996 KENWORTH T800B TRUCKS TO BE FINANCED BY SUTRO & COMPANY, INC. FOR A TOTAL OF \$538,512 OVER A 54 MONTH PERIOD AND AUTHORIZING THE ROAD COMMISSIONER TO EXECUTE ALL DOCUMENTS NECESSARY FOR THE IMPLEMENTATION OF THE LEASE/PURCHASE.**

Motion by Supervisor McIntyre, seconded by Supervisor Carver and unanimously carried, to adopt Resolution No. 96-16A, awarding a municipal lease and option agreement for the purchase of five 1996 Kenworth T800B trucks to be financed by sutro & Company, Inc. for a total of \$538,512. over a 54 month period. Road Commissioner authorized to execute all documents necessary for the implementation of the lease purchase.

**7. REQUEST APPROVAL TO FILL VACANCY:**

Assessor Johnson requests approval to fill vacancy in her office for the position of Assessment Clerk I, Range 22. She reports that this is a regular budgeted position in her department. Director of Administrative Services informs members that the budget committee will recommend in their report to lift the freeze on filling vacancies.

Motion by Supervisor McIntyre, seconded by Supervisor Zandstra and unanimously carried, to authorize Assessor Johnson to advertise and hire to fill the vacant position of Assessment Clerk I.

**8. DISCUSSION/ACTION: UPDATE & PROPOSED CONTRACT RE; SURPRISE VALLEY PREMIER CABLE T.V. SITUATION --FRANCHISE AGREEMENT.**

County Counsel Comisky briefly updates members on the cable T.V. situation with Premier Cable. He reports that he spoke to a TCI representative and that they are not willing to go into the area due to the limited market. He said an alternative may be for the area to develop their own system. He reports that he redrafted a Franchise Agreement that complies with Government Code Sections, restricts the area of the proposed franchise to the Surprise Valley Area and provides for sufficient insurance coverage.

Supervisor Zandstra requests that the matter be continued to the March 19, 1996 meeting in order for him to get some input from the valley regarding the issue.

**9. AUDITOR ITEMS:**

**a. PERMISSION TO GO TO BID AND EXECUTE ALL PERTINENT DOCUMENTS; ACCEPT LOW BID AND SIGN CONTRACT. REMODEL OF AUDITOR/RECORDER'S OFFICE.**

Auditor Stevens requests permission to go out to bid to remodel the Auditor/Recorder's Offices. She reports that this is in the budget and she would like to get the records moved into the remodeled room. The Public Works Department has worked on the bid specifications for the project. The money for the project is collected through recording fees and will be at no cost to the general fund.

Motion by Supervisor Colt, seconded by Supervisor McIntyre and unanimously carried, to authorize Auditor to advertise for bids to remodel the Auditor/Recorder's Offices, to accept the lowest responsible bid and to sign all documents necessary for the project.

**9b. REQUEST TRANSFER OF FUNDS FROM RECORDER MODERNIZATION TRUST FUND TO GENERAL FUND--RECORDER FIXED ASSETS UPON COMPLETION OF REMODEL. NO COST TO GENERAL FUND.**

Motion by Supervisor McIntyre, seconded by Supervisor Carver, and unanimously carried, to authorize transfer of funds from Recorder Modernization Trust Fund to General Fund--Recorder Fixed Assets upon completion of remodel.

**10. ADMINISTRATIVE SERVICES ITEMS: (Director Maxwell)**

**a. CONSIDERATION/ACTION: AMENDMENT TO THE ENVIRONMENTAL SERVICES JPA FROM RCRC.**

Director of Administrative Services Maxwell and Public Works Director Pedersen discuss the proposed amendments to the Environmental Services JPA. Director Maxwell is concerned that the amendment would eliminate the necessity of bringing matters to the Board of Supervisors before taking on new programs or encumber new costs of the JPA. Director Pedersen informs members that he received a FAX that requests that any comments be sent to RCRC and all comments will be sent out to counties with a list of the recommended changes.

Director Maxwell and Public Works Director Pedersen asked to submit the concerns of the Board the proposed amendments to RCRC for their consideration and review.

**10b. CONSIDERATION/ACTION: BOARD OF SUPERVISORS DESIGNATING DEPT. OF SOCIAL SERVICES AS COUNTY DEPARTMENT TO ACT AS OVERALL ADMINISTRATIVE OFFICE FOR THE MODOC-SISKIYOU COMMUNITY ACTION AGENCY. BOARD APPOINTMENT OF RICHARD BELARDE TO ACT AS EXECUTIVE DIRECTOR.**

Director of Administrative Services Maxwell informs members that his office has administered the Modoc Siskiyou Community Action Agency for 8 years. At mid-year budget hearings the board spoke with Director of Social Services Belarde regarding him taking over the administration of the program. He requests the appointment of Richard Belarde be made at this time. His office will continue with the contracts for the remainder of this year and Mr. Belarde will take over probably in December.

Motion by Supervisor Colt, seconded by Supervisor Carver and unanimously carried, to designate the Department of Social Services as County Department to act as overall administrative office for the Modoc-Siskiyou Community Action Agency. Richard Belarde appointed to act as executive director.

**10c. CONSIDERATION/ACTION: REPORT MID-YEAR BUDGET REVENUE; BUDGET COMMITTEE RECOMMENDATIONS.**

Administrative Services Director Maxwell reports that the budget committee met for 2 1/2 days with county department heads for mid-year budget reviews. One of the issues before the committee was dealing with revenues being short due to timber tax revenues received by the county being less than anticipated. A couple of other revenues were less than anticipated altogether totaling approximately \$190,000. The budget committee has concluded that the departments can go through the year without amending expenditure budgets. The budget committee recommends that the board remove the freeze placed on General Fund Departments and allow department heads to fill vacancies and purchase budgeted fixed assets.

Chairperson Huffman commends all department heads for the manner the budgets have been handled. The new computer system is providing the updates for the departments to keep updated on their budgets.

Motion by Supervisor McIntyre, seconded by Supervisor Zandstra and unanimously carried to release the freeze on the purchase of budgeted fixed assets and filling vacant position by general fund departments.

**CONSENT AGENDA:  
APPROVAL OF MINUTES OF 2/6/1996.**

Supervisor Huffman requests the minutes Book 17, Page 28, be amended on her report to read in "They do not know how to determine where the additional water is coming from into the Delta." adding the word "additional" in the above sentence.

Motion by Supervisor Colt, seconded by Supervisor McIntyre, and unanimously carried, to approve the minutes with the amendment of "additonal".

**11:55 a.m. Board in recess.**

**1:30 p.m. Board meeting reconvenes with all members present as heretofore.**

**12. CONSIDERATION/ACTION: USFS REQUEST FOR COMMENT PATTERSON GUARD STATION.**

Sean Curtis discusses a primary concern being the number of service days. The number of service days in the revised report is 1800. He recommends that the 1800 days be used as a target not a ceiling. He further recommends that there be a 5 year period to evaluate their use on the forest.

A staging areas is a base camp where you unload the horses & park the trailers, etc. the staging areas are inadequate on the Modoc National Forest. He suggests that the USFS meet with the outfitter guides and determine the criteria necessary for a satisfactory staging area and determine the needs, such as stock water, room to park, pasture area, some level of security, some level of assurance that there will be a minimum number of staging areas scattered around the outside of the wilderness area to allow the whole area economic access. Staging areas allows packers to go into various areas and will be more environimately feasible. He suggests that there be some limited system for local preference. Local guides need a period once this is straightened out to allow locals additional service days. This could be for a limited period, for instance 5 years. Outside outfitters may be allowed in on a temporary basis. USFS agree that this will not impact the 1996 year. The Lakes have submitted a proposal to use Patterson Guard Station as a staging area. No other proposals were presented to the committee, therefore, the Land Use Committee supports this proposal.

Board members direct Director Maxwell to write a letter to USFS commenting the number of Service Days and the need for an adequate staging area, also a need to have a period of time limited to local packers and guides. Board members agree to support the Tom Lakes request for use of Patterson Guard Station as a staging station.

**11. CONSIDERATION/ACTION: APPOINTMENT OF 2 MEMBERS TO LAND USE COMMITTEE--NATIVE AMERICAN REPRESENTATIVE & TIMBER, LOGGING REPRESENTATIVE.**

Motion by Supervisor McIntyre, seconded by Supervisor Carver and unanimously carried, to appoint Carl Winnop to represent the Timber and Logging on the Land Use Committee. The appointment of a Native American is continued to the next meeting.

**14. BOARD OF SUPERVISORS REPORTS:**

Supervisor Zandstra reports that he attended the Hospital Board of Trustees meeting. The ambulance crew for the Modoc Medical Center will be starting fund raisers to get a new ambulance. He reports that the ambulance crew in Cedarville put on a successful crab feed and the local auxillary raised \$2,000. toward the purchase of a new 4X4 ambulance for Surprise Valley. He will be attending the 35th Annual Prayer breakfast in Sacramento.

Supervisor McIntyre reports that he met with LTC, Modoc County Work Activity Center and Road Commissioner Pedersen regarding the funding of DART. He attended a meeting regarding CR 53. He spent 2 1/2 days in budget reviews with department heads. He met with JPA on event center and the preliminary final draft of the event center engineering study by Modoc Construction was sent to city council. He discusses the state fair exhibit and states that he would like to see the county put on their own display. He would like Jeanne Grove and Paul Houston to attend a board meeting and discuss the matter with board members.

Supervisor Carver reports he has been approached by a member of the F&G Commission regarding a member being replaced for missing in excess of 3 meetings as set forth in the by-laws

Supervisor Colt reports that he attended LTC, M Bar P raised \$5500 at the fund raiser at the Brass Rail. The program is a handicapped riding program for children. He received a report on CR 53 and should receive more information soon. At some time in the future a hearing will be held to resolve this issue.

Supervisor Huffman reports on the RCRC meeting. She attended a RAC meeting in Susanville. She reports that the water issue is not going away. She would like the county to come up with an estimate of their water use by the 2040. This is a very important issue and how much water is generated and how much is going down the river. She would like county department heads to come up with ideas. As far as issues before the Land Use Committee as of this date most has involved private lands going to public lands. Supervisor Huffman questions Director Maxwell regarding the Public Defender contracts. He states he will see that they are the agenda soon.

**DEPARTMENT HEAD REPORTS:**

County Counsel Comisky reports that at one of the candidate's nights a candidate from District 3, made some statements regarding improper transfer of equipment, improper funding, and it was said that if you had a question about this go see Auditor Stevens.

Auditor Stevens informs members that she had advised the candidate that records in her office are public and are available if requested. She called the candidate and questioned him regarding his statements at Candidate's night.

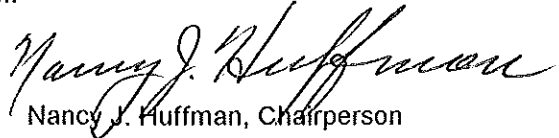
Statement by Director Maxwell regarding statement by this candidate pertaining to appointed officials and elected officials. Discussion regarding the statements of the candidate. Members and county counsel agree that this is out of the realm of proper campaigning.

County Clerk Madison reports that she would like board members to be aware of all the volunteer help she has used in her office during the election process. The volunteers are an asset to the office and this is a help in keeping the cost of elections down. Four retired county employees are doing volunteer work for the office this week.

No further business to come before the board at this time, the meeting is adjourned to meet in regular session, Tuesday, March 19, 1996 at 10:00 a.m.



Maxine Madison, Clerk



Nancy J. Huffman, Chairperson