

BOARD OF SUPERVISORS

OCTOBER 19, 1992

9:45 a.m.

Board members meet to discuss County Counsel position with Hugh Comisky. Mr. Comisky advises Board members he is interested in the position and also discusses his qualifications and background.

10:00 a.m.

The Board of Supervisors of Modoc County met in regular session this 19th day of October, 1992 there being present Supervisors John Schreiber, Melvin "Andy" Anderson, M.W. "Mick" Jones, Nancy J. Huffman and Don Polson. County Clerk Maxine Madison, and CAO Larry Pennell also present.

Meeting called to order pursuant to law by Chairman Polson. Flag salute. Chairman notes the agenda was posted October 15, 1992.

**MATTERS INITIATED BY THE PUBLIC:**

No matters initiated by the public.

**CONSENT CALENDAR:**

Consent agenda item 1(D) removed from consent calendar for discussion by Supervisor Schreiber.

Motion by Supervisor Jones seconded by Supervisor Huffman and unanimously carried, that Consent Agenda Items are approved as presented except for the item withdrawn for further discussion. Chairman and/or Clerk authorized to execute/record any necessary documents.

2(a) Approval of Minutes of October 5, 1992 meeting.

2(b) Reaffirming drought resolution.

2(c) Approving bid call for Chemical Weed Spray for Agriculture Department. Bid opening Nov. 16, 1992.

2(e) Department of Mental Health Victor 10 key calculator declared surplus and disposal authorized.

**CONSENT CALENDAR ITEM 2(d) APPROVAL OF PROMOTION TO ELIGIBILITY WORKER II - D. SILVA:**

Consideration of request of Richard Belarde for promotion of Diane Silva to position of Eligibility Worker II. She has qualified for the position through working her way up via testing and performance.

Motion by Supervisor Schreiber, seconded by Supervisor Jones, and unanimously carried, to approve the promotion of Diane Silva to the position of Eligibility Worker II, Range 25, Step C, effective September 1, 1992.

Vote: All ayes.

**3 REPORT AND MINUTE ACTION APPROVING LIBRARY DEPARTMENT JOB SPECIFICATIONS - LIBRARY ADVISORY BOARD:**

CAO Pennell reports on meeting with Library Advisory Board regarding the inconsistencies in the Library Assistant class. The recommendations of the Library Advisory Board are presented to the Board regarding revised job descriptions for several Library positions.

Matters are referred to the MCEA for review and comment. Matter continued until recommendation is received from MCEA regarding the positions.

**4. REPORT, FIRST READING AND INTRODUCTION OF ORDINANCE RE: SALARY ORDINANCE CORRECTIONS AND RECOMMENDATIONS - LIBRARY ADVISORY BOARD:**

No action taken on this matter pending review and comment by MCEA.

**5. 2ND READING AND ADOPTION OF ORDINANCE RE: CHIEF LAND SURVEYOR, ENGINEERING TECHNICIAN I/II:**

Second reading of proposed ordinance regarding Chief Land Surveyor and Engineering Technician I and II.

Motion by Supervisor Jones, seconded by Supervisor Anderson and unanimously carried, to adopt Ordinance No. 250-29 establishing the position of Chief Land Surveyor, Range 54, Engineering Technician I, Range 41 and Engineering Technician II at Range 46, effective October 1, 1992. The position of Engineering Technician is hereby abolished and deleted from the County Code.

Vote: All Ayes

**7. REPORT RE: COUNTY-STATE AGREEMENT NO. 012 AND RESOLUTION FOR PROJECT ON CO. ROAD 91 FROM LASSEN /MODOC COUNTY LINE TO 10 MILES NORTH:**

Motion by Supervisor Jones, seconded by Supervisor Anderson, and unanimously carried, authorizing Chairman Polson to sign County-State Agreement No. 012 for project on County road 91 from Lassen/Modoc County line to 10 miles North.

Vote: All Ayes.

**8. REPORT, 1ST READING AND INTRODUCTION OF ORDINANCE RE: DEDICATION REQUIREMENTS OF STREETS, ALLEYS AND OTHER PUBLIC RIGHT OF WAYS OR EASEMENTS:**

First reading of proposed ordinance waived.

Motion by Supervisor Jones, seconded by Supervisor Huffman, and unanimously carried, to place the proposed ordinance re: dedication requirements of streets, alleys and other public right of ways or easements to be on the agenda for adoption November 2, 1992.

Vote: All Ayes

**6. REPORT AND MINUTE ACTION RE: STATUS OF SPECIAL DISTRICT AUGMENTATION FUND:**

Auditor Tedrick discusses the change in the law regarding distribution of augmentation funds. The law provides for a Special District Augmentation Committee to be appointed to make recommendations to the Board regarding distribution of augmentation funds.

Auditor Tedrick discusses with Board members the new process for calculating augmentation funds.

Clerk to write a letter to the districts entitled to augmentation funds advising them if they wish to recommend someone to the Board for appointment to the Special District Augmentation Committee to send their recommendation to the Board prior to the November 2, 1992 Board meeting.

10:40 a.m. Board meeting in recess.

11:00 a.m. Board meeting reconvenes with all members present as heretofore. Assistant District Attorney Mason also present.

**9. REPORT AND PUBLIC HEARING RE: PARCEL MAP APPROVAL - CHRYSLER:**

This is the time regularly advertised for public hearing in the matter of the application of James Chrysler for approval of a parcel map on property located at Rim Rock Ranches Subdivision, approximately 5 miles from Alturas, CA.

Staff report presented. No appearances in opposition to the application. Public hearing is closed.

Motion by Supervisor Jones, seconded by Supervisor Anderson, and carried, to adopt Resolution No. 92-43 adopting an environmental negative declaration and approve a parcel map pursuant to recommendation of Modoc County Planning Commission Resolution 92-13, approving application as presented by James Chrysler.

Vote: Ayes: Anderson, Huffman, Schreiber and Jones

Abstains: Polson

**REPORT AND PUBLIC HEARING RE: ZONE CHANGE AND PARCEL MAP-HURLBURT:**

This is the time for public hearing in the matter of a zone change and parcel map application filed by Allen Hurlburt. The property is located approximately 7 miles NE of Tulalake, CA. The applicant requests approval to allow a 2.92 acre parcel to be

divided from 16.97 acre parcel.

Staff report presented. No appearances in opposition, the public hearing is closed.

Motion by Supervisor Jones, seconded by Supervisor Huffman, and carried, to adopt Ordinance No. 236-76 adopting the recommendation of Modoc County Planning Commission as set forth in Resolution No. 92-16, to adopt a Negative declaration and approve zoning amendment from AE to AG over the project site, granting the application of Allen Hurlburt.

Vote: Ayes: Anderson, Huffman, Schreiber and Jones.

Abstains: Polson

**REQUEST TO ADD EMERGENCY ITEM TO AGENDA GC 54954.2--RE: SUBDIVISION AGREEMENT:**

Director of Public Works Department requests permission to add an item to the agenda as an emergency item pursuant to GC 54954.2 as it was brought to the attention of the Department after the posting of the agenda. He informs members that this subdivision action requirement was an oversight by the Department in not knowing the requirement of the agreement and if it is not acted on at this time it might impact financing by the developer.

Motion by Supervisor Jones, seconded by Supervisor Schreiber and unanimously carried, to add the emergency item to the agenda as requested.

**SUBDIVISION AGREEMENT:**

Director Maxwell discusses the Subdivision Agreement and the requirements set forth in agreement. The owner has opted to make the road improvements within two years and to submit a security for performance in the sum of \$5,600.00, the estimated amount for improvements.

Motion by Supervisor Jones, seconded by Supervisor Huffman and unanimously carried, to approve the subdivision agreement between the County of Modoc And Terry A. Crane as presented. Chairman authorized to sign said agreement on behalf of the County.

Vote: All Ayes.

**11. REPORT AND RECOMMENDATION RE: APPROVAL OF INDEMNITY AGREEMENT BETWEEN COUNTY AND STEWARD TITLE GUARANTY CO.:**

Director of Public Works presents Indemnity Agreement regarding an exception having to do with a section of the original deed that states that if the County were to ever move the County Seat of Modoc County, the property would revert to the J. Dorris family. U.S. Bank has requested that the exception be removed as it could cause concern of investors.

Motion by Supervisor Jones, seconded by Supervisor Huffman, and unanimously carried, approving agreement and authorizing Chairman

Polson to sign Indemnity Agreement between County of Modoc and Steward Title Guaranty Company.  
Vote: All Ayes.

**11 (B) REPORT AND RECOMMENDATION RE: APPROVAL TO TRANSFER JAMES BUDMARK TO COORDINATE PHASE II JAIL AND COURTHOUSE ADDITION PROJECTS:**

Consideration of request to transfer James Budmark to coordinate and act as County Inspector of Jail Phase II and Courthouse Addition projects. Director Maxwell informs members this will have no impact on the General Fund as cost will be borne by the projects funding.

Motion by Supervisor Jones, seconded by Supervisor Anderson and unanimously carried, to authorize Director of Public Works to transfer James Budmark to coordinate Phase II Jail and Courthouse addition projects.  
Vote: All Ayes.

**11 (C) 2ND READING AND ADOPTION OF ORDINANCE RE: ESTABLISHING POSITION OF WORK EXPERIENCE SUPERVISORS (GAIN) AT RANGE 30 EFFECTIVE 10/1/92:**

Second reading of proposed ordinance to establish the position of Gain Work Experience Supervisor, Range 30.

Motion by Supervisor Jones, seconded by Supervisor Schreiber and carried, to adopt Ordinance No. 250-30, to add the position of Gain Work Experience Supervisor in Range 30, effective October 1, 1992.  
Vote: Ayes: Schreiber, Huffman, Jones and Polson  
Noes: Anderson

**12: REPORT, PUBLIC HEARING, FIRST READING AND INTRODUCTION OF ORDINANCE RE: INCREASING TRANSIENT OCCUPANCY TAX TO 10%:**

11:30 a.m. This is the time advertised for public hearing regarding increasing the transient occupancy tax from 4%. The following motel owners or operators and bed and breakfast owners speak in opposition to the increase: Jackie McQuillan, Mary Woodward and Rhonda Price.

Statements by Board members. Public hearing closed.

Motion by Supervisor Jones, seconded by Supervisor Schreiber and carried to waive the first reading of the proposed Transient Occupancy Tax ordinance and set the matter for the next board agenda for action on the matter.  
Vote: Ayes: Schreiber, Jones, Huffman and Polson  
Noes: Anderson

**13. REPORT AND MINUTE ACTION RE: LASSEN FOREST PLAN:**

Supervisor Huffman discusses the position of the Lassen County

Board of Supervisors regarding the proposed Lassen National Forest Land and Resource Management Plan and Environmental Impact Statement and the resolution adopted by Northern California County Supervisors Association.

Motion by Supervisor Huffman, seconded by Supervisor Jones and unanimously carried, to support and endorse the position of Lassen County in its comments related to the development, adoption and impact of the Lassen Forest Plan.

Vote: All Ayes.

**14. REPORT AND POSSIBLE MINUTE ACTION RE: CMSP (COUNTY MEDICAL SERVICES PROGRAM):**

Supervisor Huffman reports on CMSP and how the County is "at risk" for funding as this has not been resolved in the state budget. CAO Pennell reports that county staff is monitoring the issue.

12:00 p.m. Board in recess.

2:00 p.m. Board meeting reconvenes with Supervisors Polson, Jones, Huffman and Schreiber present. Supervisor Anderson absent.

**15. CONTINUED DISCUSSION AND MINUTE ACTION RE: PER DIEM AND TRAVEL REIMBURSEMENT:**

This item was continued from the last meeting in order for board members to consider the proposal presented by CAO for Per Diem and Travel Reimbursement. Matter regarding a flat amount for board members for in county travel is considered. A proposal to adjust the mileage to correspond with the rate authorized by IRS is also considered.

No action taken on the matter, it is to be on the next agenda for further consideration.

**16. REPORT AND POSSIBLE MINUTE ACTION RE: COUNTY PERSONNEL POLICIES AND DEPARTMENTAL PERSONNEL RULES:**

CAO Pennell presents for consideration of Board members, conflicts between the Modoc County Personnel Ordinance and the Personnel Rules and Regulations in the Modoc Medical Center. He advises Board members that some of the areas of conflict are holidays, cash pay out for sick leave for retiring employees and probationary period for county employees. CAO Pennell informs Board members that his position has been that County Code supersedes any conflicting departmental policies. He requests policy guidance from Board members.

Board members discuss the matter with no action taken at this time. The matter to be placed on the agenda for the November 2, 1992 meeting.

BOARD MEETING RECESSES AND THE MEETING RECONVENES AS MODOC COUNTY AIR POLLUTION CONTROL BOARD OF DIRECTORS:

17. REPORT AND MINUTE ACTION SETTING 11/2/92 AT 11:00 A.M. FOR PUBLIC HEARING TO CONSIDER ADOPTION OF AIR POLLUTION RULES:

Agriculture Commissioner Wright requests a public hearing be set to consider adoption of Air Pollution Rules. Public hearing set for November 2, 1992 at 11:00 a.m. to consider adoption of Air Pollution Rules.

AIR POLLUTION CONTROL BOARD OF DIRECTORS RECESSES. BOARD OF SUPERVISORS MEETING RECONVENES.

19. BOARD OF SUPERVISORS REPORTS:

Board members report on meetings they have attended since the last regular Board meeting.

Deputy District Attorney Mason reports that advertising for County Counsel interviews, contracting for legal services is not required. He advises members that negotiating of contracts should be on the Board agenda.

18. 3:00 p.m. EXECUTIVE SESSION - INSTRUCTIONS TO MANAGEMENT BARGAINING COMMITTEES - GOVERNMENT CODE SECTION 54957.7:

3:40 p.m. Board meeting reconvenes in open session. Supervisors Schreiber, Polson, Huffman and Jones present. Supervisor Anderson absent.

Chairman Polson announces that no action was taken in closed session. Members discussed instructions to management bargaining committees.

No further business to come before the Board at this time, the meeting is adjourned to meet in regular session Monday, November 2, 1992 at 10:00 a.m.

Meeting adjourned.

3:43 p.m.

  
Makine Madison, Clerk

  
Don E. Polson, Chairman