

BOARD OF SUPERVISORS

OCTOBER 5, 1992

The Board of Supervisors of Modoc County met in regular session this 5th 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, District Attorney Ruth Sorensen 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 5, 1992.

**MATTERS INITIATED BY THE PUBLIC:**

No matters initiated by the public.

**1. REPORT AND POSSIBLE CORRECTIVE ACTION RE: POSITION DESCRIPTION DISCREPANCIES:**

CAO Pennell reports on corrections necessary to bring positions in the Library into compliance with the County Code. The matter referred to the Library Advisory Board for recommendation regarding the positions.

**8. REPORT AND APPROVAL OF ANIMAL DAMAGE CONTROL PROGRAM - U.S. DEPARTMENT OF AGRICULTURE:**

Agriculture Commissioner Wright and Jim Schuler, Regional Supervisor for USDA-ADC unit discuss the Animal Damage Control Budget. Mr. Schuler reports that in the recent past the formula for cost of the program was 60% state and 40 % county, this has been turned around and is now 60% county 40% state, due to the cut back in funding by the state. The revised work plan is presented with the total amount of services with a budget amount of \$54,776.00 will be 26.7 staff months. Fourteen staff months have been used as of November 1, 1992 leaving a balance of 12.7 months for the 8 months left in this fiscal year.

Various options are discussed regarding the program and the options available. The positions are shared with Lassen and Siskiyou Counties and will be discussed with those counties to determine the best possible way to keep the program intact.

11:00 a.m. Board in recess.

11:15 a.m. Board meeting reconvenes with all members present.

**2. CONTINUED DISCUSSION AND APPROVAL OF SALARY ADJUSTMENTS FOR D. IVERS, M. GRIVEL AND M. MACDONALD:**

Discussion and consideration of the salary differential problem between the Road Department employees and Road Superintendent Grivel and Assistant Road Commissioner Macdonald. The problem

evolved when the Board granted a \$200.00 per month salary increase for Road Department employees except Mick Grivel, Road Superintendent and Mike Macdonald .

Motion by Supervisor Jones, seconded by Supervisor Huffman and carried, to grant a salary increase of \$200.00 per month for Mick Grivel, Road Superintendent and an increase of \$300.00 per month for Mike Macdonald, effective November 1, 1992. District Attorney directed to amend the personnel ordinance to reflect the changes. The salary ranges as close as possible to the stated increases.

AYES: Supervisors Jones, Huffman and Polson

NOES: Supervisor Anderson and Schreiber Motion carries.

Consideration of increase in salary for Undersheriff Ivers due to small salary differential between Undersheriff, Sergeants and deputies. CAO Pennell recommends a salary increase of 10% effective November 1, 1992. He further advises Board members that this is a management position.

Supervisor Huffman suggests that if the deputy positions requested by Sheriff Mix were filled it would cut down on the overtime which magnifies the situation. She would like the hiring of the deputy be looked into further.

No action taken on the request at this time.

### 3 REPORT, 1ST READING AND INTRODUCTION OF ORDINANCE RE: ESTABLISHING POSITION OF WORK EXPERIENCE SUPERVISORS (GAIN) AT RANGE 30 EFFECTIVE 10/1/92:

Director of Public Works Maxwell requests creation of two positions in the GAIN Department of Work Experience Supervisor, Range 30. The employees will be transferred from the Buildings and Grounds Department and they will be supervising work experience persons in the GAIN Department. If the positions are no longer in the Building and Grounds Department and are not transferred into GAIN there will be no one to supervisor work experience persons.

First reading of proposed ordinance adding the position of GAIN Work Experience Supervisor.

Motion by Supervisor Schreiber, seconded by Supervisor Jones, and unanimously carried, to set the ordinance for second reading and adoption at the October 19, 1992 board meeting.

AYES: Supervisors Anderson, Schreiber, Polson, Jones and Huffman.

### 4. REPORT AND MINUTE ACTION RE: APPROVAL TO TRANSFER TWO (2) PUBLIC WORKS EMPLOYEES TO GAIN AS WORK EXPERIENCE SUPERVISORS:

Director of Public Works/GAIN Coordinator Maxwell requests authorization to fill the two Work Experience Supervisor GAIN Program positions with the transfer of two Buildings and Grounds employees at their current Range and Steps. Bob Stevens, Range

30, Step D, and Rulon Oyler, Range 30, Step C. He requests the transfer for Rulon Oyler be effective October 1, 1992 and Bob Stevens effective November 1, 1992.

Motion by Supervisor Jones, seconded by Supervisor Schreiber and carried, to authorize transfer of the two Building and Grounds employees Rulon Oyler, range 30, step C, effective October 1, 1992 and Bob Stevens, range 30, step D, effective November 1, 1992.

AYES: Supervisors Schreiber, Jones, Huffman and Polson

NOES: Supervisor Anderson Motion carries.

11:45 a.m. BOARD MEETING IN RECESS:

2:00 p.m. Board meeting reconvenes with all members present.

**5. REPORT, FIRST READING AND INTRODUCTION OF ORDINANCE RE: INCREASING TRANSIENT OCCUPANCY TAX TO 10%:**

CAO Pennell informs members that the City of Alturas at the last City Council meeting increased the transient occupancy tax to 10%. County counsel advises members that the item must be scheduled for a public hearing prior to adoption.

Discussion of the matter. Supervisor Anderson opposes the increase.

Public hearing scheduled for October 19, 1992 at 10:00 a.m.

**6. REPORT AND MINUTE ACTION RE: PER DIEM AND TRAVEL REIMBURSEMENT:**

Consideration of per diem and travel reimbursement for county employees. CAO Pennell suggests a monthly flat rate for mileage be set by Board members for in-county travel. For trips outside the county it is recommended that members be reimbursed on a mileage basis for travel from the county line and return to the county line. A suggestion is made to set in-county mileage for districts I and 5. Discussion of per diem policy.

No action taken at this time matter to be on the agenda for the meeting October 19, 1992.

**7. REPORT, 1ST READING AND INTRODUCTION OF ORDINANCE RE: CHIEF LAND SURVEYOR, ENGINEERING TECHNICIAN I/II AND LIBRARY ASSISTANT II:**

First reading of proposed ordinance adding position of Chief Land Surveyor and reclassification of Engineering Technician I and II and Library Assistant II. Library Assistant II position to be referred to the Library Advisory Board. Board members agree that the ordinance shall take effect October 1, 1992.

Motion by Supervisor Schreiber, seconded by Supervisor Jones, and unanimously carried, to place the proposed ordinance on the October 19, 1992 agenda for adoption.

AYES: Supervisors Schreiber, Anderson, Polson, Jones and Huffman.

**9. CONTINUED PUBLIC HEARING RE: 1992-93 FINAL COUNTY BUDGET ADOPTION:**

CAO Pennell discusses final proposed budget totaling \$23,058,104.. He reports the budget is balanced with a \$14,000. contingency fund this includes \$3,500.00 from the proposed increase in transient occupancy tax. Included in the budget is \$10,000.00 for outside counsel, the two Eligibility Workers are restored in the budget and there are no layoffs. The hospital is not included in the proposed budget.

Board members have read and considered the final proposed budget as amended. Discussion regarding creating a County Counsel budget in the amount of \$10,000.00. PERS refund and distribution of the funds is discussed. Supervisor Anderson questions \$22,000.00 in Road Department PERS refund being included in the General Fund budget. CAO informs members that the \$22,000.00 was credited to the General Fund in error and will have to be paid back when the county is audited.

Motion by Supervisor Jones, seconded by Supervisor Schreiber, and carried, that the final budget for 1992-93 be adopted as amended and presented this date.

AYES: Supervisors Schreiber, Jones, Huffman and Polson

NOES: Supervisor Anderson Motion carries.

**10. APPOINTMENT OF DAVID MASON AS INTERIM COUNTY COUNSEL:**

Discussion and consideration of appointment of David Mason as interim county counsel.

Motion by Supervisor Schreiber, seconded by Supervisor Jones, to appoint David Mason as interim county counsel. No action on the motion.

District Attorney Sorensen presents a letter to members advising the members that the Assistant District Attorney is an employee of the District Attorney's office and is not available for employment in any other capacity. He is responsible to and works under the supervision of the District Attorney. She advises that board members may hire a separate county counsel, but may not "borrow" the Assistant District Attorney for the position.

District Attorney Sorensen offers to assign the duty of attending Board meeting to Assistant District Attorney Mason, when it does not interfere with his other responsibilities in the department. She informs Board members that she functions under the Government Code.

Board accepts District Attorney Sorensen's offer to have David

Mason attend the Board meetings and have the duty assigned to him as Assistant District Attorney.

No further action on the matter at this time.  
3:05 p.m. Supervisor Anderson absent.

**CONSENT AGENDA ITEMS APPROVED:**

Consent agenda item 1(e) to be considered as Board of Directors of Communities Facilities District #1.

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

1(a) Approval of Minutes of September 21, 1992 meeting.

1(b) Approval of D.O.J. Agreement for Blood Alcohol/Drug Services, authorizing District Attorney Sorenson to sign said agreement on behalf of the County of Modoc.

1(c) Approval of purchase of Canon Copier for Road Department for the amount of \$1,747. Item budgeted in the 1992-93 budget.

1(d) Approval to fill GAIN Account Clerk position at Range 20, Step A. The position is currently employed as a temporary employee, this will give the employee full-time permanent status.

1(f) Approval of Pest Detection contract between the Department of Food and Agriculture and the County of Modoc.

**BOARD OF SUPERVISORS MEETING RECESSES AND THE BOARD OF DIRECTORS OF COMMUNITY FACILITIES DISTRICT #1 CONVENES:**

Motion by Director Huffman, seconded by Director Jones, and carried, to approve the purchase of Circulation Mode and two (2) Intelligent Catalogs, as budgeted.

AYES: Directors Huffman, Jones, Schreiber and Polson

ABSENT: Director Anderson Motion carries.

**BOARD OF DIRECTORS OF COMMUNITY FACILITIES DISTRICT #1 ADJOURNS AND BOARD OF SUPERVISORS MEETING RECONVENES:**

**12. REPORT AND MINUTE ACTION RE: 1991-92 GRAND JURY REPORT:**

CAO Pennell presents Grand Jury Report for 1991-92 and advises members that responses from the Board and Department Heads must be received within 90 days. He recommends that CAO be directed to prepare a response to the Grand Jury on behalf of the Board of Supervisors.

Supervisor Schreiber's comments regarding the matter are included in the minutes pursuant to his request.

Supervisor Schreiber's comments and concerns regarding the matter are included in the minutes pursuant to his request.

Supervisor Schreiber: I know that Nancy, Don and I and Mick and all the rest of us have been very conscientious about going out and getting people to serve on the Grand Jury and asking them to serve on the Grand Jury and it seems to me that we have hindrances in some of these areas. I know that they had some recommendations to different head of departments and they don't even bother to answer them. Now, the thing is aren't they required by law to answer the Grand Jury?

CAO Pennell: Department Heads, Yes.

Supervisor Schreiber: And people whoever they deal with?

CAO Pennell: Outside the County?

Supervisor Schreiber: Yes, or within the county realm.

CAO Pennell: All I know is our staff has to respond.

Supervisor Schreiber: I know that there are instances when the county did not respond and they have been asked to respond and they haven't done it. Now, where do we go from there?

CAO Pennell: Not last year did they?

Supervisor Schreiber: Yeah, and then the Grand Jury does a lot a work, a lot of investigation put in a lot of time, and then the judge deletes part of their investigation which is against the law, and yet we are asked here to go ahead, and what are we asked to do? As far as I am concerned I think we ought to throw the whole thing back in his lap and if he doesn't do what the law states to do, and that is an investigative agency for local government, and if he isn't going to let it run it's own course and if the people aren't going to respond to, then why do we even bother with this thing, why don't we just chuck it? Give it back to the Judge and the Judge handle the whole thing. I just think it is wrong. I just don't like any part of it and I don't know what as a Board what we can do about it.

Supervisor Polson; I don't think we can do anything, John.

Supervisor Schreiber: Then, give it back to them, and let the Judge handle the whole thing.

Supervisor Polson: Well, I agree with that and I did this year, and they belong to the Judge of the Superior Court.

Supervisor Schreiber: It is an obligation of the Judge and District Attorney to do anything about it, let them handle the whole thing.

Supervisor Polson: I always felt that we are just doing part of

his work that he should be doing.

Supervisor Schreiber: I don't even think we ought to answer it, just let them do all of it.

Supervisor Polson: Well, I think in view of the effort they put out John, I think that we should respond to them and I, and I think that they --

Supervisor Schreiber: What difference does it make?

Supervisor Polson: That is not the point, I think that we should recognize the efforts that they put forth and I think that they put out a lot of effort and I would like to respond to them.

Supervisor Schreiber: Well, I am not knocking the Grand Jury because I know the people and I know what an outstanding job they did of doing it. What I really have exception to is the very fact that other people manipulating them and not letting them do their job, and I would like to do something about stopping that, I do not know how we can do it, can we go to the Attorney's General's Office, can we go to anybody's office to keep these other guy's hands out of it and let them do their jobs?

CAO Pennell: In response, Mr. Chairman and members of the Board, John I don't know I don't know the answers to those questions.

Supervisor Schreiber: I don't either.

CAO Pennell: John, I don't know the answer to those questions, but I can tell you and I told you in the agenda backup package that the working relationship between the Judicial side of this government and your staff is probably the best it has ever been especially when it comes to some real tough decisions on budget cuts, we are enjoying the support of the courts in the reductions that we made and you know as well as I that if the Judges were unhappy that they could order us to restore this funds in their, and they are not going to do this and they recognize that it is a difficult time for everyone. I think you can rock the boat too much at least at the staff level and would like permission to go ahead and respond to the report as submitted to us and I am not sure that we want to get involved in some of the questions that John raised. I certainly don't have the answers to it.

Supervisor Schreiber: I agree, with what you are saying but there is some other thing that you left out, the Judge cannot order you to do anything, he has got to prove that he needs it first, he just can't come in here and blow up his budget and say you are going to pay it. He has to prove that it is within the law and that it is needed to run his office. Now, he has to do that and so does Ruth have to do that. We can cut her budget right down to one employee and if she says that she can't do the job she has to prove that she can't do her job, she just can't come in and say, well I can't do my job, she's got to prove that and then we have to reimburse what it takes to do her job, by

law. I don't, the heck with them guys. They think they are Gods walking all around us.

Supervisor Polson: Well, back to Larry's request that we respond to their request.

CAO Pennell directed to prepare response to the Grand Jury Report.

**13. REPORT AND APPROVAL OF AGREEMENT RE: SOLID WASTE LOCAL ENFORCEMENT AGENCY:**

Doug Ames reviews the proposed agreement for Solid Waste Local Enforcement which will provide for a local enforcement agency. Lassen County is willing to act as local enforcement agent for the counties of Lassen, Modoc, Sierra and Plumas and by entering into an agreement this would be far less expensive than having the state perform the service for the county. Each county will pay for their portion of the share of the work, it is anticipated that Modoc County's share will be 25%. It is estimated that the share for Modoc County will be \$18,780.00. The County has a grant for the program at the present time. Lassen County will provide the enforcement for 10% therefore, it will cost Modoc County a small percentage more than the grant.

Motion by Supervisor Huffman, seconded by Supervisor Jones, and carried, to approve the Agreement for Solid Waste Local Enforcement Between the County of Modoc and County of Lassen for Fiscal year 1992-93.

AYES: Supervisors Polson, Huffman and Jones.

NOES: Supervisor Schreiber

ABSENT: Supervisor Anderson Motion carries.

3:35 p.m. Board in recess.

3:48 p.m. Board meeting reconvenes with all present as heretofore. Supervisor Anderson absent.

**14. REPORT AND APPROVAL OF EXTENSION OF J.P.A. RE: AREA AGENCY ON AGING:**

Motion by Supervisor Jones, seconded by Supervisor Schreiber, and carried, that Joint Powers Agreement establishing the Four Northern County Aging Commission be approved as presented.

AYES: Supervisors Huffman, Schreiber, Jones and Polson

ABSENT: Supervisor Anderson Motion carries.

**15. REPORT ON MATERNAL CHILD HEALTH SERVICES FOR SMALL COUNTIES:**

CAO Pennell reports on the Maternal Child Health Services Program and recommends that the county advise the State Health Services Agency that the county wishes them to continue administering the program on behalf of Modoc County and allow the State to retain the Federal funds that would otherwise go to the County. Board accepts the recommendation of CAO Pennell and Dr. Richert.



**16. REQUEST BY HOSPITAL AUXILIARY FOR COUNTY PURCHASE OF VOLUNTEER SERVICE PINS:**

Marge Smith and Dottie Green representing Hospital Auxiliary request the County to purchase service pins for Auxiliary members as they were advised that the hospital will no longer purchase the pins. The cost of the pins is \$9.00 each for 20 volunteer members would be a cost of \$180.00.

Board members discuss the matter. CAO Pennell directed to discuss the matter the Hospital Board of Trustees.

**17. REPORT AND APPROVAL OF RESOLUTION RE: DECLARATION OF INTENT TO BE REIMBURSED FOR ASBESTOS REMOVAL CONSULTING SERVICES - U.S. DEPARTMENT OF TREASURY REGULATIONS:**

Director of Public Works presents for consideration of the Board a proposed resolution that establishes the county's eligibility for reimbursement relating to the asbestos removal consulting services. The amount of reimbursement is \$4,000.00.

Motion by Supervisor Jones, seconded by Supervisor Huffman, to adopt Resolution No. 92-42, regarding declaration of intent to be reimbursed for asbestos removal consulting services.

AYES: Supervisors Schreiber, Polson, Huffman and Jones.

ABSENT: Supervisor Anderson Motion carries.

**18. DISCUSSION RE: BIOLOGICAL DIVERSITY:**

Supervisor Huffman reports on Biological Diversity and reports that the Statement of Intent enables counties to have input into the group which includes state and federal agencies, BLM, USFS, etc. Nor-Cal Supervisors Association recommends that the counties recognize the need for local control and the protection of private property interests. The program is a group recognized for the purpose of maintaining productive, healthy natural resources for raw materials to produce products, jobs, and community stability. Supervisor Huffman requests Board members approve the Statement of Intent.

Motion by Supervisor Schreiber, seconded by Supervisor Huffman and carried, to support the Statement of Intent as presented by Supervisor Huffman.

AYES: Supervisors Huffman, Polson, Schreiber, Jones.

ABSENT: Supervisor Anderson. Motion carries.

**BOARD OF SUPERVISORS:**

Reports by Board members.

**COUNTY ADMINISTRATIVE OFFICER:**

CAO Pennell presents requests from Public Health Director, Dr. Ed Richert requesting approval to adjust office hours on a Monday


through Thursday schedule to 8 a.m. to 12 noon and 1 p.m. to 5 p.m. and Friday office hours of 9 a.m. to 12 noon 1:00 p.m. and to 4:30 p.m. Board members have no objection to the requested change in office hours.

No further business to come before the Board at this time, the meeting is adjourned to meet in regular session Monday, October 19, 1992 at 10:00 a.m.

Meeting adjourned.

4:25 p.m.

  
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Maxine Madison, Clerk

  
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Don E. Polson, Chairman