



# Lassen County

## Meeting Minutes

### Board of Supervisors

*LASSEN COUNTY SUPERVISORS:*

*DISTRICT 1 - CHRIS GALLAGHER; DISTRICT 2 - DAVID TEETER - VICE CHAIRMAN; DISTRICT 3 - JEFF HEMPHILL - CHAIRMAN; DISTRICT 4 - AARON ALBAUGH; DISTRICT 5 - TOM HAMMOND*

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Tuesday, April 23, 2019

9:00 AM

Board Chambers  
707 Nevada Street  
Susanville, CA 96130

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#### 9:01 A.M. CALL TO ORDER

Present: Supervisors Gallagher, Teeter, Hemphill and Hammond. Also Present: County Administrative Officer (CAO) Richard Egan, County Counsel Robert Burns and Deputy Clerk of the Board Michele Yderraga.

Supervisor Albaugh arrived at 9:10 a.m.

**Present:** 5 - Jeff Hemphill, David Teeter, Aaron Albaugh, Chris Gallagher and Tom Hammond

**Excuse:** 0

#### PUBLIC COMMENT

None.

#### ANNOUNCEMENT OF THE ITEMS TO BE DISCUSSED IN CLOSED SESSION

CAO Egan announced the following closed session items:

- 1) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code Section 54956.9: One case.
- 2) Conference with Labor Negotiator Richard Egan: May include the following bargaining units - a) Lassen County Peace Officers Assn. (LCPOA).

#### CLOSED SESSION

Closed session was held from 9:02 a.m. - 9:32 a.m.

Present: Supervisors Gallagher, Teeter, Hemphill and Hammond. Also Present: CAO Egan, County Counsel Burns and Deputy Clerk of the Board Yderraga.

Supervisor Albaugh arrived at 9:10 a.m.

Director of Planning and Building Services Maurice Anderson was present from 9:02 a.m. - 9:16 a.m.

RECESS: 9:32 a.m. - 9:37 a.m.

**9:37 A.M. OPENING CEREMONIES**

**Pledge of Allegiance and Invocation**

After the flag salute invocation was offered by Supervisor Hemphill.

**ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION**

CAO Egan announced the followed closed session items:

1) Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code Section 54956.9: One case.

No reportable action.

2) Conference with Labor Negotiator Richard Egan: May include the following bargaining units - a) Lassen County Peace Officers Assn. (LCPOA).

No reportable action.

**AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS**

Supervisor Hemphill requested to adjourn in memory of Elvira Harrison and Jeannie Bet; Supervisor Gallagher requested to adjourn in memory of those who lost their lives in the Sri Lanka bombings on Easter Sunday.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Hammond, that this Agenda be approved. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

**PUBLIC COMMENTS**

Joseph Adair: Discussed his current security business and a cannabis dispensary.

**INFORMATION/CONSENT CALENDAR**

Supervisor Albaugh requested to pull Item# G1 - Supervisor Albaugh.

**COUNTY CLERK-RECORDER**

**Approval of the Consent Agenda**

**A motion was made by Supervisor Teeter, seconded by Supervisor Albaugh, to approve the Consent Agenda as amended. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

MEETING MINUTES

SUBJECT: Meeting minutes of April 16, 2019.

FISCAL IMPACT: None.

ACTION REQUESTED: Approve.

Attachments: [DRAFT MINS](#)

**These Minutes were approved on the Consent Agenda.**

PRISON TRIAL COSTS

PRISON TRIAL COSTS REIMBURSEMENT PROGRAM ITEMS

SUBJECT: Recap of CCC Prison and High Desert State Prison Trials Cost Reimbursement Billing for the months of July 2018 through March, 2019.

FISCAL IMPACT: None.

ACTION REQUESTED: Receive and file.

Attachments: [Prison Trial Cost attach](#)

**These Reports were received and filed on the Consent Agenda.**

MISCELLANEOUS CORRESPONDENCE ITEMS

ACTION REQUESTED: Receive and file the following correspondence:

- a) PSA 2 Area Agency on Aging Advisory Executive Board Council Meeting Agenda for April 15, 2019.
- b) Susanville City Council Regular Meeting Agenda for April 17, 2019.
- c) Airport Land Use Commission Meeting Agenda for April 25, 2019.

Attachments: [Misc Corr](#)

**These Reports were received and filed on the Consent Agenda.**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

**DEPARTMENT REPORTS**

BOARD OF SUPERVISORS

SUPERVISOR ALBAUGH

SUBJECT: Letter to the U.S. Forest Service Regional Office from the Board of Supervisors communicating the County's local priorities for public lands managed by the U.S. Forest Service in Lassen County.

FISCAL IMPACT: None.

ACTION REQUESTED: Authorize Chairman to sign.

Attachments: [090423 Forest Service Priorities](#)

Supervisor Albaugh wanted to acknowledge and thank Deputy CAO Tony Shaw for writing this letter and he's hoping for a good working relationship with the U.S. Forest Service.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Hammond, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

#### UNAGENDIZED REPORTS BY BOARD MEMBERS

Supervisor Gallagher: 1) Attended the Dahle fund raiser; 2) attended the fishing derby; 3) will be attending Legislative Days in Sacramento.

Supervisor Hammond: 1) Will be going to Grand Forts to meet with Northrop Grumman Corporation and General Atomics Aeronautical Systems, Inc. to negotiate; 2) will be having town hall meetings in Standish, Doyle, Herlong and Ravendale.

Supervisor Albaugh: 1) Announced that Spring was here and to be cautious of animals when driving; 2) will be attending a Solid Waste meeting this afternoon; 3) will be attending a Regional Council Representatives of California (RCRC) meeting at the end of the month.

Supervisor Teeter: 1) Attended a Planning and Service Area - Area Agency on Aging (PSA2AAA) ; 2) attended a Susanville City Council meeting; 3) announced that the races started up Saturday, April 20, 2019, at the Diamond Mountain Speedway.

Supervisor Hemphill: 1) Attended the Easter Egg Hunt at Janesville Park on Sunday, April 21, 2019; 2) requested CAO Egan to further look into live streaming of the Board of Supervisors meetings.

RECESS: 9:55 a.m. - 9:59 a.m.

#### PUBLIC HEARINGS

##### PLANNING AND BUILDING SERVICES

SUBJECT: Consider Certification of a Subsequent Environmental Impact Report and approval a proposed project to amend mining operations at the Ward Lake Pit (CA mine ID #91-18-0008). If approved, the amendment would allow for 24-hour mining operations Monday through Saturday (currently 6:00 am to 7:00 pm Monday through Saturday), extend the life of the mine from 2020 to 2030, and allow site production in excess of the permitted 100,000 tons during declared emergencies. (File EIR #2018-001, UP #2018-003 and RP #2018-001).

FISCAL IMPACT: None.

ACTION REQUESTED: 1) Receive packet from Planning Staff including findings, conditions, and recommendation from the Planning Commission; and 2) conduct a public hearing pursuant to Lassen County Code, Section 18.113.040 and California Government Code, Section 65905; and 3) adopt a resolution certifying a Final Subsequent Environmental Impact Report (EIR #2018-001) and approving amendments to Use Permit and Reclamation Plan #96056 for CA Mine ID #91-18-0008, Ward Lake Pit (UP #2018-003 and RP

#2018-001, respectively); or 4) alternatively, adopt a resolution certifying a Final Subsequent Environmental Impact Report and disapproving amendments to Use Permit and Reclamation Plan #96056 for CA Mine ID #91-18-0008, Ward Lake Pit (UP #2018-003 and RP #2018-001, respectively).

Attachments: [BOS Packet 4-23-19, TLT Enterprises](#)

Director of Planning and Building Services Maurice Anderson informed the Board of the subject and action requested for Ward Lake Pit. Director Anderson explained to the Board that they will not be able to take action today due to receiving a late letter from Fish and Wildlife, to which a proposed response must be sent, at minimum, 10 days prior to certification of the Final Subsequent Environmental Impact Report. Director Anderson gave a power point presentation on the history of the site. Director Anderson informed the Board that this is an amendment and explained the California Environmental Quality Act (CEQA) and Use permit process. Director Anderson also stated that this item was presented to the Technical Advisory Committee (TAC) and a public hearing was also conducted with the Planning Commission. Staff recommended to postpone this item to the next Board of Supervisors meeting to be held on May 14, 2019. Director Anderson gave a brief explanation of the 10 day waiting period.

The Public Hearing was open at 10:13 a.m.

**SPEAKERS IN FAVOR:** President of Hat Creek Construction Perry Thompson, Jim Mackey, Larry Standeford, Napa Manager Jerry Rice, Wendy Johnston of Vesta Resources, Dan Ryan of Bureau of Land Management (BLM), Hat Creek employee Steven Pontus.

**SPEAKERS OPPOSING:** Tim Patterson, Leann Vanderley.

CAO Egan was absent from 10:43 a.m. - 10:47 a.m. and 11:23 a.m. - 11:26 a.m.

**A motion was made by Supervisor Gallagher, seconded by Supervisor Hammond, to continue the Public Hearing to the next Board of Supervisors meeting to be held on Tuesday, May 14, 2019. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

PLANNING AND BUILDING SERVICES

**SUBJECT:** Public Hearing: to consider the extension for 22 months and 15 days of urgency Ordinance Number 2019-02, imposing a moratorium on the cultivation of industrial hemp.

**FISCAL IMPACT:** Unknown.

**ACTION REQUESTED:** 1) Conduct a public hearing; and 2) introduce, waive the reading of and enact an ordinance extending the moratorium (4/5 vote

required); and/or  
3) provide direction to staff.

**Attachments:** [PBS HEMP Urgency Ord Ext. 4-16-19 pckt](#)

County Counsel Burns gave a brief overview of the Moratorium and reminded the Board that this public hearing was continued from the April 23, 2019, Board of Supervisors meeting. Director of Planning and Building Services Maurice Anderson asked the Board how they wanted to proceed. Supervisor Hammond asked for an update regarding California's rules and regulations on Hemp. Agricultural (Ag) Commissioner Craig Hemphill stated the state is in process of creating regulations. Supervisor Hammond also requested an estimated date of the revision for Title 19. County Counsel Burns stated he is currently working on revisions. CAO Egan stated the Board of Supervisors gave direction to staff for two dispensaries and is hoping to have a draft form of the revised Title 19 in the near future. CAO Egan also reminded the Board that the cultivation of hemp in Lassen County is currently illegal. Extensive discussion was held.

Supervisor Albaugh revised the action to include Ag Commissioner Craig Hemphill to report monthly to the Board. A motion was made by Supervisor Albaugh. Motion died for lack of second.

Supervisor Gallagher revised the action to include Ag Commissioner Craig Hemphill to report monthly to the Board and to have the moratorium extended.

SPEAKERS: Assistant Planning and Building Services Director Gaylon Norwood.

**A motion was made by Supervisor Gallagher, seconded by Supervisor Albaugh, that this Ordinance be adopted. The motion failed by the following vote:**

**Aye:** 2 - Albaugh and Gallagher

**Nay:** 3 - Hemphill, Teeter and Hammond

## **MATTERS SET FOR TIME CERTAIN**

### PLANNING DIVISION

SUBJECT: Continued from April 9, 2019: 2019-2024 Draft Housing Element.

FISCAL IMPACT: There is no impact to the General Fund; update is included in the Geothermal Trust Fund/Budget Unit No. 174-1741 (Fiscal Year 2018/19).

ACTION REQUESTED: 1) Receive the Department of Planning and Building Services staff's edits to and remarks regarding the proposed Draft Housing Element update; and 2) make a motion to forward the Draft Housing Element to the California Department of Housing and Community Development for its review.

**Attachments:** [PB ModifiedHousingElement4-23-19 pckt](#)

Director of Planning and Building Services Maurice Anderson reminded the Board that this item was being brought back from a previous meeting held on April 9, 2019, and gave a brief overview of the item. Director Anderson informed the Board that the requested corrections had been completed. Associate Planner Stefano Richichi briefly discussed the housing element and legislature's involvement. Discussion was held.

**A motion was made by Supervisor Hammond, seconded by Supervisor Gallagher, that this Action Item be approved. The motion carried by the following vote:**

**Aye:** 4 - Hemphill, Teeter, Gallagher and Hammond

**Nay:** 1 - Albaugh

AUDITOR'S OFFICE

SUBJECT: 2017-18 Financial Statements and Audit.

FISCAL IMPACT: None.

ACTION REQUESTED: Receive presentation.

**Attachments:** [County of Lassen 2018 Financial Statements](#)

[LASSEN COUNTY-SINGLE AUDIT REPORT 6-30-18](#)

Auditor Diana Wemple introduced Paige Price & Company CPA/Engagement Partner Fausto Hinojosa. Mr. Hinojosa introduced himself and gave a brief overview of the powerpoint presentation. Mr. Hinojosa gave a breakdown of what the the audit consisted of. Mr. Hinojosa stated Lassen County didn't have any significant adjustments, disagreements or any illegal acts. Supervisor Gallagher commended Auditor Wemple for a clean audit and appreciated the work performed by the Auditor's office. Supervisor Hammond also commended Auditor Wemple.

## DEPARTMENT REPORTS - CONTINUED

### BOARD OF SUPERVISORS

CONTRACT

SUBJECT: County Administrative Officer Employment Agreement.

FISCAL IMPACT: As outlined in Agreement.

ACTION REQUESTED: 1) Approve Agreement; and/or 2) provide direction to staff.

**Attachments:** [CAO Agreement](#)

County Counsel Burns informed the Board that a revised agreement for the County Administrative Officer (CAO) Egan had been drafted and requested if the agreement should be extended or started over, stating that he favored a new agreement. County Counsel Burns also stated the longevity pay for CAO Egan had been decreased from 15% to 5% and noted where the revision was made. Discussion was held.

**A motion was made by Supervisor Albaugh, seconded by Supervisor Teeter, that this Agreement be approved as amended. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

OFFICE OF EMERGENCY SERVICES (OES)

SUBJECT: Reimbursement agreement with the California Department of Forestry and Fire Protection (CAL FIRE) to continue to provide Lassen County Office of Emergency Services in Fiscal Year 2019/20, 2020/21, and 2021/22.

FISCAL IMPACT: Fund/Budget Unit No. 100-0661 budgeted in the amount of \$242,343 Fiscal Year 2018/19 for reimbursable costs. Increasing to \$260,755 annually beginning for Fiscal Year 2019/20, 2020/21, and 2021/22.

ACTION REQUESTED: 1) Approve Agreement; and 2) authorize County Administrative Officer to sign.

**Attachments:** [Cal Fire OES Agreement 2019-2022](#)

Lassen County Office of Emergency Services (OES) Officer Chief Mark Rotlisberger gave a brief overview of the new 3 year Reimbursement Agreement with the California Department of Forestry and Fire Protection (CAL FIRE). Supervisor Albaugh asked about scope of work. OES Chief Rotlisberger stated that there are separate agreements that provide different services. Assistant Chief of Cal Fire Lassen-Modoc Unit Eric Ewing discussed services provided with the other agreements and how they're established.

**A motion was made by Supervisor Hammond, seconded by Supervisor Gallagher, that this Agreement be approved. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

## PUBLIC WORKS DEPARTMENT

ROAD DEPARTMENT

SUBJECT: SB-1 Road Maintenance and Rehabilitation Account (RMRA) Funding for Fiscal Year (FY) 2019/20.

FISCAL IMPACT: Anticipated revenue in the estimated amount \$2,297,472 from the 2019/20 FY appropriation of SB 1 RMRA Funds to the 2019/20 FY Road Construction Fund/Budget Unit No. 122-1222.

ACTION REQUESTED: 1) Approve the Project List for the 2019/20 FY SB-1 Road Maintenance and Rehabilitation Account (RMRA) Funding and the corresponding Resolution; and 2) authorize the Chairman to sign.

**Attachments:** [PW Road Maint Attach](#)

Director of Public Works Larry Millar requested the Board to adopt the Resolution allowing the project list and to receive funds. Director Millar informed

the Board of previous funds approved, amount received and the projects expected to be completed. Brief discussion was held.

**A motion was made by Supervisor Gallagher, seconded by Supervisor Teeter, that this Resolution No. 19-023 be adopted. The motion carried by the following vote:**

**Aye:** 5 - Hemphill, Teeter, Albaugh, Gallagher and Hammond

COUNTY ADMINISTRATIVE OFFICE

SUBJECT: INFORMATION FOR THE BOARD OF SUPERVISORS

CAO Egan stated that he would be attending the Legislative Conference with Supervisor Gallagher.

**ADJOURNMENT**

There being no further business, the meeting is adjourned at 12:53 p.m. in memory of Elvira Harrison, Jeannie Bet and the people that lost their lives in Sri Lanka on Easter Sunday, April 21, 2019.

\_\_\_\_\_  
Chairman of the Board of Supervisors

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Michele Yderraga, Deputy Clerk of the Board