



Lassen County

Meeting Minutes

Board of Supervisors

LASSEN COUNTY SUPERVISORS:

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

Tuesday, May 16, 2017

9:00 AM

Board Chambers
707 Nevada Street
Susanville, CA 96130

9:00 A.M. CALL TO ORDER

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

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

Excuse: 0

PUBLIC COMMENT

Jeff Sheetz: Discussed cannabis.

Carol Evans: Discussed cannabis.

Greg Sanders: Discussed Share the Dream Trail and off highway vehicles.

ANNOUNCEMENT OF THE ITEMS TO BE DISCUSSED IN CLOSED SESSION

CAO Egan announced:

Conference with Legal Counsel: Significant exposure to Litigation Pursuant to Subdivision (d)(2) of Government Code Section 54956.9.

Employee performance evaluation: Bob Burns, County Counsel.

Public Employee Appointment - Veteran Services Officer.

CLOSED SESSION

Closed session was held from: 9:10 a.m. - 9:51 a.m. Present: Supervisors Gallagher, Teeter, Hemphill, Albaugh and Hammond. Also Present: CAO Egan, County Counsel Burns, Deputy Clerk of the Board Yderraga and Personnel/Risk Analyst Cheryl Douglas.

Planning and Building Services Director Maurice Anderson was present from: 9:10 a.m. - 9:18 a.m.

Deputy Clerk of the Board Yderraga was absent from: 9:18 a.m. - 9:51 a.m.,

9:53 A.M. OPENING CEREMONIES

Pledge of Allegiance and Invocation

After the flag salute, invocation was offered by Supervisor Albaugh.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

CAO Egan reported: Closed session would be continued to the end of open session.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

CAO Egan requested Item# H7 to be heard after 11:00 a.m. per the request of Mr. Eddy Bauer.

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

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

PUBLIC COMMENTS

Dennis Hinze: Discussed cannabis and the Trailer Bill.

Health and Social Services Director Melody Brawley: Introduced the new Behavioral Health Director Tiffany Armstrong.

Behavioral Health Director Tiffany Armstrong: Discussed her background and experience in behavioral health.

CJ Johnson: Discussed cannabis.

UNAGENDIZED REPORTS BY BOARD MEMBERS (Immediately following public comment and no later than 10:00 a.m.)

Supervisor Hammond: 1) Working with Sierra Army Depot regarding his trip to Washington, DC; 2) will be attending a Caltrans meeting next week.

Supervisor Hemphill: 1) Will be attending a Caltrans meeting next Thursday at the Janesville Fire Hall at 7:00 p.m.; 2) would like the Board to write a letter to Governor Brown regarding the Career Technical Education (CTE).

Supervisor Teeter: Attended a Planning and Service Area - Area Agency on Aging (PSA 2 AAA) executive community meeting.

Supervisor Gallagher: Will be leaving May 17, 2017 to attend California State Association of Counties (CSAC) meeting in Sacramento.

Supervisor Albaugh: 1) Attended the open house at Big Valley High School; 2) the Fairboard meeting will be held May 16, 2017; 3) the Susanville Indian Rancheria will be holding their annual POW-WOW May 19th - 20th, 2017.

MATTERS SET FOR TIME CERTAIN

10:00 a.m. RECOGNITION COMMITTEE PRESENTATION

SUBJECT: 10 Year Awards: Sherry Mathers (Behavioral Health). 15 Year Awards: Gary Gillis (Solid Waste). 20 Year Awards: Matthew McFarland (Sheriff's Department).

FISCAL IMPACT: None.

ACTION: Present awards.

Chairman Albaugh made presentations to Sherry Mathers (Behavioral Health), Gary Gillis (Solid Waste) and Matthew McFarland (Sheriff's Office) in recognition of their years of service to Lassen County.

INFORMATION/CONSENT CALENDAR

Supervisor Albaugh pulled Item# G1 and Item# G8. Supervisor Hemphill pulled Item# G2. Supervisor Hammond pulled Item# G9.

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

Excuse: 0

ADMINISTRATIVE SERVICES

Approval of the Consent Agenda

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

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

ADMINISTRATIVE SERVICES

SUBJECT: First Amendment to the Agreement by and between the County of Lassen and the Lassen County Fire Safe Council, Inc. to extend the term of the agreement by one additional year to July 31, 2018.

FISCAL IMPACT: None.

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

Attachments: [Title III Amend Request PDF](#)

This Action Item was approved on the Consent Agenda.

AUDITOR AND TREASURER DEPARTMENTS

REPORT

SUBJECT: Treasurer's Fund Balance Report and Auditor's verification for the month of April, 2017.

FISCAL IMPACT: None.

ACTION: Receive and file.

Attachments: [LASSEN COUNTY FUND BALANCES 04-30-2017](#)

This Report was approved on the Consent Agenda.

COUNTY CLERK-RECORDER

MINUTES

SUBJECT: Meeting minutes of May 9, 2017.
FISCAL IMPACT: None.
ACTION REQUESTED: Approve.

Attachments: [draft minutes 5-9-2017](#)

These Minutes were approved on the Consent Agenda.

HEALTH AND SOCIAL SERVICES

HEALTH AND SOCIAL SERVICES

SUBJECT: Approval of Intergovernmental Transfer Agreements.
FISCAL IMPACT: There is no fiscal impact to County General Fund. These Agreements will generate additional revenues for Health & Social Services.
ACTION REQUESTED: 1) Approve Contract #16-93736; and 2) Contract #16-93746; and 3) Amendment 3 of the Agreement with Partnership HealthPlan of California increasing the managed care capitation rate range, and 4) authorize the Health & Social Services Director to sign the documents on behalf of the County.

Attachments: [BOS HSS IGT 05.16.2017](#)

This Action Item was approved on the Consent Agenda.

PLANNING AND BUILDING SERVICES

COUNTY SURVEYOR

SUBJECT: Resolution to approve Subdivision Map No. 2013-024, a Final Map of the Walsh Ranch Subdivision, located in portions of Sections 4, 8 and 9, Township 37 North, Range 6 East, Mount Diablo Base and Meridian.
FISCAL IMPACT: None.

ACTION REQUESTED: Adopt resolution.

Attachments: [PB PM2013-024Walsh5-16-17pckt](#)

This Resolution No. 17-033 was adopted on the Consent Agenda.

TREASURER/TAX COLLECTOR

REPORT

SUBJECT: Treasurer's Investment Report for April, 2017.
FISCAL IMPACT: None.
ACTION: Receive and file.

Attachments: [LASSEN COUNTY PORTFOLIO 04-30-2017](#)

This Report was approved on the Consent Agenda.

MISCELLANEOUS CORRESPONDENCE ITEMS

ACTION REQUESTED: Receive and file the following correspondence:
a) Lassen County Behavioral Health Advisory Board meeting agenda for May 8, 2017.

- b) Lassen County Architectural Review Committee agenda for May 11, 2017.
- c) Lassen County Architectural Review Committee revised agenda for March 2, 2017.
- d) Planning and Service Area (PSA) 2 Area Agency on Aging Announcement of Award.
- e) Planning and Service Area (PSA) 2 Area Agency on Aging Advisory Council Conference Call Monday, May 15, 2017 - Public Notice.
- f) Planning and Service Area (PSA) 2 Area Agency on Aging Advisory Council Agenda Conference Call for Monday, May 15, 2017

Attachments: [20170511143104879](#)

These Reports were approved on the Consent Agenda.

DEPARTMENT REPORTS

BOARD OF SUPERVISORS

SUPERVISOR ALBAUGH

SUBJECT: Letter from the Board of Supervisors to the Lassen National Forest requesting the completion of the unfinished segments of the Share the Dream Trail that are on federally managed land under the authority of the Lassen National Forest.

FISCAL IMPACT: None

ACTION REQUESTED: 1) Approve the letter; and 2) authorize the Chairman to sign.

Attachments: [0456_001](#)

Discussion was held regarding the Lassen National Forest and the Share the Dream Trail.

SPEAKER: Greg Sanders.

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

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

SUPERVISOR ALBAUGH

SUBJECT: Letter from the Board of Supervisors to resend the Board's September 10, 2013, letter requesting the Lassen National Forest to designate certain national forest system roads for off-highway vehicle use, and to incorporate the request as a priority action item in the Lassen National Forest Five County Off-Highway Vehicle Plan.

FISCAL IMPACT: None.

ACTION REQUESTED: 1) Approve the letter; and 2) authorize the Chairman to sign.

Attachments: [170516 Ag Pkt - LNF OHV Plan](#)

Brief discussion was held.

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

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

PUBLIC WORKS DEPARTMENT

ROAD DEPARTMENT

SUBJECT: 2016/2017 Optional Regional Surface Transportation Program (RSTP) Federal Exchange and State Match Program.

FISCAL IMPACT: Receive \$373,285 in State exchange funds and \$100,000 in State Match funds for a total of \$473,285 to be deposited into Road Fund 122-1221 for County Road purposes.

ACTION REQUESTED: Authorize the Chairman of the Board of Supervisors to sign the Federal Apportionment Exchange Program and State Match Program, Agreement No. X17-5907(071), with the California Department of Transportation (Caltrans).

Attachments: [Road Attachment](#)

Brief discussion was held with Public Works Director Larry Millar and the Board.

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

RECESS: 10:29 a.m. - 10:33 a.m.

MATTERS SET FOR TIME CERTAIN (Continued)

SUPERVISOR GALLAGHER

SUBJECT: Presentation by Laurie Baker, General Manager, Shasta Cascade Wonderland Association.

FISCAL IMPACT: None

ACTION REQUESTED: Receive Presentation and provide direction to staff.

Supervisor Gallagher gave a brief description of the presentation. General Manager of the Shasta Cascade Wonderland Association Laurie Baker gave a power point presentation how their association promotes different counties, including Lassen County in Northern California. Extensive discussion was held.

SPEAKERS: Patricia Hagata

PUBLIC INFORMATION ON DIVERSION PROGRAM

SUBJECT: District Attorney's Office informational presentation on the

Community Accountability / Diversion Program.
FISCAL IMPACT: None.
ACTION REQUESTED: None.

Attachments: [DA CAP](#)

District Attorney (DA) Program Coordinator Michelle Latimer gave a power point presentation on the Diversion Program offered at the DA's office. Extensive discussion was held.

DEPARTMENT REPORTS (Continued)

PUBLIC WORKS DEPARTMENT

PLANNING AND BUILDING SERVICES

SUBJECT: Make determination of whether the ability to sell liquor at the Shell Gas Station in Doyle, CA (745-750 Rachel Drive Doyle, CA) would serve a public convenience or necessity for purposes of an application for licensure before the department of Alcoholic Beverage Control.

FISCAL IMPACT: None.

ACTION REQUESTED: 1) Adopt resolution; and/or 2) Provide direction to staff.

Attachments: [Shell Packet](#)

Planning and Building Services Director Maurice Anderson reminded the Board that this item was brought back from the previous meeting and gave a brief description of the item. Discussion was held.

SPEAKER: Sonny Singh.

Supervisor Hammond was recused from: 11:21 a.m. - 11:29 a.m.

A motion was made by Supervisor Teeter, seconded by Supervisor Gallagher, that this Resolution No. 17-034 be adopted. The motion failed.

Aye: 2 - Gallagher and Teeter

Nay: 2 - Hemphill and Albaugh

Recuse: 1 - Hammond

ADMINISTRATIVE SERVICES

ADMINISTRATIVE SERVICES

SUBJECT: Appointment of Dan Howe and Jacob Zamora to be administrative hearing officers for marijuana enforcement, vehicle abatement, and all other administrative hearings Lassen Code provides for and contracts with those individuals for their services.

FISCAL IMPACT: \$20,000 from Fund Budget Unit# 100-0101.

ACTION REQUESTED: 1) Receive report from CAO; and 2) adopt resolution appointing Mr. Howe and Mr. Zamora as hearing officers; and 3) approve contracts with each of them for those services and authorize the CAO to sign.

Attachments: [Attach a](#)
[Attach b](#)
[Attach c](#)
[Attach d](#)

CAO Egan gave a report of the item. Brief discussion was held.

SPEAKER: Attorney Jacob Zamora.

A motion was made by Supervisor Hemphill, seconded by Supervisor Teeter, that these Action items be approved and Resolution No. 17-035 be adopted. The motion carried by the following vote:

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

BOARD OF SUPERVISORS

SUPERVISOR HAMMOND
SUBJECT: Letter to Assessment Appeals Board
FISCAL IMPACT: None.
ACTION REQUESTED: 1) Approve letter; and/or 2) provide direction to staff.

Attachments: [AAB Letter](#)

County Counsel gave a brief description of the letter to the Assessment Appeals Board.

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

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

CHILD SUPPORT SERVICES

CONTRACT FOR LEGAL SERVICES
SUBJECT: State Fiscal Year 2017/2018 contract between the Department and Sierra Law Center, APC in the amount of \$83,200.
FISCAL IMPACT: There is no fiscal impact to the General Fund; there is no net increase to appropriations. Costs will be covered with federal and state child support funds, budget unit 528/0432.
ACTION REQUESTED: 1) Approve the agreement with Sierra Law Center, APC; and 2) Authorize the County Administrative Officer to execute the contract.

Attachments: [SFY 17-18 Jacob Zamora Contract](#)

Child Support Services Director Kelley Cote gave a description of the contract. Brief discussion was held.

SPEAKER: Attorney Jacob Zamora.

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

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

PLANNING AND BUILDING SERVICES

WESTWOOD ABATEMENTS

SUBJECT: Verbal report on Westwood abatement efforts.

FISCAL IMPACT: None.

ACTION REQUESTED: Receive Report.

Planning and Building Services Director Maurice Anderson reported on the cleanup campaign in Westwood which was initiated by a well-attended town hall meeting held with Supervisor Gallagher. The cleanup effort focused on Garbage, unsafe buildings and non-operational vehicles. The Code Enforcement employees received a welcome reception and residents were coming out to thank them. Supervisor Gallagher wanted to make sure the focus was on the things talked about in the town hall meeting: the vehicles, obvious garbage, and the burned down and unoccupied houses. Supervisor Gallagher wanted to make sure we were not going outside the scope of the real obvious violations and stay within what was talked about in the meetings. Mr. Anderson discussed how fairness is absolutely critical, and pointed out that some of the buildings that are historic happen to be the most dangerous. Mr. Anderson also stated that he has an obligation to point out what is unsafe and is bound by law to identify and tag it. Mr. Anderson further stated that it has been difficult but the building code is very specific on what constitutes a dangerous building. The goal of Planning and Building is not to write tickets but to encourage compliance. Additional discussion was held.

Supervisor Hemphill was absent from 11:49 a.m. - 11:50 a.m.

PLANNING

SUBJECT: Consider an amendment to Lassen County Code Section 3.18.021 (Planning Department fees for surface mining and related activities) to include in the "Annual Surface Mine Administration and Operations Monitoring Fee" a minimum fee amount of \$1,000 per site and a maximum fee amount of \$3,850 per site, regardless of mining status. As the County fee is currently calculated as a percentage of the State fee (75%), a set County fee maximum per site will prevent continual increases due to ongoing increases to the State fee maximum.

ACTION REQUESTED: 1) Receive report; and 2) Introduce Ordinance and read (or waive the reading).

FISCAL IMPACT: None. The revenue generated by this fee is expected to

remain consistent with previous years.

Attachments: [PB MiningFees5-16-17pckt](#)

Planning and Building Services Director Maurice Anderson reported on possible amendments to the Lassen County Code and introduced an Ordinance. County Counsel Burns noted corrections needed in the verbiage of the Ordinance. Discussion was held.

A motion was made by Supervisor Gallagher, seconded by Supervisor Hemphill, that this Ordinance be introduced as amended with the reading waived. The motion carried by the following vote:

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

ABANDONED VEHICLES

SUBJECT: Proposed ordinance to revise Chapter 1.19 (Abandoned Vehicles) of the Lassen County Code to define "screened from ordinary view," amend abatement procedures, delete a portion of Section 1.19.070 and to consider adoption of a resolution to fix the administrative costs for the abatement of abandoned, wrecked, dismantled or inoperative vehicles. The addition of Chapter 2.14 of the Lassen County Code will also be considered to define the Planning and Building Services Director.

FISCAL IMPACT: Unknown.

ACTION REQUESTED: 1) Receive Report; and 2) Introduce the Ordinance and Read (or Waive); and 3) Adopt resolution.

Attachments: [PB CHP1.19CodeUpdate5-16-17pckt](#)

Planning and Building Services Director Maurice Anderson reported on a proposed vehicle ordinance to revise the Lassen County Code pertaining to abandoned vehicles. County Counsel Burns noted corrections needed in the verbiage of the Ordinance. Discussion was held.

A motion was made by Supervisor Teeter, seconded by Supervisor Hammond, that this Ordinance be introduced as amended with the reading waived and to adopt Resolution No. 17-036. The motion carried by the following vote:

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

BAUER FEE WAIVER

SUBJECT: Request by Eddy Bauer to waive \$600 for a yet unspecified application to vary from the setback requirements for a proposed carport. The subject property is located in Pine Town, CA Assessor Parcel Numbers 125-241-03.

FISCAL IMPACT: Potential loss of General Fund revenue in amount of up to \$817.00 if waiver is granted.

ACTION REQUESTED: 1) Waive \$600 as requested; or 2) Clarify which application fee(s) are to be waived and waive said fee or fees; or 3) Deny the request for a fee waiver.

Attachments: [PB BauerFeeWaiver5-16-17pckt Redacted](#)

Planning and Building Services Director Maurice Anderson gave brief report of the applicant's request and presented a power point map of the parcel. Extensive discussion was held. Supervisor Gallagher requested Planning and Building Services Director Anderson to re-send a letter that was originally sent on March 27, 2017.

SPEAKERS: Eddy Bauer.

A motion was made by Supervisor Gallagher, seconded by Supervisor Teeter, that this request for a fee waiver be denied. The motion carried by the following vote:

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

COUNTY ADMINISTRATIVE OFFICE

SUBJECT: INFORMATION FOR THE BOARD OF SUPERVISORS

CAO Egan reported: He would be unable to attend the legislative conference.

CLOSED SESSION (Continued)

Closed session was held from 1:06 p.m. - 2:26 p.m. Present: Supervisors Gallagher, Teeter, Hemphill, Albaugh and Hammond. Also Present: CAO Egan, County Counsel Burns and Deputy Clerk of the Board Yderraga.

Personnel/Risk Analyst Cheryl Douglas was present from 1:06 p.m. - 1:42 p.m. Health and Social Services Director Melody Brawley was present via teleconference from: 1:18 p.m. - 1:29 p.m.
CAO Egan departed at 1:40 p.m.
Deputy Clerk of the Board Yderraga was absent from 1:40 p.m. - 2:26 p.m.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

County Counsel Burns reported there were three items:

- 1) Conference with Legal Counsel: Significant exposure to Litigation Pursuant to Subdivision (d)(2) of Government Code Section 54956.9. No reportable action.
- 2) Public Employee Appointment - Veteran Services Officer. No reportable action.

Supervisor Albaugh reported:

- 3) Employee performance evaluation for County Counsel Robert Burns received an excellent evaluation. A motioned was made by Supervisor Teeter, seconded by Supervisor Gallagher. The motion carried by the following votes:

Ayes: Supervisors Gallagher, Teeter, Hemphill, Albaugh and Hammond.

ADJOURNMENT

There being no further business, the meeting is adjourned at 2:27 p.m. in memory of Henry Bouse.

Chairman of the Board of Supervisors

Date: _____

ATTEST:

Michele Yderraga, Deputy Clerk of the Board