



Lassen County

DRAFT

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

Tuesday, October 22, 2019

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

Excuse: 0

PUBLIC COMMENT

William Turner: Discussed the water quality at Eagle Lake and requested a member of the Board of Supervisors to attend the emergency Spalding meeting.

ANNOUNCEMENT OF THE ITEMS TO BE DISCUSSED IN CLOSED SESSION

CAO Egan announced the following closed session item:

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

CLOSED SESSION

Closed session was held from 9:05 a.m. - 9:31 a.m.

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

RECESS: 9:31 a.m. - 9:35 a.m.

9:35 A.M. OPENING CEREMONIES

Pledge of Allegiance and Invocation

After the flag salute Supervisor Hemphill offered invocation.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

CAO Egan announced the following closed session item:

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

No reportable action.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

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

PUBLIC COMMENTS

None.

UNAGENDIZED REPORTS BY BOARD MEMBERS

Supervisor Gallagher: Had a great vacation.

Supervisor Hammond: 1) Had a conference call with Jean Herman, Claire St. John and a consultant regarding the US Highway 395 project; 2) Washoe County will be appointing a County Administrative Officer on the 26th; 3) Commissioner Herman assures the 26th - 28th can make a call to get the ball rolling.

Supervisor Albaugh: 1) Will be attending a Lassen Regional Solid Waste Management Authority meeting this afternoon; 2) attended a Regional Council Representatives of California (RCRC) executive meeting; 3) attended a Golden State Natural Resources meeting; attended an Environmental Services Joint Powers Agency (ESJPA) meeting.

Supervisor Teeter: 1) Attended a City of Susanville meeting; 2) attended Dancing for a Brand New Me event; 3) attended a Planning and Service Area - Area Agency on Aging (PSA 2 AAA) meeting; 4) attended a Lassen County Local Agency Formation Commission (LAFCo) meeting; 5) will have a bin for My Brother's Sock Drive at Margie's Book Nook.

Supervisor Hemphill: 1) Went to the Bay Area over the weekend; 2) Coach St. Jacques will be coaching his last home game at Lassen High School October 27, 2019, and requested to have a Coach St. Jacques day.

INFORMATION/CONSENT CALENDAR

Supervisor Hemphill pulled Item# G1 - Meeting Minutes per Deputy Clerk of the Board Yderraga's request; Supervisor Albaugh pulled Item# G3 - Supervisor Albaugh; Supervisor Hammond pulled Item# G5 - Supervisor Hammond.

CAO Egan absented himself from the Board Room as he declared a conflict as related to Item# G2 - County Surveyor. CAO Egan was absent from 9:46 a.m. - 9:48 a.m.

Approval of the Consent Agenda

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

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

PLANNING AND BUILDING SERVICES

COUNTY SURVEYOR

SUBJECT: Resolution to approve Parcel Map No. 2018-004, a Parcel Map for Segregation of Homesite, for the Daniel L. Egan and Mary K. Egan Revocable Trust dated April 25, 2014, et al., located in portions of Sections 1, 2 and 12, Township 28 North, Range 12 East, Mount Diablo Base and Meridian.

FISCAL IMPACT: None.

ACTION REQUESTED: Adopt resolution.

Attachments: [PB Appv PM Egan 10-22-19](#)

This Resolution No. 19-048 was adopted on the Consent Agenda.

BOARD OF SUPERVISORS

SUPERVISOR GALLAGHER

SUBJECT: Request from January 15, 2019, by Supervisor Gallagher to purchase neighborhood watch signs for Westwood from Silver State Barricade & Sign.

FISCAL IMPACT: Appropriation is included in the General Fund, Board of Supervisors Fund/Budget Unit No. 100-0011.

ACTION REQUESTED: Approve expenditure in the amount of \$489.57.

MISCELLANEOUS CORRESPONDENCE ITEMS

ACTION REQUESTED: Receive and file the following correspondence:
a) Susanville City Council Regular Meeting Agenda for October 16, 2019.
b) Lassen-Plumas-Sierra Community Action Agency Regular Board of Directors Meeting for October 17, 2019.

Attachments: [MISC CORR](#)

These reports were received and filed on the Consent Agenda.

DEPARTMENT REPORTS

COUNTY CLERK-RECORDER

MINUTES

SUBJECT: Meeting Minutes of October 15, 2019.

FISCAL IMPACT: None.
ACTION REQUESTED: Approve.

Attachments: [DRAFT MINS](#)

Deputy Clerk of the Board Yderraga requested the Board to pull the Meeting Minutes of October 15, 2019, due to Public Works title was missing for a Letter of Support, adding "CONTINUED" to the second Department Reports and changing the number "51 years of service" to "15 years of service" for the recognition of Deborah Rivas.

BOARD OF SUPERVISORS

SUPERVISOR ALBAUGH
SUBJECT: Resolution honoring Veteran Ted DeLoyola.
FISCAL IMPACT: None.
ACTION REQUESTED: Adopt Resolution.

Supervisor Albaugh handed out a copy of the Resolution honoring Ted Deloyola, a local veteran in Big Valley who served in World War II, the Korean War and the Vietnam War. Brief discussion was held.

A motion was made by Supervisor Albaugh, seconded by Supervisor Hammond, that this Resolution No.19-047 be adopted. The motion carried by the following vote:

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

SUPERVISOR HAMMOND
SUBJECT: Letter in support of Lassen College.
FISCAL IMPACT: None.
ACTION REQUESTED: Approve letter and authorize the Chairman to sign.

Attachments: [190922 Letter in support of Lassen College](#)

Supervisor Hammond briefly discussed Lassen Community College budget cuts and layoffs. Thanked Deputy CAO Shaw for writing the Letter of Support.

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

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

BOARD OF SUPERVISORS

PROCLAMATION
SUBJECT: Proclamation Recognizing Veterans.
FISCAL IMPACT: None
ACTION REQUESTED: Adopt Proclamation.

Attachments: [VFW request for Proclamation honoring Vets](#)

Brief discussion was held.

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

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

PUBLIC COMMENTS - REOPENED

District Attorney Melyssah Rios gave a brief update of her office and invited the Board to visit.

ASSESSOR'S OFFICE

POSITION RECLASSIFICATION

SUBJECT: New Position Reclassification of Chief Appraiser Business and Administration.

FISCAL IMPACT: Fiscal Year 19/20 Est. \$ 3500

ACTION REQUESTED: Approve the new position classification.

Attachments: [Assessor Attach 1](#)

[Assessor Attach 2](#)

Assessor Nick Ceaglio gave a brief presentation of a position reclassification in his office. Assessor Ceaglio also informed the Board that a recent grant his office applied for received full funding in the amount of \$750,000 and he is currently working on a resolution for a proposed implementation plan for the funds. Assessor Ceaglio stated he would be attending a meeting in Rocklin with representatives from the Tax Collector's and Auditor's offices to get an oversight of the new program that will be replacing the property tax system. Assessor Ceaglio gave an overview of the features of the new program. Supervisor Hammond asked how many employees the Assessor's Office has and if any cross-training is done. Assessor Ceaglio stated he currently has 8.5 employees and cross-training historically hasn't been done, however cross-training is critical going forward. Assessor Ceaglio stated every staff member will be involved. Extensive discussion was held regarding the position reclassification, how the position will be advertised and the interview process. CAO Egan reminded the Board that the elected official is the appointing authority for this position. Treasurer/Tax Collector Nancy Cardenas gave her opinion on hiring within the county versus outside of the county. Additional discussion was held.

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

Aye: 3 - Teeter, Gallagher and Hammond

Nay: 2 - Hemphill and Albaugh

RECESS: 10:30 a.m. - 10:36 a.m.

MATTERS SET FOR TIME CERTAIN

PLANNING AND BUILDING SERVICES

APPEAL / BORTLE

SUBJECT: Appeal filed by Curtis Bortle of the Director of the Department of Planning and Building Services' September 19, 2019, interpretive action regarding the appropriate zoning district required for a proposed cannabis dispensary at 702-040 Johnstonville Road (Assessor Parcel Number 116-050-77), on property owned by Johnstonville Properties, LLC, and John Shaw (File #318.03.18.02).

FISCAL IMPACT: Unknown.

ACTION REQUESTED: 1) Conduct a public meeting pursuant to Lassen County Code Section 18.122.050; and 2) grant the appeal; or 3) Disapprove the appeal.

Attachments: [PB BortleAppeal 10-22-19](#)

Director of Planning and Building Services Maurice Anderson gave a brief overview of the appeal from Curtis Bortle regarding a rezoning ordinance on Johnstonville Road. Director Anderson stated there was a request to apply for a use permit for a cannabis dispensary in a industrial zone. Director Anderson also stated that his response to Mr. Bortle was the ordinance that was passed was not for industrial zoning but commercial zoning. Industrial districts were not a part of the draft ordinance. Mr. Bortle discussed the current ordinance for commercial cannabis activity and zoning in M and C districts. Mr. Bortle also explained how he interpreted the commercial cannabis zoning ordinance. Extensive discussion was held. Supervisor Albaugh stated that the county has policies and rules exclusive to zoning and if the ordinance needs to be changed than the Board needs to amend it. Supervisor Albaugh motioned to deny the appeal. Motion died for lack of second. Additional discussion was held.

A motion was made by Supervisor Albaugh, seconded by Supervisor Gallagher, that this Appeal be denied. The motion carried by the following vote:

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

HAYDEN HILL RECLAMATION PLAN

SUBJECT: Lassen Municipal Utility District (LMUD) power line.

FISCAL IMPACT: Unknown.

ACTION REQUESTED: Demand performance on reclamation plan.

CAO Egan gave a brief overview of the Hayden Hill Reclamation Plan and the removal of power lines. CAO Egan stated that the power lines were to be removed around 1998 and yet they remain. CAO Egan also stated that the county is demanding performance on that obligation and to perform on the

promise to remove. Discussion was held. County Counsel Burns stated that this agenda item is to ask Lassen Municipal Utility District (LMUD) what their plans are for the power lines or do they have an alternate plan. CAO Egan stated LMUD needs to honor the decisions made thirty years ago and perform on what was promised. Supervisor Hemphill stated the people in this area need to be notified of meetings when information regarding the power lines are scheduled as this affects the residents. Discussion was held regarding the United States Forest Service (USFS) involvement. County Counsel Burns stated it is LMUD's responsibility to remove the lines as they bought all obligations and agreements and asked what is LMUD's plan since the mine has been closed for twenty years. LMUD Assistant General Manager Pat Holley stated that LMUD did have an extensive Plan and all thoughts need to be communicated to LMUD's board. Mr. Holley also discussed the condition of the facility and the cost to remove. Discussion was held. CAO Egan recommended to the Board to issue a demand to LMUD to remove the power lines or present another option to the Board of Supervisors by a said date. Mr. Holley stated they wanted to do what is right for the community and LMUD would comply with the direction from the Board of Supervisors. Extensive discussion was held regarding funding, use permits and USFS.

SPEAKERS: Director of Planning and Building Services Maurice Anderson.

A motion was made by Supervisor Gallagher, seconded by Supervisor Teeter, for LMUD to provide a plan of removal or other alternative prior to March 2020. The motion carried by the following vote:

Aye: 3 - Teeter, Gallagher and Hammond

Nay: 2 - Hemphill and Albaugh

HAYDEN HILL GOLD MINE

SUBJECT: Consider approval of partial release of financial assurances held by Lassen County for reclamation of the Hayden Hill Gold Mine, operated by Lassen Gold Mining, Inc. (LGMI), tabled by the Board on December 18, 2018.

FISCAL IMPACT: No foreseeable impact to general fund.

ACTION REQUESTED: 1) Receive report; 2) adopt a resolution approving full release of a \$500,000 financial assurance held for completion of Habitat Mitigation and Management Plan; and 3) adopt a resolution approving partial release (\$1,380,234) of financial assurance held for completion of reclamation; and/or 4) provide direction to staff.

Attachments: [PBLGMIFAMRelease10-22-19 pckt](#)

Planning and Building Natural Resources Technician Nancy McAllister gave a detailed report of the consultant review from SRK Consulting pertaining to the reclamation of the Hayden Hill Gold Mine. This item was tabled at a Board of Supervisors meeting in December 2018. Ms. McAllister also provided power a

point map. Extensive discussion was held.

A motion was made to table Action Item #3 - Adopt a resolution approving partial release (\$1,380,234) of financial assurance held for completion of reclamation.

SPEAKERS: Director of Planning and Building Services Maurice Anderson, Kevin Roach, Buck Parks.

A motion was made by Supervisor Gallagher, seconded by Supervisor Teeter, that this Resolution No. 19-049 be adopted approving Action Item# 3 - Approving partial release (\$1,380,234) of financial assurance held for completion of reclamation . The motion carried by the following vote:

Aye: 3 - Hemphill, Teeter and Gallagher

Nay: 2 - Albaugh and Hammond

RECESS: 12:22 p.m. - 12:25 p.m.

CANNABIS DISPENSARIES

SUBJECT: Report regarding the rules and requirements for submittal of a use permit application for a cannabis dispensary pursuant to County Code section 18.108.045, as adopted by the Board of Supervisors on August 20, 2019, with Ordinance 2019-08.

FISCAL IMPACT: None.

ACTION REQUESTED: 1) Receive report; and 2) possible direction to staff.

Director of Planning and Building Services Maurice Anderson stated the Board of Supervisors requested Director Anderson to discuss cannabis dispensaries, zoning and setbacks. Director Anderson gave a power point presentation of the different zoning areas in Lassen County. Discussion was held.

COUNTY ADMINISTRATIVE OFFICE

SUBJECT: INFORMATION FOR THE BOARD OF SUPERVISORS

Nothing to report.

ADJOURNMENT

There being no further business, the meeting is adjourned at 12:54 p.m.

Chairman of the Board of Supervisors

Date: _____

ATTEST:

Michele Yderraga, Deputy Clerk of the Board