



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; DISTRICT 5 - TOM HAMMOND

Tuesday, December 11, 2018

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

None.

ANNOUNCEMENT OF THE ITEMS TO BE DISCUSSED IN CLOSED SESSION

CAO Egan announced the following closed session items:

- 1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (d)(1) of Government Code Section 54956.9: 1) County of Lassen vs Valenta, Cooper, and High Desert Wolves; Lassen Superior Court Case No.60593; and 2) Robert Davis vs the County of Lassen; Workers Compensation Appeals Board; Claim No. TIBN-542748.
- 2) Employee performance evaluation: County Counsel.

CLOSED SESSION

CLOSED SESSION

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

Closed session was held from 9:01 a.m. - 9:30 a.m.

Trindel Claims Adjuster Sarah Haynes was present via teleconference from 9:03 a.m. - 9:13 a.m.

Director of Planning and Building Services Maurice Anderson was present from 9:14 a.m. - 9:30 a.m.

RECESS: 9:30 A.M. - 9:35 A.M.

9:35 A.M. OPENING CEREMONIES

Pledge of Allegiance and Invocation

After the flag salute invocation was offered by Supervisor Gallagher.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

County Counsel Burns announced that closed session would be continued to the end of the meeting.

PUBLIC COMMENTS

Mike O'Kelley: Discussed Morning Glory, Inc.'s contract with the local institutions. Requested a letter of support from the Board.

UNAGENDIZED REPORTS BY BOARD MEMBERS

Supervisor Hammond: 1) Had two drone companies from California Department of Defense visit Amodée; 2) attended a Standish-Litchfield Fire Department meeting.

Supervisor Hemphill: 1) Attended the 2018 Magical Country Christmas in uptown Susanville; 2) will be having a joint town hall meeting for Janesville and Johnstonville after the first of the year; 3) will be attending the Pints for Paradise at the Lassen Ale Works tonight, December 11, 2018.

Supervisor Albaugh: 1) attended a Regional Council Representatives of California (RCRC) meeting; 2) the annual Lassen County Christmas Party will be held tonight, December 11, 2018.

Supervisor Teeter: 1) Attended the Lassen-Plumas-Sierra Community Action Agency meeting; 2) attended a Susanville City Council meeting; 3) attended a North Central Neighborhood Watch and Depot 6 Neighborhood watch joint meeting; 4) attended a Behavioral Health Advisory Board meeting.

Supervisor Gallagher: 1) Attended a Lassen County Local Agency Formation Commission (LAFCo) meeting; 2) attended a California State Association of Counties (CSAC) meeting; 3) announced Brian Dahle received an award for Forced Management Legislation; 4) announced the primary election for 2020 will be held in March.

AGENDA APPROVAL, ADDITIONS AND/OR DELETIONS

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

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

10:25 a.m.: RECESS

INFORMATION/CONSENT CALENDAR

Supervisor Gallagher pulled Item# G3 - Minutes and Item# G8 - Tax Sale; Supervisor Teeter pulled Item# G5 - Behavioral Health; Supervisor Hemphill pulled Item# G6 - Road Department and Item# G7 - Skyline Road Extension, for further discussion.

COUNTY ADMINISTRATIVE OFFICE

Approval of the Consent Agenda

A motion was made by Supervisor Albaugh, 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

TITLE III LASSEN COUNTY FIRE SAFE COUNCIL, INC.

SUBJECT: Agreement with Lassen County Fire Safe Council, Inc. for carrying out the Firewise Communities Program and development of Community Wildfire Protection Plans in the amount of \$54,000.

FISCAL IMPACT: None. To be paid from Fund 142, Federal Title III.

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

Attachments: [Ag Fire Safe Council](#)

PERSONNEL REPORT

SUBJECT: Personnel Movement Report for November 2018.

FISCAL IMPACT: None.

ACTION: Receive and file.

Attachments: [Personnel Report](#)

This Report was received and filed on the Consent Agenda.

DISTRICT ATTORNEY

CHILD ADVOCACY CENTER

SUBJECT: Donation to the Lassen County Child Advocacy Center.

FISCAL IMPACT: Increase of \$100 to the Child Advocacy Center Fund/Budget Unit No. 108-0438-3002200.

ACTION REQUESTED: Accept donation from the Lassen County Federal Credit Union and approve deposit of donation into the Child Advocacy Center budget.

This Action Item was approved on the Consent Agenda.

BOARD OF SUPERVISORS

LASSEN COUNTY CHILDREN & FAMILIES COMMISSION

SUBJECT: Lassen County Children & Families Commission 2017/2018 Fiscal Year (FY) Annual Audit, 2017/2018 FY Annual Report, 2018/2019 FY - 2022/20263 FY Strategic Plan and Long Range Financial Plan.

FISCAL IMPACT: None.

ACTION REQUESTED: Receive reports.

Attachments: [Children and Families Commission Attach](#)

This Report was received and filed on the Consent Agenda.

MISCELLANEOUS CORRESPONDENCE ITEMS

ACTION REQUESTED: Receive and file the following correspondence:

- a) Honey Lake Valley Resource Conservation District Special Meeting for December 6, 2018.
- b) Susanville City Council Special Meeting Agenda for November 20, 2018.
- c) Lassen County Technical Advisory Committee Meeting Agenda for December 6, 2018.
- d) PSA 2 Area Agency on Aging Advisory Executive Board Council Meeting Conference Call November 30, 2018.
- e) Susanville City Council Special Meeting Agenda for November 28, 2018.
- f) Lassen County Behavioral Health Advisory Board meeting agenda for December 10, 2018.
- g) Lassen-Plumas-Sierra Community Action Agency Regular Board of Directors Meeting for December 6, 2018.
- h) Susanville City Council Regular Meeting Agenda for December 5, 2018.
- i) Lassen County Planning Commission Agenda for December 4, 2018.
- j) Susanville City Council Special Meeting Agenda for December 7, 2018.

Attachments: [Misc Corr](#)

These Reports were received and filed on the Consent Agenda.

DEPARTMENT REPORTS

COUNTY CLERK-RECORDER

MEETING MINUTES

SUBJECT: Minutes of November 27, 2018.

FISCAL IMPACT: None.

ACTION REQUESTED: Approve.

Attachments: [Draft Minutes](#)

Supervisor Gallagher stated that he would be abstaining from the approval of the meeting minutes due to his absence from the November 27, 2018, meeting.

A motion was made by Supervisor Albaugh, seconded by Supervisor Hemphill, that these Minutes be approved. The motion carried by the following vote:

Aye: 4 - Teeter, Hemphill, Albaugh and Hammond

Abstain: 1 - Gallagher

HEALTH AND SOCIAL SERVICES

BEHAVIORAL HEALTH

SUBJECT: Agreement between Lassen County and Disability Response for Fiscal year 2018/2019.

FISCAL IMPACT: There is no impact to County General Fund. The funding for this contract will be paid by the Mental Health Services Act (MHSA) Fund/Budget Unit No. 164-0752.

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

Attachments: [HSS Attach](#)

Supervisor Teeter wanted to thank Susanville City Police Chief Kevin Jones for completing the task of getting his officers to training for Disability Response. Also thanked Tiffany Armstrong for working on this project. Brief discussion was held.

SPEAKERS: Director of Health and Social Services Barbara Longo.

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

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

PUBLIC WORKS DEPARTMENT

ROAD DEPARTMENT

SUBJECT: Sixth Amendment to Agreement between Lassen County and Morrison Structures, Inc.-Skyline Road Extension.

FISCAL IMPACT: The additional cost for this Sixth Amendment is \$32,555 which makes the maximum amount payable under this multi-year contract \$137,005. Funding is available within the Road Construction Fund/Budget Unit No. 122-1222 where 100% Highway Bridge Funding is available for reimbursement.

ACTION REQUESTED: 1) approve the Sixth Amendment with Morrison Structures, Inc. and 2) authorize the Public Works Director to sign.

Attachments: [PW - Roads Attach](#)

Supervisor Hemphill stated that he could not vote "yes" for this item and G7 -

Skyline Road Extension to fund. Brief discussion was held.

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

Aye: 4 - Gallagher, Teeter, Albaugh and Hammond

Nay: 1 - Hemphill

SKYLINE ROAD EXTENSION

SUBJECT: Bid Award: Skyline Road Extension Construction Project.

FISCAL IMPACT: Funding in the amount of \$7,970,000 is available in the approved Fiscal Year (FY) 2018/19 Road Construction Fund/Budget Unit No. 122-122 with Federal reimbursement (STIP funding) in the amount of \$7,970,000 (100%).

ACTION REQUESTED: 1) Award bid to Hat Creek Construction and Materials, Inc. in the amount of \$7,589,985; and 2) authorize the Public Works Director to sign the Agreement upon authorization of the federal funding; and 3) authorize Public Works Director to enter into change orders up to the amount of \$380,015 (approximately 5%) for a total not-to-exceed amount of \$7,970,000, if required.

Attachments: [PW Skyline Attach](#)

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

Aye: 4 - Gallagher, Teeter, Albaugh and Hammond

Nay: 1 - Hemphill

TREASURER/TAX COLLECTOR

TAX SALE

SUBJECT: Resolution approving the sale of Tax Defaulted property at public auction May 1st through May 13th, 2018.

FISCAL IMPACT: No fiscal impact.

ACTION REQUESTED: Adopt Resolution.

Attachments: [Tax Sale attach](#)

Treasurer/Tax Collector Nancy Cardenas stated the dates for the tax sale on the agenda were incorrect. The actual dates are May 10 - May 13, 2019. Brief discussion was held.

A motion was made by Supervisor Albaugh, seconded by Supervisor Hemphill, that this Resolution No. 18-078 be adopted. The motion carried by the following vote:

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

PUBLIC HEARINGS

ORTEGA/BRISTOW

SUBJECT: Public hearing to determine if the substandard structure at 445-310 Herlong Access Road will be abated by Lassen County in accordance with the Order of the Building Official, if the property owner does not complete the demolition by November 30, 2018. Assessor Parcel Number 139-040-08 (CDEF2015-031, Ortega/Bristow).

FISCAL IMPACT: Unknown cost if the County abates; which could potentially be recovered through recordation of a lien.

ACTION REQUESTED: 1) Receive report from staff; and 2) conduct Public Hearing; and;3) adopt a Resolution upholding the Building Official's determination.

Attachments: [PB Code Ortega MJ Hearing 12-11-18 final packet](#)

Director of Planning and Building Services Maurice Anderson gave a summary of the staff report regarding 445-310 Herlong Access Road and the abatement.

The Public Hearing was opened at 10:11 a.m.

SPEAKERS:

Kathy Bristow: Daughter of the deceased owner Max Ortega, gave a detailed explanation as to why the building has not been demolished. Ms. Bristow requested an extension for the abatement date as they have a person who is currently interested in purchasing the property.

Gary Mapa: Interested party in purchasing the property, informed the Board of his intentions with the property which will include demolition of the structure.

The Board agreed to continue the Public Hearing for 60 days.

Supervisor Hammond recused himself and was absent from 10:08 a.m. - 10:46 a.m.

A motion was made by Supervisor Teeter, seconded by Supervisor Hemphill, that this Public Hearing will be continued in 60 days. The motion carried by the following vote:

Aye: 3 - Gallagher, Teeter and Hemphill

Nay: 1 - Albaugh

Recuse: 1 - Hammond

MATTERS SET FOR TIME CERTAIN

RITCHIE

SUBJECT: Appeal, filed by Randal J. Ritchie, of a \$333.75 penalty for initiating construction for the enclosure of an existing carport prior to securing the required

building permit. Located at 470-645 Wingfield Road, Susanville, CA 96130; Assessor Parcel Number 116-270-09.

FISCAL IMPACT: Potential loss of revenue to the General Fund if appeal is granted.

ACTION REQUESTED: 1) Consider the appeal; and 2) approve or deny the appeal.

COMMENTS: The Board will need to serve as the Board of Appeals (CA Building Code Section 1.8.8.1 - attached).

Attachments: [PB RitchieAppeal 12-11-18 pckt](#)

Director of Planning and Building Services Maurice Anderson gave a brief summary of the appeal for Randal Ritchie. Supervisor Albaugh questioned the dollar amount.

RECESS: 10:38 a.m. - 10:46 a.m.

Director of Planning and Building Services Maurice Anderson stated that the penalty amount was incorrect. The actual amount should have been \$445. Randal Ritchie, property owner, explained to the Board that it was his error and believed the original permit purchased included the additions to the carport. Discussion was held.

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

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

ESPARZA

SUBJECT: Appeal, filed by Kira Esparza, of a \$3,167.75 penalty for initiating construction of an accessory structure prior to securing the required building permit. Located at 708-620 Pine Street, Janesville, CA 96114; Assessor Parcel Number 129-060-26.

FISCAL IMPACT: Potential loss of revenue to the General Fund if appeal is granted.

ACTION REQUESTED: 1) Consider the appeal; and 2) approve or deny the appeal.

Attachments: [PB EsparzaAppeal 12-11-18 pckt](#)

Director of Planning and Building Services Maurice Anderson gave a summary of the current appeal and stated that the total penalty was \$3804.90. The property owner, Andrew Esparza, explained to the Board that a local contractor had told him he would not need to purchase a permit to build a garage/shop and he apologized for not looking further into the matter. Extensive discussion was held.

SPEAKERS: Kira Esparza.

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

Aye: 4 - Teeter, Hemphill, Albaugh and Hammond

Nay: 1 - Gallagher

DEPARTMENT REPORTS - CONTINUED

BOARD OF SUPERVISORS

PROCLAMATION

SUBJECT: Proclamation honoring President George H.W. Bush.

FISCAL IMPACT: None.

ACTION REQUESTED: Adopt Proclamation.

Attachments: [20181207093758928](#)

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

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

COUNTY COUNSEL

JOB DESCRIPTIONS

SUBJECT: Approve revised job descriptions for Deputy District Attorney, Assistant District Attorney and Deputy County Counsel.

FISCAL IMPACT: Undetermined.

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

Attachments: [181211 DA Coco Job descriptions](#)

County Counsel Burns gave a detailed report regarding current and revised job descriptions for Deputy District Attorney, Assistant District Attorney and Deputy County Counsel. Brief discussion was held.

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 - Gallagher, Teeter, Hemphill, Albaugh and Hammond

CONTRACT

SUBJECT: Contract with Prentice, Long & Epperson pertaining to duties of the County Counsel office.

FISCAL IMPACT: \$50,000. Fund/Budget Unit No. 100-0141.

ACTION REQUESTED: Approve contract and authorize the Chairman to

sign.

Attachments: [Coco Contract Prentice,Long,Epperson Attach](#)

County Counsel Burns gave a summary of the contract and the reasoning for the services. Discussion was held.

A motion was made by Supervisor Hammond, seconded by Supervisor Teeter, 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

WILLIS & SONS AUTO WRECKING CONTRACT

SUBJECT: Sign Contract with Willis & Sons Auto Wrecking to execute vehicle abatements under Chapter 1.19 of the Lassen County Code. The term of the contract is from January 1, 2019, to December 31, 2019, and the amount of the contract is \$25,000.

FISCAL IMPACT: Unknown; some or all costs may be recovered in accordance with County Code section 1.19.170. Costs will be paid from General Fund/Budget Unit No. 100-0682-3002300.

ACTION REQUESTED: Authorize the Chairman to enter into a contract with Willis & Sons Auto Wrecking.

Attachments: [PB WillisAutoContract 12-11-18 pkt](#)

Director of Planning and Building Services Maurice Anderson gave a summary of the current contract with Willis & Sons and the services they provide. Supervisor Hammond asked about vehicle abatement in West Patton Village. Discussion was held.

A motion was made by Supervisor Hammond, seconded by Supervisor Teeter, that this Action Item be approved. 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: 1) Attended a California State Association of Counties (CSAC) meeting; 2) been in contact with the CAO of Butte County and offered assistance with the recovery of the Campfire; 3) reminded everyone of the Lassen County Employee Christmas party being held tonight, December 11, 2018.

CLOSED SESSION - CONTINUED

Present: Supervisors Gallagher, Teeter, Hemphill, Albaugh and Hammond. Also

Present: County Counsel Burns

Closed session was held from 11:42 a.m. - 12:10 p.m.

Deputy Clerk of the Board Yderraga was absent from closed session.

ANNOUNCEMENT OF ITEMS DISCUSSED IN CLOSED SESSION

1) Conference with Legal Counsel: Existing litigation pursuant to Subdivision (d)(1) of Government Code Section 54956.9: 1) County of Lassen vs Valenta, Cooper, and High Desert Wolves; Lassen Superior Court Case No.60593; and 2) Robert Davis vs the County of Lassen; Workers Compensation Appeals Board; Claim No. TIBN-542748.

County Counsel Burns reported: Item#1 No reportable action; Item#2 No reportable action.

2) Employee performance evaluation: County Counsel.

Supervisor Gallagher reported: County Counsel Burns received an excellent evaluation by unanimous vote.

ADJOURNMENT

There being no further business, the meeting is adjourned at 12:11 p.m.

Chairman of the Board of Supervisors

Date: _____

ATTEST:

Michele Yderraga, Deputy Clerk of the Board