
CITY OF SUSANVILLE
66 N. Lassen Street • Susanville CA
Quincy McCourt, Mayor
Thomas Herrera, Mayor pro tem
Russ Brown • Mendy Schuster • Kevin Stafford

Susanville City Council
Regular Council Meeting • City Council Chambers
Wednesday, February 15, 2023 – 4:30 PM

CALL TO ORDER
ROLL CALL

1. **APPROVAL OF AGENDA:** *(Additions and/or Deletions)*
2. **PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS (if any):** *Any person may address the Council at this time upon any subject for discussion during Closed Session.*
3. **CLOSED SESSION:**
 - A. **CONFERENCE WITH LABOR NEGOTIATIONS** – *pursuant to Government Code §54957.6:*
 1. *Admin Unit*
 2. *Fire Unit*
 3. *Miscellaneous Unit*
 4. *Professional Technical Unit*
 5. *Public Works Unit*
4. **RETURN TO OPEN SESSION:** *(recess if necessary)*
 - *Reconvene in open session at 5:00pm*
 - *Pledge of allegiance*
 - *Invocation*
 - *Report any changes to agenda*
 - *Report any action out of Closed Session*
 - *Proclamations, awards or presentations by the City Council*
5. **BUSINESS FROM THE FLOOR:** *Any person may address the Council at this time upon any subject on the agenda or not on the agenda within the jurisdiction of the City Council. However, comments on items on the agenda may be reserved until the item is discussed and any matter not on the agenda that requires action will be referred to staff for a report and action at a subsequent meeting.*
Presentations are subject to a five-minute limit.
6. **CONSENT CALENDAR:** *All matters listed under the Consent Calendar are considered to be routine by the City Council. There will be no separate discussion on these items. Any member of the public or the City Council may request removal of an item from the Consent Calendar to be considered separately.*
 - 6.A *Minutes of the City Council's January 31, 2023 special meeting and the February 1, 2023 regular meeting.*
7. **PUBLIC HEARINGS:**
 - 7.A *Consider Resolution No. 23-6094, upholding the Susanville Planning Commission decision to assess civil assessment penalties in the amount of \$10,000 against the property located at 560 Hospital Lane, former site of the Lassen Community Hospital, for violations of a nuisance*

abatement order.

- 7.B Consider Resolution No. 23-6095, upholding the Susanville Planning Commission decision to assess civil assessment penalties in the amount of \$10,000 against the property located at 765 Shasta Street, for violations of a nuisance abatement order.

8. COUNCIL DISCUSSION/ANNOUNCEMENTS:

9. NEW BUSINESS:

- 9.A Maverick Renewable Energy Presentation
- 9.B Consider Resolution No. 23-6100, Authorizing Memorandum of Understanding between Susanville Indian Rancheria and the city of Susanville regarding a partnership on economic development.
- 9.C Report on Lassen Animal Control Shelter
- 9.D Consider Resolution No 23-6096, terminating Airport Ground Lease with Tiberius Rex Aviation, LLC. and approving new Airport Ground Lease Agreement with Andrew Ross for Hangar #5 at the Susanville Municipal Airport
- 9.E Consider Resolution No. 23-6097, authorizing the purchase of a rough mower for use at the Diamond Mountain Golf Course.
- 9.F Consider Resolution No. 23-6098, authorizing the Public Works Director to execute a contract with MW Tree Service to remove a hazard tree as part of the abatement at 67 South Weatherlow St. Susanville, Ca 96130.
- 9.G Consider Resolution No. 23-6099, authorizing the Public Works Director to execute a contract with Guzi-West Inspection and Consulting for asbestos and lead paint testing at 63 S. Weatherlow and 67 S. Weatherlow and authorize the Finance Manager to increase budget in the amount of \$5,000.

10. SUSANVILLE COMMUNITY REDEVELOPMENT AGENCY:

11. SUSANVILLE MUNICIPAL ENERGY CORPORATION:

12. CONTINUING BUSINESS:

- 12.A City Project Priorities
- 12.B Update to be provided on Ordinance No. 22-1035 - Imposing a transactions and use tax to be administered by the California Department of Tax and Fee Administration (CDTFA).

13. CITY ADMINISTRATOR'S REPORTS:

- 13.A Department reports

14. FUTURE COUNCIL ITEMS:

- 14.A Future Council Items

15. ADJOURNMENT:

- **The next regular meeting of the Susanville City Council will be held on March 1, 2023 at 4:30PM.**

Reports and documents relating to each agenda item are on file in the Office of the City Clerk and are available for public inspection during normal business hours and at the meeting. These reports and documents are also available at the City's website www.cityofsusanville.net, unless there were systems problems posting to the website.

Accessibility: An interpreter for the hearing-impaired may be made available upon request to the City Clerk seventy-two hours prior to a meeting. A reader for the vision-impaired for purposes of reviewing the agenda may be made available upon request to the City Clerk. The location of this meeting is wheelchair-accessible.

I, Heidi Whitlock, certify that I caused to be posted notice of the regular meeting scheduled for February 15, 2023 in the areas designated on February 10, 2023.

AGENDA ITEM NO. 6.A
Action Item

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Heidi Whitlock, Administrative Services

Action Date: February 15, 2023

SUBJECT: Minutes of the City Council's January 31, 2023 special meeting and the February 1, 2023 regular meeting.

PRESENTED BY: Heidi Whitlock, City Clerk

SUMMARY: Attached for the Council's review are the minutes of the City Council's January 31, 2023 special meeting and the February 1, 2023 regular meeting.

FISCAL IMPACT: None

ACTION REQUESTED: Motion to waive the reading of and approval of the City Council's January 31, 2023 special meeting and the February 1, 2023 regular meeting.

ATTACHMENTS:
[230131.cc.spec.min.draft.pdf](#)
[230201.cc.min.draft.pdf](#)

**SUSANVILLE CITY COUNCIL
Special Council Meeting Minutes
TUESDAY, JANUARY 31, 2023 – 8:00 AM**

Mayor McCourt called the meeting to order at 8:00am

Roll Call of Councilmembers Present: Mccourt, Herrera, Schuster, Brown

1. APPROVAL OF AGENDA: (Additions and/or Deletions)

Mayor McCourt requested that item 9A be heard prior to closed session.

Moved by Schuster; seconded by Herrera to approve with the above-mentioned change.

Motion Carried: 4 - 0

Voting For: Mccourt, Herrera, Schuster, Brown

Voting Against: None

Councilmember Stafford arrived at 8:01am.

9. NEW BUSINESS:

9.A Consider **Resolution No. 23-6093**, pursuant to Public Contracts Code Section 20168 authorizing emergency repairs to the Diamond Mountain Golf Course facility.

Dan Newton, City Administrator, provided an explanation of the damage at the golf course and requested the council approve Resolution No. 23-6093, authorizing the emergency repair of the golf course pro shop due to water damage caused by a burst pipe.

Mr. Newton explained how the city's property insurance works, the deductible, and the banking layer. He added that it is a \$25,000 deductible or a \$1,000 deductible if we chose to use the banking layer, which is his recommendation.

Councilmember Brown inquired as to how long it would take if they moved forward.

Wade Workman, Kirack Construction, stated that 4-5 weeks at the most, dependent on the insurance company and what finishes are chosen. He stated that it should be ready to go prior to opening day.

Councilmember Schuster only requested that it look "mountainous" to which Mr. Workman responded that he is only concerned with type of materials, not the look of it, it would be all the city's choice.

Councilmember Stafford asked how the city can prevent this from happening again. Mr. Workman offered multiple suggestions, including copper pipes but, to also keep the thermostat and at least 58 degrees, not 55.

[23-6093.pdf](#)

Motion to approve Resolution No. 23-6093, pursuant to Public Contracts Code Section 20168 authorizing emergency repairs to the Diamond Mountain Golf Course facility.

Moved by Schuster; seconded by Brown to approve.

Motion Carried: 5- 0

Voting For: Mccourt, Stafford, Herrera, Schuster, Brown

Voting Against: None

2. **PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS** (if any): *Any person may address the Council at this time upon any subject for discussion during Closed Session.*

No public comment.

Councilmember Brown requested a short break prior to closed session.

3. **CLOSED SESSION:** The City Council convened in closed session at 8:25am to discuss the following:
A. CONFERENCE WITH LABOR NEGOTIATIONS – pursuant to Government Code §54957.6:
Admin Unit
Fire Unit
Miscellaneous Unit
Professional Technical Unit
Public Works Unit
4. **RETURN TO OPEN SESSION: (recess if necessary)** The City Council reconvened in open session at 11:14am. Mr. Newton stated that no reportable was taken but direction was provided to staff.
5. **BUSINESS FROM THE FLOOR:** No comments.
6. **CONSENT CALENDAR:** No business.
7. **PUBLIC HEARINGS:** No business.
8. **COUNCIL DISCUSSION/ANNOUNCEMENTS:** No comment.
9. **NEW BUSINESS:** *Item heard after item 1.*
10. **CONTINUING BUSINESS:** No business.
11. **CITY ADMINISTRATOR REPORTS:** No business.
12. **FUTURE COUNCIL ITEMS:** No comment.
13. **ADJOURNMENT:** Meeting adjourned at 11:15am.

Respectfully submitted by:

Quincy McCourt, Mayor

Heidi Whitlock, City Clerk

Approved on:

**SUSANVILLE CITY COUNCIL
Regular Council Meeting Minutes
WEDNESDAY, FEBRUARY 1, 2023 – 4:30 PM**

Mayor McCourt called the meeting to order at 4:30pm.

Roll Call of Councilmembers Present: McCourt, Stafford, Herrera, Schuster, Brown

1. APPROVAL OF AGENDA:

Moved by Herrera; seconded by Brown to approve.

Motion Carried: 5 - 0

Voting For: McCourt, Stafford, Herrera, Schuster, Brown

Voting Against: None

2. PUBLIC COMMENT REGARDING CLOSED SESSION ITEMS (if any): No comment.

3. CLOSED SESSION: The City Council convened in closed session at 4:31pm to discuss the following:

A. CONFERENCE WITH LABOR NEGOTIATIONS – pursuant to Government Code §54957.6:

1. Admin Unit
2. Fire Unit
3. Miscellaneous Unit
4. Professional Technical Unit
5. Public Works Unit

4. RETURN TO OPEN SESSION: The City Council reconvened in open session at 5:00pm.

Mayor McCourt requested that Jim McCarthy, public, start the Pledge of Allegiance and requested James Moore, Fire Chief, to provide the Invocation.

Dan Newton, City Administrator, stated that the City Council met in closed session to discuss the above listed items. No reportable action was taken; however, direction was provided to staff.

5. BUSINESS FROM THE FLOOR: Keenan Graham, public, addressed the council regarding an event that occurred on January 23, 2023, and stated that he was a victim. He expressed his dissatisfaction with how a situation was handled and stated that he did apologize that day for some of his language and wanted to apologize again on the record.

Mayor McCourt thanked him for sharing and reminded everyone that there is a five-minute limit.

Maria Fregulia, public, stated that, after comments heard since the last meeting, residents attend council meetings to listen to the business at hand, as well as voicing concerns on issues they have deemed important. In addition to the length of the meetings, there were other concerns as residents do not attend meetings to be lectured by some councilmembers and that every item does not have to be rehashed by the Mayor. She stated that residents can ask questions if they have them and asked that some councilmembers save their soliloquies for when they run for office as they waste too much time during the meeting.

Jim McCarthy, public, stated his disappointment with the snow being pushed along the new bulbouts and requested that the city, county and CalTrans work together clear everything out during some of the few sunny days to avoid the glaciers in the middle of the street.

Kristin McDaniel and Trysta Spangle, Lassen Family Services, stated that February is Teen Dating Violence Awareness Month and they are supporting survivors and promoting healthy relationships. On February 8th, they encouraged everyone to wear orange to support teen dating violence awareness. They added that there will be a training held on February 17, 2023, regarding the intersection of human trafficking and race if anyone has interested in attending.

6. **CONSENT CALENDAR:**

6.A Minutes of the City Council's January 18, 2023 regular meeting.

[230118.cc.min.draft.pdf](#)

Motion to waive the reading of and approval of the City Council's January 18, 2023, regular meeting.

Moved by Stafford; seconded by Herrera to approve.

Motion Carried: 5- 0

Voting For: McCourt, Stafford, Herrera, Schuster, Brown

Voting Against: None

7. **PUBLIC HEARINGS:** No business.

8. **COUNCIL DISCUSSION/ANNOUNCEMENTS:** Mayor McCourt offered the Land Acknowledgment Statement as well as the city's Mission Statement.

9. **NEW BUSINESS:**

9.A Community Garden Report

Mr. Newton introduced the item and LARP, the Local Area Revitalization Project CO-OP, as they operate and maintain the Susanville Community Garden.

Michael Blaschak, LARP CFO, provided an explanation of what LARP does in the community and how they help with economic development in the community. He stated that the Susanville Community Garden is the base of the project. He added that the Farmer's Market and the Educational Farm in Janesville are also included. He reviewed the interest in plots, the waitlist, the number of seeds, volunteer hours and low-cost organic vegetable starts for those who need them.

He continued by introducing additional members who keep the process moving forward and how they work hard to keep sponsorships and partnerships to keep costs as close to nothing as possible, especially for those who are lower income. He provided a list of previous workshops that occurred in 2022 as well as those planned for 2023.

He also stated that there is a small list of items that would be useful including a vegetable wash station; building improvements such as propane tank removal, bathroom plumbing and electrical upgrades; irrigation upgrade to increase growing space for additional garden members; park improvements such as tables, benches; and possible consideration to recognize the property as a city park. He added that the gardeners and managers greatly appreciate the city for funding the tool shed.

He concluded his presentation by stating that they are not only asking for a continued city donation as there are other grant opportunities that they are pursuing and thanked the Council for their time.

Andrea Stuemky, Thompson Peak Educational Farm Manager, also provided information on a potential project on the Sierra Road property.

Councilmember Schuster had a few questions regarding a few items listed in the contract that were required. She requested, specifically, if they were receiving funds from anywhere other than grants. Mr. Blakschak stated that they did request a \$25.00 plot reservation fee but, most of those reservations' fees were reimbursed to those individuals.

Councilmember Brown requested information on what the application process looked like to which Mr. Blaschak provided a response.

Mayor pro tem Herrera thanked LARP for their efforts.

Carol Clark, public, stated that LARP had previously stated that they were a non-profit and they are not based on the information that she found related to their number, 46543530, as they are listed with other for-profit businesses. She voiced her concerns with the financial profit that LARP may be making while using the city's land to do it and requested to see a complete financial disclosure of any benefits their officers or members are receiving and stated that she would want to see it, even if they were a non-profit, as often those officers are well compensated.

Leann Vanderley, public, mentioned that LARP is not accepting new members, she heard about the \$150,000 grant, but not the \$400,000 grant mentioned and inquired as to what that money would be needed for. She also inquired about the potential conflict of interest if the mayor is advertising for LARP in his store. She requested a call from LARP to explain the financial items.

Seth Anderson, Rustic Rancher, responded stating that there was a grant called the CDFA "Farm to School Incubator Grant Program" and \$1.2 million is coming to the county for nine producers. He added that if someone were to look it up, they would see the program updates, what they will be doing along with the dates, and all of the funds being received, although all of those funds need to be allocated through a budget. He stated that he is one of the producers who will be receiving some of the grant funding but, LARP was awarded \$400,000 of the \$1.2 million. He requested people call him if they have questions.

Lance Rich, public, stated that he is all for the community involvement going on tonight and suggested that an area at the airport be considered for a community garden area to increase foot traffic.

- 9.B Consider **Resolution No. 23-6092**, a designation of authorized applicant's agents for non-state agencies to engage with the Federal Emergency Management Agency (FEMA) and the State of California Governor's Office of Emergency Services (Cal OES) for the purpose of obtaining federal financial assistance for any existing or future grant programs.

James Moore, Fire Chief, provided an explanation of the item and requested approval of Resolution No. 23-6092.

[23-6092.pdf](#)

Motion to approve Resolution No. 23-6092, a designation of authorized applicant's agents for non-state agencies to engage with the Federal Emergency Management Agency (FEMA) and the State of California Governor's Office of Emergency Services (Cal OES) for the purpose of obtaining federal financial assistance for any existing or future grant programs.

Moved by Brown; seconded by Herrera to approve.
Motion Carried: 5- 0
Voting For: McCourt, Stafford, Herrera, Schuster, Brown
Voting Against: None

- 9.C Discussion regarding the identified need for additional labor during the summer months, including peak fire season, for the Fire Department.

Chief Moore presented the item and requested the hiring of three temporary workers to assist staff during the busiest time of year.

Mr. Newton added that it would be presented with a small budget increase but will be coming back for final approval.

10. **SUSANVILLE COMMUNITY REDEVELOPMENT AGENCY:** No business.

11. **SUSANVILLE MUNICIPAL ENERGY CORPORATION:** No business.

12. **CONTINUING BUSINESS:** No business.

13. **CITY ADMINISTRATOR'S REPORTS:**

13.A Department reports

Chief Moore stated that, because they won the engine face off this past year, they are responsible for promoting this year's face off. He added that he is open for any suggestions as they were supposed to come up to film but, due to the weather, the Fire Department will be filming themselves.

Bob Godman, Public Works Director, provided a brief update on the progress on the shopping cart ordinance issue.

Chandra Jabbs, Finance Manager, stated that staff is deep into the STOB and there will be some items coming before them shortly.

Ryan Cochran, Police Chief, offered a brief update on the current dog situation.

Mr. Newton added that the speed surveys are in the works. He added that there has been progress in some areas where surveys are not required.

14. **FUTURE COUNCIL ITEMS:**

14.A Future Council Items

Mr. Newton provided an explanation of the item and inquired as to whether or not there were any items that the Council would like to have added to the list. He added that the priority list is now discussed during the second meeting of every month and staff will start incorporating this list into that item as well.

Councilmember Stafford inquired about the animal shelter agreement and the K9 update.

Mr. Newton responded that there was a meeting with the county to discuss the animal shelter and that Pete Heimburger, Lassen County, will be here for the February 15, 2023, council meeting to discuss.

15. ADJOURNMENT:

Moved by Schuster; seconded by Stafford to adjourn at 6:44pm.

Motion Carried: 5 - 0

Voting For: McCourt, Stafford, Herrera, Schuster, Brown

Voting Against: None

Respectfully submitted by:

Quincy McCourt, Mayor

Heidi Whitlock, City Clerk

AGENDA ITEM NO. 7.A
Public Hearing

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: February 15, 2023

SUBJECT: Consider **Resolution No. 23-6094**, upholding the Susanville Planning Commission decision to assess civil assessment penalties in the amount of \$10,000 against the property located at 560 Hospital Lane, former site of the Lassen Community Hospital, for violations of a nuisance abatement order.

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The former site of the Lassen Community Hospital located at 560 Hospital Lane is a 9-acre site which use to house the community hospital, medical office buildings, air ambulance services and storage buildings. The Lassen Community Hospital closed this site in May 2003 as the new Banner Lassen Medical Center was opening off of Spring Ridge Drive. Since the closure of the Lassen Community Hospital, there has been no permanent sustained use of the property. The property has been a nearly 20-year source of blight upon the community, with a general lack of upkeep and neglect to the buildings, while being subject to trespassing, theft, vandalism, and arson and other crimes.

The City of Susanville began its most recent attempt to gain compliance with our Municipal Code beginning in June 2020. Compliance letters and requests were provided to the Central Hotel Trust requesting the adherence to our Codes. A chain link fence was installed on the property, but the site remained in its blighted condition. In December 2020 a structure fire completely destroyed the building that in the latter years was known as the "Annex Building." In August 2021, a letter was sent to the Central Hotel Trust requesting the abatement of the fire damaged building. A demolition permit would be issued in October 2021. Progress for demolition was slow and would only come to fruiting upon the issuance of a nuisance abatement order for the full property. The demolition of this one building did not bring the property into compliance as the old hospital and the storage buildings still remain. The old hospital building remains a substandard and dangerous building.

A declaration of a public nuisance pursuant to the provisions outlined

in Chapter 8.32, Chapter 8.52 and Chapter 15.10 of the Susanville Municipal have been satisfied. The Susanville Planning Commission agreed with their findings that the site fosters conditions that could negatively affect the general public health, safety and welfare, and additionally could have a diminutive effect on property values for surrounding properties. A nuisance abatement order was ordered to compel the property owner to complete necessary work to bring the site into compliance with local and state laws. Unfortunately, the site remains in a condition that fosters a public nuisance and therefore, constitutes a violation of the nuisance abatement order.

On January 10, 2023, the planning commission addressed the violation of the nuisance abatement order. The planning commission found the site was indeed a public nuisance and the Central Hotel Trust was in violation of the order. The planning commission approved the assessment of civil penalties upon the Central Hotel Trust for violations of the order. The civil assessment penalties were assessed in accordance with § 8.32.290 SMC.

A written notice was received from the attorney for the Central Hotel Trust requesting an appeal hearing to the City Council regarding the assessment of civil penalties. § 8.32.160 SMC allows for a decision of the hearing body be appealed to the legislative body of this city, that being the city council. The appeal was received within the allotted twenty-one day appeal window with the appropriate deposit.

The City Council will hear testimony by city staff and will provide the Central Hotel Trust and their agents, at minimum the same amount of time provided to the city, to provide testimony into this matter. The hearing shall follow provisions outlined in § 8.32.120 SMC.

FISCAL IMPACT:

If approved, the assessment of civil assessment penalties to increase revenues collected for public nuisance abatement.

ACTION REQUESTED:

Motion to approve Resolution No. 23-6094, upholding the Susanville Planning Commission decision to assess civil assessment penalties in the amount of \$10,000 as ordered pursuant to Susanville Planning Commission Resolution No. 23-1124.

ATTACHMENTS:

[23-6094.pdf](#)

[560 Hospital Lane Nuisance Abatement Order.pdf](#)

RESOLUTION NO. 23-6094
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE
UPHOLDING THE SUSANVILLE PLANNING COMMISSION DECISION TO
ASSESS CIVIL PENALTIES FOR VIOLATIONS OF A
NUISANCE ABATEMENT ORDER AT 560 HOSPITAL LANE

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 on June 7, 2017, that declares what constitutes a nuisance, and adopted Chapter 8.32 of the Susanville Municipal Code to outline the procedures for abating nuisance conditions and for the collection of civil penalties; and

WHEREAS, the conditions of real property upon the lands of 560 Hospital Lane have been declared to be a public nuisance, and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a regular meeting of July 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order and approved the issuance of a nuisance abatement order.

WHEREAS, the Susanville Planning Commission assessed civil penalties in the amount of \$10,000.00 for violations of said nuisance abatement order during the January 10, 2023 planning commission meeting.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville City Council hereby upholds the decision of the City of Susanville Planning Commission for the assessment of civil penalties for violations of the nuisance abatement order based on the following findings of facts:

- A. The condition of real property upon the lands of 560 Hospital Lane are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. The Central Hotel Trust is the owner of record for the property of 560 Hospital Lane.
- C. The City of Susanville finds that a public nuisance exists upon the land and finds the property owners to be responsible for the abatement of the public nuisance.
- D. The declared public nuisance was not abated before the compliance deadline.

BE IT FURTHER RESOLVED, the City Council hereby approves the assessment of civil penalties upon the property located at 560 Hospital Lane as defined in Section 6 of the Nuisance Abatement Order and as follows:

- 1. The assessment of civil penalties shall be assessed in the amount of ten thousand dollars (\$10,000.00).
- 2. The collection of the civil penalties shall be due on Friday February 24, 2023, by 4:30 p.m.
- 3. Pursuant to Section 7 of the Nuisance Abatement Order, any delinquent penalty may be subject to the recordation of a lien upon the real property at 560 Hospital Lane.

APPROVED: _____
Quincy McCourt, Mayor

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing Resolution No. 23-6094 was adopted at a regular meeting of the City Council of the City of Susanville, held on the 15th day of February 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

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PLANNING COMMISSION
CITY OF SUSANVILLE

Nuisance Abatement Order

City of Susanville,
Petitioner
v
Central Hotel Trust
Respondent

Hearing: July 12, 2022, at 5:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was heard:

- a. On July 12, 2022, at 5:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
- b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Melanie Westbrook, Rod DeBoer, James Merchant
- c. Wayne Jambois presided over the procedure as Chairperson.
- d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated April 13, 2022 and served on Respondent Central Hotel Trust by Certified Mail on April 13, 2022, and posted on the structure at 560 Hospital Lane on April 14, 2022.
- e. Present at the hearing where:

- i. Cody Loflin, Code Enforcement, Kelly Mumper, City Planner, Ruth McElrath, Building Permit Technician/Planning Commission Secretary, Erik Edholm, Assistant Director of Public Works Engineering Division, and Dan Newton, City Administrator representing the City of Susanville and
- ii. Central Hotel Trust was not represented at this hearing.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. The Central Hotel Trust is the owner of and responsible party for the property located at 560 Hospital Lane.
3. Central Hotel Trust was properly served with a Notice of Violation on August 27, 2021, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Central Hotel Trust was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 560 Hospital Lane on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 560 Hospital Lane is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

ORDERS

The Hearing Board orders the following.

1. Central Hotel Trust must abate the public nuisance at 560 Hospital Lane by doing the following at 560 Hospital Lane:
 - a. Shall provide the City of Susanville with a plan for the property at 560 Hospital Lane within thirty (30) days from the issuance of this order.

- 1 b. If the remaining buildings are to be demolished, the Central Hotel Trust shall
2 secure a demolition permit within thirty (30) days from the issuance of this order,
3 and work shall commence within sixty (60) days. The completion of the
4 demolition shall be completed by ninety (90) days from the issuance of this order.
- 5 i. Central Hotel Trust shall be aware of the weather conditions and plan for
6 such conditions to ensure compliance with this order.
- 7 c. If the remaining buildings are to be rehabilitated, the Central Hotel Trust shall
8 provide the City of Susanville with engineered plans with a timeline of
9 construction events.
- 10 d. All construction work requiring permits shall be secured prior to the
11 commencement of any permittable job.
- 12 2. Central Hotel Trust must fully abate this public nuisance by 11:59 p.m. on October 10,
13 2022.
- 14 3. Central Hotel Trust must obtain any and all required permits that may be required to
15 abate the public nuisance at 560 Hospital Lane.
- 16 4. After Central Hotel Trust abates the nuisance at 560 Hospital Lane, Central Hotel Trust
17 must contact the Building and Planning Department at the City of Susanville and request
18 that an official at the City of Susanville inspect the condition of the property and buildings
19 at 560 Hospital Lane to determine if the public nuisance was abated.
- 20 5. If Central Hotel Trust does not comply with this order for 560 Hospital Lane by 11:59 pm
21 on October 10, 2022, the City of Susanville may have the property at 560 Hospital Lane
22 abated.
- 23 6. If Central Hotel Trust do not comply with this order an administrative penalty pursuant
24 to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
- 25 a. Assessment of \$500.00 per day until the nuisance abatement has been complied
26 with.
- 27 b. Effective from July 12, 2022
- 28

- 1 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
2 costs and interest.
- 3 d. Assessment Penalty shall be due by 4:30 pm on December 1, 2022.
- 4 7. All costs of the City's abatement efforts, including the abatement work and administrative
5 time to investigate and to hear and effect the abatement shall be charged against Central
6 Hotel Trust as a personal debt or may be assessed upon 560 Hospital Lane and will
7 constitute a lien or special assessment upon the property until paid.
- 8 8. This Order shall be effective for one year after issuance. During such period, the hearing
9 board shall retain jurisdiction over the conditions of the building, structure or property
10 which constituted the nuisance established by this Order, as well as the abatement
11 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
12 property is maintained in such a manner so as not to create a nuisance. If, during this one-
13 year period, any enforcement official determines that the same or another nuisance, as
14 defined by this chapter exists with respect to the building, structure or property, he or she
15 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
16 Susanville Municipal Code. If Central Hotel Trust do not abate the nuisance at any time
17 within the abatement period, the City may proceed with the abatement itself under the
18 provisions of section 8.32.190 of the City of Susanville Municipal Code without further
19 action of the hearing board. The City of Susanville may also recover all of its abatement
20 effort costs as provided for in the City of Susanville Municipal Code.

21 APPEAL

22
23 Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal
24 the Nuisance Abatement Order to the City of Susanville City Council. To request an appeal, the
25 person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days
26 from the issuance of this amended order of their request to have this appeal heard by the City
27 Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of
28 Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the

1 deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be
2 granted within forty-five (45) days of the filing of the appeal at a regularly scheduled meeting of
3 the Susanville City Council. The appellant shall be notified within ten (10) days of the scheduled
4 meeting.

5
6 The foregoing Nuisance Abatement Order was issued at a Regular Meeting of the Susanville
7 Planning Commission held on the 12th day of July 2022.

8
9
10 Dated: July 15, 2022

Wayne Jambois

Wayne Jambois, Chairperson

Susanville Planning Commission

AGENDA ITEM NO. 7.B
Public Hearing

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Cody Loflin, Building & Planning Division

Action Date: February 15, 2023

SUBJECT: Consider **Resolution No. 23-6095**, upholding the Susanville Planning Commission decision to assess civil assessment penalties in the amount of \$10,000 against the property located at 765 Shasta Street, for violations of a nuisance abatement order.

PRESENTED BY: Cody Loflin, Code Enforcement Officer

SUMMARY: The structure located at 765 Shasta Street suffered major structural damage due to a residential structure fire that occurred on May 13, 2015. The structure has been a source of blight for the residence of Shasta Street who have had to live with this burned structure for nearly 8 years. The City of Susanville has provided ample time to the property owner, in a good-faith effort, to allow for the rehabilitation of the structure. The City of Susanville has declared the structure to be a Dangerous Building pursuant to section 15.10.010 of the Susanville Municipal Code. Subsequently, the Susanville Municipal Code declares dangerous buildings to be a public nuisance. Chapter 8.32 of the Susanville Municipal Code provides the framework to address public nuisances existing upon properties within the City of Susanville.

A declaration of a public nuisance pursuant to the provisions outlined in Chapter 8.32, Chapter 8.52 and Chapter 15.10 of the Susanville Municipal have been satisfied. The Susanville Planning Commission agreed with their findings that the site fosters conditions that could negatively affect the general public health, safety and welfare, and additionally could have a diminutive effect on property values for surrounding properties. A nuisance abatement order was ordered to compel the property owner to complete necessary work to bring the site into compliance with local and state laws. Unfortunately, the site remains in a condition that fosters a public nuisance and therefore, constitutes a violation of the nuisance abatement order.

On January 10, 2023, the planning commission addressed the violation of the nuisance abatement order. The planning commission found the site was indeed a public nuisance and the property owner, Daniel Guererro, was in violation of the order. The planning commission approved the assessment of civil penalties upon the

Central Hotel Trust for violations of the order. The civil assessment penalties were assessed in accordance with § 8.32.290 SMC.

A written notice was received from Daniel Guererro requesting an appeal hearing to the City Council regarding the assessment of civil penalties. § 8.32.160 SMC allows for a decision of the hearing body be appealed to the legislative body of this city, that being the city council. The appeal was received within the allotted twenty-one day appeal window with the appropriate deposit.

The City Council will hear testimony by city staff and will provide the Central Hotel Trust and their agents, at minimum the same amount of time provided to the city, to provide testimony into this matter. The hearing shall follow provisions outlined in § 8.32.120 SMC.

FISCAL IMPACT:

If approved, the assessment of civil assessment penalties to increase revenues collected for public nuisance abatement.

ACTION REQUESTED:

Motion to approve Resolution No. 23-6095, upholding the Susanville Planning Commission decision to assess civil assessment penalties in the amount of \$10,000 as ordered pursuant to Susanville Planning Commission Resolution No. 23-1126.

ATTACHMENTS:

[23-6095.pdf](#)

[Nuisance Abatement Order for 765 Shasta St.pdf](#)

RESOLUTION NO. 23-6095
A RESOLUTION BY THE CITY COUNCIL OF THE CITY OF SUSANVILLE
UPHOLDING THE SUSANVILLE PLANNING COMMISSION DECISION
TO APPROVE THE ASSESSMENT OF CIVIL PENALTIES FOR VIOLATIONS OF
A NUISANCE ABATEMENT ORDER FOR 765 SHASTA STREET

WHEREAS, California Government Code Sections 36901, 38771, and 38773.5(a) authorizes the City of Susanville to enact ordinances declaring what constitutes a nuisance, the procedures for abating nuisance conditions, providing for the recovery of costs and attorney fees to abate the nuisance and providing for the collection of civil penalties; and

WHEREAS, the Susanville City Council adopted Ordinance 17-1011 on June 7, 2017, that declares what constitutes a nuisance, and adopted Chapter 8.32 of the Susanville Municipal Code to outline the procedures for abating nuisance conditions and for the collection of civil penalties; and

WHEREAS, the residential structure located at 765 Shasta Street suffered major structural damage as a result of a residential structure fire and subsequently was declared to be a dangerous building and public nuisance; and

WHEREAS, the Susanville Planning Commission, at a public meeting held during a special meeting of May 12, 2022, considered the written and verbal comments presented concerning the issuance of an abatement order and approved the issuance of a nuisance abatement order.

WHEREAS, the declared public nuisance remains upon the premises located at 765 Shasta Street in violation of the nuisance abatement order for which the Susanville Planning Commission approved the assessment of civil penalties in the amount of \$10,000.00 at a regular meeting held on January 10, 2023.

NOW, THEREFORE, BE IT RESOLVED that the City of Susanville City Council hereby upholds the City of Susanville Planning Commission decision for the assessment of civil penalties for violations of the nuisance abatement order based on the following findings of facts:

- A. The condition of real property upon the lands of 765 Shasta Street are in a condition that constitutes a public nuisance as outlined in Ordinance 17-1011.
- B. Daniel Guerrero is the owner of record for the property of 765 Shasta Street.
- C. The City of Susanville finds that a public nuisance exists upon the land and finds the property owners to be responsible for the abatement of the public nuisance.
- D. The declared public nuisance was not abated before the compliance deadline.

BE IT FURTHER RESOLVED, the Planning Commission hereby approves the assessment of civil penalties upon the property located at 765 Shasta Street as defined in Section 6 of the Nuisance Abatement Order and as follows:

- 1. The assessment of civil penalties shall be assessed in the amount of ten thousand dollars (\$10,000.00).
- 2. The collection of the civil penalties shall be due on Friday February 24, 2023, by 4:30 p.m.
- 3. Pursuant to Section 7 of the Nuisance Abatement Order, any delinquent penalty may be subject to the recordation of a lien upon the real property at 765 Shasta Street.

APPROVED: _____
Quincy McCourt, Mayor

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing Resolution No. 23-6095 was adopted at a regular meeting of the Planning Commission of the City of Susanville, held on the 15th day of February 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

8 PLANNING COMMISSION
9 CITY OF SUSANVILLE

10 Nuisance Abatement Order

11 City of Susanville,
12
13 Petitioner
14
15 v
16
17 Daniel Guererro
18 Respondent

Hearing: May 12, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

- 19 1. This proceeding was heard:
- 20 a. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street,
21 Susanville, CA 96130.
- 22 b. By the Planning Commission of the City of Susanville (also referred to as the
23 Hearing Board or the Board) with the following commissioners of the Planning
24 Commission present: Wayne Jambois, Melanie Westbrook, Linda Robinette, and
25 Rod DeBoer
- 26 c. Wayne Jambois presided over the procedure as Chairperson.
- 27 d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice
28 of Public Hearing" dated April 13, 2022 and served on Respondent Daniel Guererro
by Certified Mail on April 13, 2022, and posted on the structure at 765 Shasta
Street on April 14, 2022.
- e. Present at the hearing where:

- i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary to the Planning Commission, and Cody Loflin, Code Enforcement representing the City of Susanville and
- ii. There was no appearance by the Respondent or Respondent's Representative.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. Daniel Guererro is the owner of and responsible party for the property located at 765 Shasta Street.
3. Daniel Guererro was properly served with a Notice of Violation on September 3, 2021, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Daniel Guererro was properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on April 13, 2022, and that said notice was properly posted at 765 Shasta Street on April 14, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 765 Shasta Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. Daniel Guererro must abate the public nuisance at 765 Shasta Street by doing the following at 765 Shasta Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the main residential structure and the accessory building are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, limbs and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 27, 2022, which corresponds to the order of the Susanville Fire Chief and Susanville City Council resolution approving the deadline of the city's weed and rubbish abatement efforts.
2. Daniel Guererro must fully abate this public nuisance no later than July 11, 2022.
3. Daniel Guererro must obtain any and all required permits that may be required to abate the public nuisance at 765 Shasta Street.
4. After Daniel Guererro abates the nuisance at 765 Shasta Street, Daniel Guererro must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 765 Shasta Street to determine if the public nuisance was abated.
5. If Daniel Guererro does not abate the public nuisance at 765 Shasta Street by 11:59 pm on July 11, 2022, the City of Susanville may have the property at 765 Shasta Street abated.
6. If Daniel Guererro do not abate the public nuisance at 765 Shasta Street by 11:59 pm on July 11, 2022, an administrative penalty pursuant to section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
 - a. Assessment of \$100.00 per day until the nuisance abatement has been complied with.

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- b. Effective from September 3, 2021
 - c. The maximum administrative penalty shall be \$10,000, exclusive of administrative costs and interest.
 - d. Assessment Penalty shall be due by 4:30 pm on November 8, 2022.
7. All costs of the City's abatement efforts, including the abatement work and administrative time to investigate and to hear and effect the abatement shall be charged against Daniel Guererro as a personal debt or may be assessed upon 765 Shasta Street and will constitute a lien or special assessment upon the property until paid.
8. This Order shall be effective for one year after issuance. During such period, the hearing board shall retain jurisdiction over the conditions of the building, structure or property which constituted the nuisance established by this Order, as well as the abatement thereof, to ensure that the nuisance does not reoccur and that the building, structure or property is maintained in such a manner so as not to create a nuisance. If, during this one-year period, any enforcement official determines that the same or another nuisance, as defined by this chapter exists with respect to the building, structure or property, he or she may give notice to abate the nuisance as provided for in section 8.32.060 of the City of Susanville Municipal Code. If Daniel Guererro does not abate the nuisance at any time within the abatement period, the City may proceed with the abatement itself under the provisions of section 8.32.190 of the City of Susanville Municipal Code without further action of the hearing board. The City of Susanville may also recover all of its abatement effort costs as provided for in the City of Susanville Municipal Code.

AMENDMENT #1

Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance Abatement Order shall be amended as follows.

1. Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal the Nuisance Abatement Order to the City of Susanville City Council. To request an appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days from the issuance of this amended order of their request to have this appeal heard by the City Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
2. An additional twenty-one (21) days shall be added to the compliance orders that went into effect on May 12, 2022, except for any order issued regarding the abatement of weeds or rubbish from the premises that corresponds to the yearly weed abatement efforts with such date being for the year of 2022, June 27, 2022. All other orders shall be extended to a compliance deadline of 11:59 p.m. on August 1, 2022.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Kelly Mumper, Building & Planning Division

Action Date: February 15, 2023

SUBJECT: Maverick Renewable Energy Presentation

PRESENTED BY: Kelly Mumper, City Planner & Maverick staff

SUMMARY: The Maverick Renewable Energy team will be introducing themselves and explaining what their organization has to offer to our community. A presentation will be provided regarding renewable energy micro grid scenarios as well as sustainable agriculture. Maverick's team will share their success stories on projects that have taken place in California and nationwide.

FISCAL IMPACT: None.

ACTION REQUESTED: No Action. Informational Item/Presentation by Maverick staff only.

ATTACHMENTS:

AGENDA ITEM NO. 9.B
Action Item

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Dan Newton, Administrative Services

Action Date: February 15, 2023

SUBJECT: Consider **Resolution No. 23-6100**, Authorizing Memorandum of Understanding between Susanville Indian Rancheria and the city of Susanville regarding a partnership on economic development.

PRESENTED BY: Dan Newton, City Administrator

SUMMARY: The Susanville Indian Rancheria and the city of Susanville are interested in working collaboratively on economic development efforts. The attached Memorandum of Understanding describes the benefits of the proposed partnership to the region. When one agency provides opportunity for industrial growth, job creation, enhancing community amenities, better education, provision of public safety service, and other essential community services our community as a whole benefits.

FISCAL IMPACT: Estimated fiscal impact of \$370,000 per year with city of Susanville paying half (\$185,000) and Susanville Indian Rancheria paying half (\$185,000).

ACTION REQUESTED: Motion to approve Resolution No. 23-6100, Authorizing Memorandum of Understanding between Susanville Indian Rancheria and the city of Susanville regarding a partnership on economic development.

ATTACHMENTS:
[23-6100.pdf](#)
[MOU SIR & city Economic Development.pdf](#)

RESOLUTION NO. 23-6100
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE
AUTHORIZING MAYOR TO EXECUTE MEMORANDUM OF UNDERSTANDING
BETWEEN THE SUSANVILLE INDIAN RANCHERIA (SIR) AND THE CITY
FOR PARTNERING ON ECONOMIC DEVELOPMENT

WHEREAS, The SIR is a sovereign nation located in Lassen County, operating many of its business, community services, and administrative operations adjacent to and within the political boundaries of the city; and

WHEREAS, the city is a political subdivision of the state of California, operating as general law municipal corporation established in 1900, operating its businesses, community services, and administrative operations within the ancestral homelands of the Washoe, Paiute, Maidu, and Pit River Tribes; and

WHEREAS, the SIR and city recognize that both entities are a part of the same community and that both entities compete for talent, business, and industry; and

WHEREAS, the SIR and city recognize that improving the quality of life and economic prosperity for our citizens includes working together on items pertaining to the creation of quality jobs, business development, and community vitality; and

WHEREAS, the SIR and city recognize that working together as partners increases the probability of success, providing many more opportunities for implementing economic development planning and project activities; and

WHEREAS, both SIR and city are desirous of creating a partnership on matters pertaining to economic development.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the city of Susanville hereby authorizes the Mayor to execute the Memorandum of Understanding between the Susanville Indian Rancheria and the city of Susanville for partnering on economic development.

APPROVED: _____
Quincy McCourt, Mayor

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Susanville, held on the 15th day of February 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Heidi Whitlock, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney

MEMORANDUM OF UNDERSTANDING

This MEMORANDUM OF UNDERSTANDING (MOU), made this ____ day of _____, 2023, by and between the Susanville Indian Rancheria (SIR) and the city of Susanville (CITY) hereinafter referred to collectively as PARTIES, is for the purpose of formalizing the desire of both SIR and CITY to partner on matters pertaining to economic development and describes the Agreement between PARTIES on such matters.

RECITALS:

WHEREAS, The SIR is a sovereign nation located in Lassen County, operating many of its business, community services, and administrative operations adjacent to and within the political boundaries of the CITY; and

WHEREAS, the CITY is a political subdivision of the state of California, operating as general law municipal corporation established in 1900, operating its businesses, community services, and administrative operations within the ancestral homelands of the Washoe, Paiute, Maidu, and Pit River Tribes; and

WHEREAS, the SIR and CITY recognize that both entities are a part of the same community and that both entities compete for talent, business, and industry; and

WHEREAS, the SIR and CITY recognize that improving the quality of life and economic prosperity for our citizens, includes working together on items pertaining to the creation of quality jobs, business development, and community vitality; and

WHEREAS, the SIR and CITY recognize that working together as partners increases the probability of success, providing many more opportunities for implementing economic development planning and project activities; and

WHEREAS, both SIR and CITY are desirous of creating a partnership on matters pertaining to economic development.

NOW, THEREFORE, the PARTIES hereby agree as follows:

(1) Collaborator/Manager staff position.

- a. PARTIES agree to jointly share the cost of a staff position for the purpose of implementing economic development activities that include but are not limited to, an Economic Development Implementation Plan, coordinating with local, state, and federal entities, marketing the region within a variety of economic development impact areas, and coordinating and delivering projects.
- b. The Collaborator/Manager staff position will be employed by the CITY and hold a title that is mutually agreed upon by PARTIES.

- c. The Collaborator/Manager staff position will be compensated at a rate that is competitive and commensurate with the incumbent's education and experience, PARTIES agree to each contribute 50% of a salary not to exceed \$250,000/year plus a benefits package not to exceed \$120,000/year (\$185,000 from each entity). The term of the position will be from the initial appointment through June 30, 2027.
- d. Should the Collaborator/Manager staff position not be filled at the maximum salary level, upon written notification from SIR, the remaining balance may be used by CITY to purchase consultant services or to provide additional full or part-time staffing resources with each party contributing 50%.
- e. SIR agrees to reimburse CITY quarterly for 50% of actual expenses incurred by CITY for salaries and benefits for Collaborator/Manager position and consultant expenses or additional staff agreed upon by SIR. CITY will invoice SIR within 30 days of the end of the Quarter. Quarters shall be Jan 1 – March 30, April 1-June 30, July 1-September 30, and October 1-December 31. SIR agrees to reimburse CITY within 30 days of invoice.
- f. PARTIES agree to jointly develop a job description, recruitment, and screening process, and establish a selection committee for the Collaborator/Manager staff position. CITY's Mayor will select one additional city council member to participate in the selection process, SIR's Tribal Chairman will select one additional tribal business council member to participate in the selection process. CITY's City Administrator and SIR's Tribal Administrator shall also participate, creating a 6-member selection committee. Upon selection of the top candidate, City Administrator and Tribal Administrator will negotiate the terms of the employment agreement, upon approval by City Attorney, the employment agreement will be approved by City Administrator.
- g. Collaborator/Manager will provide quarterly reports at a minimum to SIR and CITY governing boards.

(2) Economic Development Committee:

- a. The City Administrator shall establish a steering committee for economic development. The committee shall include SIR representatives and City Representatives. This committee shall routinely engage the collaborator manager on matters related to economic development.

(3) Marketing

- a. The PARTIES agree to prioritize marketing activities by promoting each other's events, business enterprises, and recreational opportunities.
- b. SIR will prioritize CITY advertising efforts through the various marketing media outlets provided by the SIR, including but not limited to Diamond Mtn Mini-Mart

fueling pump videos, Casino/Hotel Marquee, ect. CITY to pay for advertising at established rates.

- c. CITY will prioritize advertising of SIR events and community services on City’s social media outlets, utility mailers, etc.

(4) Land-use permits and activities.

- a. CITY will prioritize building and planning permits submitted by Susanville Indian Rancheria, including but not limited to housing projects, sign placement, and commercial development projects.

Term: This agreement shall expire on June 30, 2027, unless extended upon mutual written agreement of both parties.

Signatures:

Susanville Indian Rancheria:

City of Susanville:

Arian Hart
Tribal Chairman

Quincy McCourt
Mayor

Attorney

Margaret Long
City Attorney

Attest

Attest:
Heidi Whitlock
City Clerk

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Dan Newton, Administrative Services

Action Date: February 15, 2023

SUBJECT: Report on Lassen Animal Control Shelter

PRESENTED BY: Ryan Cochran, Chief of Police

SUMMARY: Lassen County and the city of Susanville have partnered to provided animal shelter services to the community. Under the Agreement, the city and county share operational costs. The county provides staffing resources and operates the shelter. The city owns the shelter building and provides 40% of the operational costs of the shelter. Pete Heimbigner, Lassen County Public Works, will provide a presentation to the City Council regarding the operation of the shelter and costs associated with the operation.

FISCAL IMPACT: None

ACTION REQUESTED: Receive report, provide direction to staff.

ATTACHMENTS:

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Marci Rojas, Public Works

Action Date: February 15, 2023

SUBJECT: Consider **Resolution No 23-6096**, terminating Airport Ground Lease with Tiberius Rex Aviation, LLC. and approving new Airport Ground Lease Agreement with Andrew Ross for Hangar #5 at the Susanville Municipal Airport

PRESENTED BY: Bob Godman, Public Works Director

SUMMARY: On January 28, 2023, the City of Susanville was sent notice to vacate lease of Hangar #5 effective March 31, 2023, from Tiberius Rex Aviation, LLC. Andrew Ross would like to execute a new Airport Ground Lease Agreement for Hangar #5 with the City of Susanville effective April 1, 2023.

FISCAL IMPACT: Annual ground lease rent subject to terms of lease agreement

ACTION REQUESTED: Motion to approve Resolution No. 23-6096, terminating Airport Ground Lease with Tiberius Rex Aviation, LLC. and authorize Mayor to execute an Airport Ground Lease Agreement with Andrew Ross.

ATTACHMENTS:
[City Owned Hangar Space Lease Andrew Ross - Unsigned.docx](#)
[23-6096.pdf](#)

AIRPORT HANGAR SPACE LEASE AGREEMENT
HANGAR OWNED BY CITY

THIS LEASE, made this 15 day of February 2023, between the CITY OF SUSANVILLE, a Municipal Corporation, organized and existing under the laws of the State of California, hereinafter referred to as "Lessor", and Andrew Ross, County of Lassen, State of California, hereinafter referred to as "Lessee", on the following terms and conditions:

1. Lessor does hereby lease to Lessee on a month to month basis, to and including termination of Agreement, space in that certain airport hangar owned by the City of Susanville, (hereinafter referred to as the "leased premises"), located on Lot 5 at the Susanville Municipal Airport, Lassen County, California, said space to be used for one airplane, to wit, Lessee's _____. The property upon which said airport hangar is situated is legally described as follows:

Lot Numbered 5 as said lot is shown upon that certain map entitled "Record of Survey for the City of Susanville of Susanville Municipal Airport Hangar Lots 1 thru 15," recorded in the Office of the County Recorder of the County of Lassen on January 16, 1973 in Book 9 of Maps on Page 28 at a monthly rental rate of \$250.00 per month, payable in advance, commencing April 1, 2023 and continuing monthly thereafter until TERMINATION OF SPACE LEASE BY LESSEE OR LESSOR. Lessee is granted the unlimited lawful right of the ingress and egress from the aforesaid airport hangar. Lessor hereby reserves a utility easement, including but not limited to, the right to construct, install, place and maintain utility lines for all customary utility services under, over, across, and through the leased premises at such locations as Lessor shall require.

2. Lessee shall use the space in the hangar for the storage of the herein described airplane owned or leased by Lessee and shall not use the space for storing any property other than aircraft. However, limited storage of aviation related personal property may be permitted, provided that Lessee is in fact storing aircraft in the hangar and the aviation related personal property does not interfere with the storage of Lessee's or other tenant's aircraft in the hangar, nor with the ingress and egress of Lessee's or other tenant's aircraft to and from the hangar. Lessee shall not conduct any commercial or business activity on the leased premises without the prior written consent of Lessor.

3. Lessee hereby agrees that Lessee's interest herein is nontransferable, and this lease shall not be assigned by Lessee.

4. This lease does not confer upon the Lessee the right to infringe on any of the commercial or other rights granted to any other person by the City of Susanville, other than the rights hereunder. This lease is not a Fixed Base Operator Agreement.

5. Any holding over by Lessee past the term of this lease agreement shall not be deemed a renewal or extension of the term of this Agreement.

6. Lessee shall keep the airport hangar and property upon which it is situated free and clear of inflammable or combustible vegetation or other combustible materials.

7. Lessee may utilize no more than a 15 feet wide area extending immediately outside the hangar for the parking of authorized vehicles, but not for storage.

8. Lessee covenants and agrees that in the event facilities are constructed, maintained, or otherwise operated on the said real property described in this lease, for a purpose for which a federal Department of Transportation program or activity is extended or for another purpose involving the provision of similar

services or benefits, the Lessee shall maintain and operate such facilities and services in compliance with all other requirements imposed pursuant to Title 49, Code of Federal Regulations, DOT, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

9. Lessee further agrees and covenants that (1) no person on the grounds of race, color, gender or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination in the use of said facilities, (2) that in the construction of any improvements on, over, or under such premises and the furnishing of services thereon, no person on the grounds of race, color, gender or national origin shall be excluded from participation in, denied the benefits of, or otherwise be subject to discrimination, (3) that the Lessee shall use the premises in compliance with all other requirements imposed by or pursuant to Title 49, Code of Federal Regulations, Department of Transportation, Subtitle A, Office of the Secretary, Part 21, Nondiscrimination in Federally-Assisted Programs of the Department of Transportation-Effectuation of Title VI of the Civil Rights Act of 1964, and as said Regulations may be amended.

10. That in the event of breach of the above nondiscrimination covenants, Lessor shall have the right to terminate the Lease and to reenter and repossess said Leased Premises and the facilities thereon, and hold the same as if said Lease had never been made or issued. This paragraph does not become effective until the procedures of 49 CFR Part 21 are followed and completed including expiration of appeal rights.

11. Lessor reserves the right to further develop or improve the landing area of the airport as it sees fit, regardless of the desires or view of the Lessee and without interference or hindrance.

12. Lessor reserves the right, but shall not be obligated to the Lessee, to maintain and keep in repair the landing area of the airport and all publicly-owned facilities of the airport, together with the right to direct and control all activities of the Lessee in this regard.

13. This Lease shall be subordinate to the provisions and requirements of any existing or further agreements between the Lessor and the United States, relative to the development, operation or maintenance of the airport.

14. There is hereby reserved to the Lessor, for the use and benefit of the public, a right of flight for the passage of aircraft in the airspace above the surface of the premises herein leased. This public right of flight shall include the right to cause in said airspace any noise inherent in the operation of any aircraft used for navigation or flight through the said airspace or landing at, taking off from or operation on the Susanville Municipal Airport.

15. Lessee agrees not to make use of the Leased Premises in any manner which might interfere with the landing and taking off of aircraft from the Susanville Municipal Airport, or that would otherwise constitute a hazard.

16. Lessee shall not (except small quantities for Lessee's personal use only) use, store, or dispose on the leased premises any petroleum products, or any material or substances now or hereafter classified as hazardous or toxic under any federal, state, or local law, ordinance regulation, rule, or order which is now or at any time during the term of this Agreement applicable to the Leased Premises or Lessee's use and occupation thereof. Notwithstanding the foregoing, Lessor acknowledges and agrees that the presence of fuel, oil and grease located within the proper receptacles of any aircraft properly stored on the Leased Premises shall not be considered a violation of this section. Lessee hereby agrees to indemnify and hold Lessor harmless from any and all claims, demands, and causes of action, including costs and attorneys' fees,

in connection with the defense of any claim, demand, or cause of action arising out of or resulting from any hazardous, toxic, or petroleum substance, material, or waste, unless caused by the intentional or otherwise tortious acts or omissions of the Lessor. Upon receiving notice of any such claim, demand, or cause of action, Lessee shall, at Lessee's sole cost and expense, immediately cure or commence to cure the problem by taking all action prescribed by applicable federal, state, and local laws, regulations, ordinances, and orders relating to the toxic, hazardous, or petroleum substance, material, or waste, including, but not limited to, the proper removal, disposal, and cleanup thereof.. Lessee's obligation to indemnify Lessor set forth in this paragraph shall survive the expiration or earlier termination of this Agreement.

17. This Lease and all the provisions hereof shall be subject to whatever right the United States Government now has or in the future may have or acquire, affecting the control, operation, regulation and taking over of said airport or the exclusive or non-exclusive use of the airport by the United States during the time of war or national emergency.

18. Lessee shall procure and maintain public liability/bodily injury insurance in the sum of \$150,000 per person, \$250,000 per occurrence, and \$100,000 property damage. A certificate of insurance evidencing such coverage shall be filed with the City Clerk of Lessor which shall name Lessor, its offices, agents, and employees as additional insured and guarantee at least ten (10) days advance notice to Lessor, in writing, of any cancellation or reduction of such insurance. Lessor reserves the right to require Lessee to increase said coverage limits should the same become reasonably necessary.

19. A breach by Lessee of any of the terms of this Agreement constitutes a default. In the event of a default, Lessor may at its option terminate Lessee's right to possession of the Leased Premises at any time by any lawful means, including, but not limited to, rights pursuant to California Code of Civil Procedure Section 1159 et seq., as the same may be amended from time to time. No act of Lessor other than by giving written notice to Lessee shall terminate this Agreement. In the event of termination of this Agreement by Lessor, Lessee shall immediately surrender possession of the Leased Premises to Lessor. In the event of termination of this Agreement, Lessor shall be entitled to recover the following amounts from Lessee:

- a. The amount of the unpaid rent accrued through the date of termination of this Agreement;
- b. The excess of the amount of rent which accrues between the date of termination of the Agreement and the date of the award over the amount of the loss of rent that Lessee proves could have reasonably been avoided;
- c. The present value, on the date of the award, of the excess amount of rent which accrues between the date of the award and the expiration of the term of this Agreement over the amount of the loss of rent that Lessee proves could reasonably be avoided, with the present value computed by using an interest rate equal to that which comparable properties earn on the date of the award; and
- d. Any other amount, including court costs, reasonable attorneys' fees, and costs of taking possession of and reletting the Leased Premises necessary to compensate Lessor for all detriment proximately caused by Lessee's default.

In addition to the foregoing rights, Lessor shall have all other rights set forth in this Agreement, including but not limited to the right to possession if the hangar space.

20. FAA Grant Assurances: Lessee acknowledges and agrees that Lessor has entered into certain Grant Agreements with the FAA, conditions of which require that all parties leasing property from Lessor agree to be bound by certain sponsor's assurances given by Lessor to the United States Government under

the Airport and Airway Improvement Act of 1982, as the same may be amended from time to time. Accordingly, Lessee on behalf of itself, its heirs, personal representatives, successors, and assigns, as additional consideration or the lease of the Leased Premises from Lessor, does hereby covenant and agree for the term of this Agreement to be bound by the provisions set forth on Exhibit "A" (Sponsors Assurances) attached hereto and incorporated herein by reference.

This Agreement shall be subordinate to the provisions and requirements of any existing or future agreement between Lessor and the United States government or any authorized agency thereof, by which Lessor obtains federally-owned surplus property or federal aid for the development, operation, and/or maintenance of the Airport. In the event that the FAA or any other federal agency requires modifications or changes in this Agreement as a condition for the granting of funds for the improvement of lands and improvements covered by its laws, rules, or regulations, Lessee agrees to consent to the amendments, modifications, revisions, supplements, or deletions of any of the terms, conditions, or requirements of this Agreement, as may be required to obtain such funds except, however, that in no event will Lessee be required, pursuant to this section, to agree to any increase in the rents or fees provided for in this Agreement. In the event Lessee refuses or fails to consent to the amendments, modifications, revisions, supplements, or deletions submitted to Lessee by Lessor pursuant to the provisions of this Section within thirty (30) days after receipt of the documents evidencing the changes, then this Agreement shall be deemed to be amended and/or modified to comply with said changes as though the documents had been signed by all parties.

21. In the event any action, suit or proceeding is brought to collect the rent, fees, charges, or billings due or to become due hereunder, or any portion thereof, to take possession of the Leased Premises, and/or to enforce compliance with this Agreement, the prevailing party shall be entitled to reasonable attorney's fees and court costs.

22. Lessee shall occupy and use the Leased Premises only for the uses and purposes authorized herein. Lessor's grant of the privileges hereunder are not exclusive and Lessor reserves the right to lease other airport property and other space within the hangar described herein to other individuals and entities for the same uses and privileges granted hereby.

23. The property interest herein granted to Lessee may be subject to property taxation of the possessory interest created thereby, and, if created, Lessor by reason of said possessory interest, may be subject to the payment of property taxes levied on said interest. In the event said taxes are so levied, Lessee shall be responsible for payment thereof. Lessee shall pay promptly all lawful taxes and assessments which may be levied by any federal, state, county, city or other tax levying body of any taxable interest of Lessee hereunder, whether on real or personal property of Lessee.

24. The terms hereof shall be binding on the heirs, administrators, successors and assigns of the parties hereto.

IN WITNESS WHEREOF, the said Lessor has caused this Lease to be executed by the Mayor and the Clerk, and the said Lessee has executed this Lease the day and year first above written.

CITY OF SUSANVILLE, LESSOR

Quincy McCourt, Mayor

ATTEST:

Heidi Whitlock, City Clerk

LESSEE:

NAME:

(If a corporation, a corporate resolution authorizing signature must be attached.)

Approved as to Form:

Margaret Long, City Attorney

PART V
ASSURANCES
Airport and Planning Agency Sponsors

EXHIBIT A

A. General

1. These assurances shall be complied with in the performance of the following grant agreements:
 - a. Airport development, airport planning, and noise program implementation grants to airport sponsors.
 - b. Integrated airport system planning grants to planning agencies.
2. These assurances are required to be submitted as part of the project application by sponsors requesting funds under the provisions of the Airport and Airway Improvement Act of 1982 as amended by the Airport and Airway Safety and Capacity Expansion Act of 1987, or the Aviation Safety and Noise Abatement Act of 1979. As used herein, the term "public agency sponsor" means a public agency with control of a public-use airport and the term "sponsor" includes public agency sponsors and private sponsors.
3. These assurances also are required to be submitted as part of the project application by a sponsor which is both a public agency and a planning agency requesting funds for integrated airport system planning under the provisions of the Airport and Airway Improvement Act of 1982, as amended.
4. Upon acceptance of the grant offer by the sponsor, these assurances are incorporated in and become part of the grant agreement.

B. Duration and Applicability

1. Airport Development or Noise Program Implementation Projects Undertaken by a Public Agency Sponsor. The terms, conditions and assurances of the grant agreement shall remain in full force and effect throughout the useful life of the facilities developed or equipment acquired for an airport development or noise program implementation project, or throughout the useful life of the project items installed within a facility under a noise program implementation project, but in any event not to exceed twenty (20) years from the date of acceptance of a grant offer of Federal funds for the project. However, there shall be no limit on the duration of the assurance against exclusive rights or the terms, conditions, and assurances with respect to real property acquired with Federal funds. Furthermore, the duration of the Civil Rights assurance shall be as specified in the assurance.
2. Airport Development or Noise Program Implementation Projects Undertaken by a Private Sponsor. The preceding Paragraph 1 also applies to a private sponsor except that the useful life of project items installed within a facility or the useful life of facilities developed or equipment acquired under an airport development or noise program implementation project shall be no less than ten (10) years from the date of the acceptance of Federal aid for the project.
3. Airport Planning Undertaken by a Sponsor. Unless otherwise specified in the grant agreement, only Assurances 1, 2, 3, 5, 6, 13, 18, 30, 32, 33, and 34 in Section C apply to

planning projects. The terms, conditions and assurances of the grant agreement shall remain in full force and effect during the life of the project.

C. Sponsor Certification. The sponsor hereby assures and certifies, with respect to this grant that:

1. General Federal Requirements: It will comply with all applicable Federal laws, regulations, executive orders, policies, guidelines and requirements as they relate to the application, acceptance and use of Federal funds for this project including but not limited to the following:

Federal Legislation

- a. Federal Aviation Act of 1958 - 49 U.S.C. 1301, et seq.
- b. Davis-Bacon Act - 40 U.S.C. 276(a), et seq. 1/
- c. Federal Fair Labor Standards Act - 29 U.S.C. 201, et seq.
- d. Hatch Act - 5 U.S.C. 1501, et seq. 2/
- e. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 - 42 U.S.C. 4601, et seq. 1/ 2/
- f. National Historic Preservation Act of 1966 - Section 106 - 16 U.S.C. 470(f). 1/
- g. Archeological and Historic Preservation Act of 1974 - 16 U.S.C. 469 through 469C
- h. Flood Disaster Protection Act of 1973 - Section 102(a) - 42 U.S.C. 4012a. 1/
- i. Rehabilitation Act of 1973 - 29 U.S.C. 794
- j. Civil Rights Act of 1964 - Title VI - 42 U.S.C. 2000d through d-4.
- k. Aviation Safety and Noise Abatement Act of 1979, 49 U.S.C. 2101, et seq.
- l. Age Discrimination Act of 1975 - 42 U.S.C. 6101, et seq.
- m. Architectural Barriers Act of 1968 - 42 U.S.C. 4151, et seq. 1/
- n. Airport and Airway Improvement Act of 1982, as amended 49 U.S.C. 2201, et seq.
- o. Powerplant and Industrial Fuel Use Act of 1978 - Section 403 -42 U.S.C. 8373. 1/
- p. Contract Work Hours and Safety Standards Act - 40 U.S.C. 327, et seq. 1/
- q. Copeland Antikickback Act - 18 U.S.C. 874 1/
- r. National Environmental Policy Act of 1969 - 42 U.S.C. 4321, et seq. 1/
- s. Endangered Species Act - 16 U.S.C. 668(a), et seq. 1/
- t. Single Audit Act of 1984 - 31 U.S.C. 7501, et seq. 2/

Executive Orders

Executive Order 12372 - Intergovernmental Review of Federal Programs

Executive Order 11246 - Equal Employment Opportunity

Federal Regulations

- a. 49 CFR Part 21 - Nondiscrimination in Federally-Assisted Programs of the Department of Transportation - Effectuation of Title VI of the Civil Rights Act of 1964.
- b. 49 CFR Part 23 - Participation by Minority Business Enterprise in Department of Transportation Programs.
- c. 49 CFR Part 24 - Uniform Relocation and Real Property Acquisition for Federal and Federally Assisted Programs.

- d. 49 CFR Part 27 - Non-Discrimination on the Basis of Handicap in Programs and Activities Receiving or Benefitting from Federal Financial Assistance.
- e. 49 CFR Part 29 - Debarments, Suspensions, and Voluntary Exclusions.
- f. 29 CFR Part 1 - Procedures for Predetermination of Wage Rates.
- g. 29 CFR Part 3 - Contractors or Subcontractors on Public Buildings or Public Works Financed in Whole or Part by Loans or Grants from U.S.
- h. 29 CFR Part 5 - Labor Standards Provisions Applicable to Contracts Covering Federally Financed and Assisted Construction.
- i. 41 CFR Part 60 - Office of Federal Contract Compliance Programs, Equal Employment Opportunity, Department of Labor (Federal and Federally-assisted Contracting Requirements).
- j. 14 CFR Part 150 - Airport Noise Compatibility Planning.

1/ These laws do not apply to planning projects.

2/ These laws do not apply to private sponsors.

Office of Management and Budget Circulars

- a. A-87 - Cost Principles Applicable to Grants and Contracts with State and Local Governments.*
- b. A-102 - Uniform Requirements for Assistance to State and Local Governments.*
- c. A-128 - Audits of State and Local Governments.

Specific assurances required to be included in grant agreements by any of the above laws, regulations or circulars are incorporated by reference in the grant agreement.

2. Responsibility and Authority of the Sponsor.

- a. Public Agency Sponsor: It has legal authority to apply for the grant, and to finance and carry out the proposed project; that a resolution, motion or similar action has been duly adopted or passed as an official act of the applicant's governing body authorizing the filing of the application, including all understandings and assurances contained therein, and directing and authorizing the person identified as the official representative of the applicant to act in connection with the application and to provide such additional information as may be required.
- b. Private Sponsor: It has legal authority to apply for the grant and to finance and carry out the proposed project and comply with all terms, conditions, and assurances of this grant agreement. It shall designate an official representative, and shall in writing direct and authorize that person to file this application, including all understandings and assurances contained therein; to act in connection with the application; and to provide such additional information as may be required.

3. Sponsor Fund Availability. It has sufficient funds available for that portion of the project costs which are not to be paid by the United States. It has sufficient funds available to assure operation and maintenance of items funded under the grant agreement which it will own or control.
4. Good Title. It holds good title, satisfactory to the Secretary, to the landing area of the airport or site thereof, or will give assurance satisfactory to the Secretary that good title will be acquired.
 - * OMB Circulars A-87 and A-102 contain requirements for state and local governments receiving Federal assistance. Any requirement levied upon state and local governments by those two circulars shall also be applicable to private sponsors receiving Federal assistance under the Airport and Airway Improvement Act of 1982, as amended.

For noise program implementation projects to be carried out on the property of the sponsor, it holds good title satisfactory to the Secretary to that portion of the property upon which Federal funds will be expended or will give assurance to the Secretary that good title will be obtained.

5. Preserving Rights and Powers.
 - a. It will not take or permit any action which would operate to deprive it of any of the rights and powers necessary to perform any or all of the terms, conditions, and assurances in the grant agreement without the written approval of the Secretary, and will act promptly to acquire, extinguish or modify any outstanding rights or claims of right of others which would interfere with such performance by the sponsor. This shall be done in a manner acceptable to the Secretary.
 - b. It will not sell, lease, encumber or otherwise transfer or dispose of any part of its title or other interests in the property shown on Exhibit A to this application or, for a noise program implementation project, that portion of the property upon which Federal funds have been expended, for the duration of the terms, conditions, and assurances in the grant agreement without approval by the Secretary. If the transferee is found by the Secretary to be eligible under the Airport and Airway Improvement Act of 1982 to assume the obligations of the grant agreement and to have the power, authority, and financial resources to carry out all such obligations, the sponsor shall insert in the contract or document transferring or disposing of the sponsor's interest, and make binding upon the transferee, all of the terms, conditions and assurances contained in this grant agreement.
 - c. For all noise program implementation projects which are to be carried out by another unit of local government or are on property owned by a unit of local government other than the sponsor, it will enter into an agreement with that government. Except as otherwise specified by the Secretary, that agreement shall obligate that government to the same terms, conditions, and assurances that would be applicable to it if it applied directly to the FAA for a grant to undertake the noise program implementation project. That agreement and changes thereto must be satisfactory to the Secretary. It will take steps to enforce this agreement against the local government if there is substantial non-compliance with the terms of the agreement.
 - d. For noise program implementation projects to be carried out on privately owned property, it will enter into an agreement with the owner of that property which includes provisions specified by the Secretary. It will take steps to enforce this agreement against the property owner whenever there is substantial non-compliance with the terms of the agreement.

- e. If the sponsor is a private sponsor, it will take steps satisfactory to the Secretary to ensure that the airport will continue to function as a public-use airport in accordance with these assurances for the duration of these assurances.
 - f. If an arrangement is made for management and operation of the airport by any agency or person other than the sponsor or an employee of the sponsor, the sponsor will reserve sufficient rights and authority to insure that the airport will be operated and maintained in accordance with the Airport and Airway Improvement Act of 1982, the regulations and the terms, conditions and assurances in the grant agreement and shall insure that such arrangement also requires compliance therewith.
- 6. Consistency with Local Plans. The project is reasonably consistent with plans (existing at the time of submission of this application) of public agencies that are authorized by the State in which the project is located to plan for the development of the area surrounding the airport. For noise program implementation projects, other than land acquisition, to be carried out on property not owned by the airport and over which property another public agency has land use control or authority, the sponsor shall obtain from each such agency a written declaration that such agency supports that project and the project is reasonably consistent with the agency's plans regarding the property
 - 7. Consideration of Local Interest. It has given fair consideration to the interest of communities in or near which the project may be located.
 - 8. Consultation with Users. In making a decision to undertake any airport development project under the Airport and Airway Improvement Act of 1982, it has undertaken reasonable consultations with affected parties using the airport at which project is proposed.
 - 9. Public Hearings. In projects involving the location of an airport, an airport runway, or a major runway extension, it has afforded the opportunity for public hearings for the purpose of considering the economic, social, and environmental effects of the airport or runway location and its consistency with goals and objectives of such planning as has been carried out by the community. It shall, when requested by the Secretary, submit a copy of the transcript of such hearings to the Secretary.
 - 10. Air and Water Quality Standards. In projects involving airport location, a major runway extension, or runway location it will provide for the Governor of the state in which the project is located to certify in writing to the Secretary that the project will be located, designed, constructed, and operated so as to comply with applicable air and water quality standards. In any case where such standards have not been approved and where applicable air and water quality standards have been promulgated by the Administrator of the Environmental Protection Agency, certification shall be obtained from such Administrator. Notice of certification or refusal to certify shall be provided within sixty (60) days after the project application has been received by the Secretary.
 - 11. Local Approval. In projects involving the construction or extension of any runway at any general aviation airport located astride a line separating two (2) counties within a single state, it has received approval for the project from the governing body of all villages incorporated under the laws of that state which are located entirely within five (5) miles of the nearest boundary of the airport.
 - 12. Terminal Development Prerequisites. For projects which include terminal development at a public airport, it has, on the date of submittal of the project grant application, all the safety equipment required for certification of such airport under Section 612 of the Federal Aviation Act of 1958 and

all the security equipment required by rule or regulation, and has provided for access to the passenger enplaning and deplaning area of such airport to passengers enplaning or deplaning from aircraft other than air carrier aircraft.

13. Accounting System, Audit, and Recordkeeping Requirements.

- a. It shall keep all project accounts and records which fully disclose the amount and disposition by the recipient of the proceeds of the grant, the total cost of the project in connection with which the grant is given or used, and the amount and nature of that portion of the cost of the project supplied by other sources, and such other financial records pertinent to the project. The accounts and records shall be kept in accordance with an accounting system that will facilitate an effective audit in accordance with the Single Audit Act of 1984.
- b. It shall make available to the Secretary and the Comptroller General of the United States, or any of their duly authorized representatives, for the purpose of audit and examination, any books, documents, papers, and records of the recipient that are pertinent to the grant. The Secretary may require that an appropriate audit be conducted by a recipient. In any case in which an independent audit is made of the accounts of a sponsor relating to the disposition of the proceeds of a grant or relating to the project in connection with which the grant was given or used, it shall file a certified copy of such audit with the Comptroller General of the United States not later than six (6) months following the close of the fiscal year for which the audit was made.

14. Minimum Wage Rates. It shall include, in all contracts in excess of \$2,000 for work on any projects funded under the grant agreement which involve labor, provisions establishing minimum rates of wages, to be predetermined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 U.S.C. 276a - 276a-5), which contractors shall pay to skilled and unskilled labor, and such minimum rates shall be stated in the invitation for bids and shall be included in proposals or bids for the work.

15. Veterans Preference. It shall include, in all contracts for work on any projects funded under the grant agreement which involve labor, such provisions as are necessary to insure that, in the employment of labor (except in executive, administrative, and supervisory positions), preference shall be given to veterans of the Vietnam era and disabled veterans as defined in Section 515(c)(1) and (2) of the Airport and Airway Improvement Act of 1982. However, this preference shall apply only where the individuals are available and qualified to perform the work to which the employment relates.

16. Conformity to Plans and Specifications. It will execute the project subject to plans, specifications, and schedules approved by the Secretary. Such plans, specifications, and schedules shall be submitted to the Secretary prior to commencement of site preparation, construction, or other performance under this grant agreement, and upon approval by the Secretary, shall be incorporated into this grant agreement. Any modifications to the approved plans, specifications, and schedules shall also be subject to approval by the Secretary and incorporation into the grant agreement.

17. Construction Inspection and Approval. It will provide and maintain competent technical supervision at the construction site throughout the project to assure that the work conforms with the plans, specifications, and schedules approved by the Secretary for the project. It shall subject the construction work on any project contained in an approved project application to inspection and approval by the Secretary and such work shall be in accordance with regulations and procedures

prescribed by the Secretary. Such regulations and procedures shall require such cost and progress reporting by the sponsor or sponsors of such project as the Secretary shall deem necessary.

18. Planning Projects. In carrying out planning projects:

- a. It will execute the project in accordance with the approved program narrative contained in the project application or with modifications similarly approved.
- b. It will furnish the Secretary with such periodic reports as required pertaining to the planning project and planning work activities.
- c. It will include in all published material prepared in connection with the planning project a notice that the material was prepared under a grant provided by the United States.
- d. It will make such material available for examination by the public, and agrees that no material prepared with funds under this project shall be subject to copyright in the United States or any other country.
- e. It will give the Secretary unrestricted authority to publish, disclose, distribute, and otherwise use any of the material prepared in connection with this grant.
- f. It will grant the Secretary the right to disapprove the sponsor's employment of specific consultants and their subcontractors to do all or any part of this project as well as the right to disapprove the proposed scope and cost of professional services.
- g. It will grant the Secretary the right to disapprove the use of the sponsor's employees to do all or any part of the project.
- h. It understands and agrees that the Secretary's approval of this project grant or the Secretary's approval of any planning material developed as part of this grant does not constitute or imply any assurance or commitment on the part of the Secretary to approve any pending or future application for a Federal airport grant.

19. Operation and Maintenance.

- a. It will suitably operate and maintain the airport and all facilities thereon or connected therewith, with due regard to climatic and flood conditions. Any proposal to temporarily close the airport for non-aeronautical purposes must first be approved by the Secretary. The airport and all facilities which are necessary to serve the aeronautical users of the airport, other than facilities owned or controlled by the United States, shall be operated at all times in a safe and serviceable condition and in accordance with the minimum standards as may be required or prescribed by applicable Federal, state and local agencies for maintenance and operation. It will not cause or permit any activity or action thereon which would interfere with its use for airport purposes.

In furtherance of this assurance, the sponsor will have in effect at all times arrangements for:

- (1) Operating the airport's aeronautical facilities whenever required; and
- (2) Promptly marking and lighting hazards resulting from airport conditions, including temporary conditions; and

- (3) Promptly notifying airmen of any condition affecting aeronautical use of this airport.

Nothing contained herein shall be construed to require that the airport be operated for aeronautical use during temporary periods when snow, flood or other climatic conditions interfere with such operation and maintenance. Further, nothing herein shall be construed as requiring the maintenance, repair, restoration, or replacement of any structure or facility which is substantially damaged or destroyed due to an act of God or other condition or circumstance beyond the control of the sponsor.

- b. It will suitably operate and maintain noise program implementation items that it owns or controls upon which Federal funds have been expended.
20. Hazard Removal and Mitigation. It will take appropriate action to assure that such terminal airspace as is required to protect instrument and visual operations to the airport (including established minimum flight altitudes) will be adequately cleared and protected by removing, lowering, relocating, marking, or lighting or otherwise mitigating existing airport hazards and by preventing the establishment or creation of future airport hazards.
 21. Compatible Land Use. It will take appropriate action, including the adoption of zoning laws, to the extent reasonable, to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations, including landing and takeoff of aircraft. In addition, if the project is for noise program implementation, it will not cause or permit any change in land use, within its jurisdiction, that will reduce the compatibility, with respect to the airport, of the noise compatibility program measures upon which Federal funds have been expended.
 22. Economic Nondiscrimination.
 - a. It will make its airport available as an airport for public use on fair and reasonable terms and without unjust discrimination, to all types, kinds, and classes of aeronautical uses.
 - b. In any agreement, contract, lease or other arrangement under which a right or privilege at the airport is granted to any person, firm, or corporation to conduct or engage in any aeronautical activity for furnishing services to the public at the airport, the sponsor will insert and enforce provisions requiring the contractor
 - (1) to furnish said services on a fair, equal, and not unjustly discriminatory basis to all users thereof, and
 - (2) to charge fair, reasonable, and not unjustly discriminatory prices for each unit or service, provided, that the contractor may be allowed to make reasonable and nondiscriminatory discounts, rebates, or other similar types of price reductions to volume purchasers.
 - c. Each fixed-based operator at any airport owned by the sponsor shall be subject to the same rates, fees, rentals, and other charges as are uniformly applicable to all other fixed-based operators making the same or similar uses of such airport and utilizing the same or similar facilities.

- d. Each air carrier using such airport shall have the right to service itself or to use any fixed-based operator that is authorized or permitted by the airport to serve any air carrier at such airport.
 - e. Each air carrier using such airport (whether as a tenant, non-tenant, or subtenant of another air carrier tenant) shall be subject to such nondiscriminatory and substantially comparable rules, regulations, conditions, rates, fees, rentals, and other charges with respect to transportation as are applicable to all such air carriers which make similar use of such airport and which utilize similar facilities, subject to reasonable classifications such as tenants or non-tenants and signatory carriers and non-signatory carriers. Classification or status as tenant or signatory shall not be unreasonably withheld by any airport provided an air carrier assumes obligations substantially similar to those already imposed on air carriers in such classifications or status.
 - f. It will not exercise or grant any right or privilege which operates to prevent any person, firm, or corporation operating aircraft on the airport from performing any services on its own aircraft with its own employees (including, but not limited to maintenance, repair, and fueling) that it may choose to perform.
 - g. In the event the sponsor itself exercises any of the rights and privileges referred to in this assurance, the services involved will be provided on the same conditions as would apply to the furnishing of such services by contractors or concessionaires of the sponsor under these provision.
 - h. The sponsor may establish such fair, equal, and not unjustly discriminatory conditions to be met by all users of the airport as may be necessary for the safe and efficient operation of the airport.
 - i. The sponsor may prohibit or limit any given type, kind, or class of aeronautical use of the airport if such action is necessary for the safe operation of the airport or necessary to serve the civil aviation needs of the public.
23. Exclusive Rights. It will permit no exclusive right for the use of the airport by any persons providing, or intending to provide, aeronautical services to the public. For purposes of this paragraph, the providing of services at an airport by a single fixed-based operator shall not be construed as an exclusive right if both of the following apply: (1) It would be unreasonably costly, burdensome, or impractical for more than one (1) fixed-based operator to provide such services, and (2) If allowing more than one (1) fixed-based operator to provide such services would require the reduction of space leased pursuant to an existing agreement between such single fixed-based operator and such airport.

It further agrees that it will not, either directly or indirectly, grant or permit any person, firm or corporation the exclusive right at the airport, or at any other airport now owned or controlled by it, to conduct any aeronautical activities, including, but not limited to charter flights, pilot training, aircraft rental and sightseeing, aerial photography, crop dusting, aerial advertising and surveying, air carrier operations, aircraft sales and services, sale of aviation petroleum products whether or not conducted in conjunction with other aeronautical activity, repair and maintenance of aircraft, sale of aircraft parts, and any other activities which because of their direct relationship to the operation of aircraft can be regarded as an aeronautical activity, and that it will terminate any exclusive right to conduct an aeronautical activity now existing at such an airport before the grant of any assistance under the Airport and Airway Improvement Act of 1982.

24. Fee and Rental Structure. It will maintain a fee and rental structure consistent with Assurances 22 and 23, for the facilities and services being provided to the airport users which will make the airport as self-sustaining as possible under the circumstances existing at the particular airport, taking into account such factors as the volume of traffic and economy of collection. No part of the Federal share of an airport development, airport planning or noise compatibility project for which a grant is made under the Airport and Airway Improvement Act of 1982, the Federal Airport Act or the Airport and Airway Development Act of 1970 shall be included in the rate base in establishing fees, rates, and charges for users of that airport.
25. Airport Revenue. If the airport is under the control of a public agency, all revenues generated by the airport and any local taxes on aviation fuel established after December 30, 1987, will be expended by it for the capital or operating costs of the airport; the local airport system; or other local facilities which are owned or operated by the owner or operator of the airport and directly and substantially related to the actual air transportation of passengers or property; or for noise mitigation purposes on or off the airport. Provided, however, that if covenants or assurances in debt obligations issued before September 3, 1982 by the owner or operator of the airport, or provisions enacted before September 3, 1982 in governing statutes controlling the owner or operator's financing, provide for the use of the revenues from any of the airport owner or operator's facilities, including the airport, to support not only the airport but also the airport owner or operator's general debt obligations or other facilities, then this limitation on the use of all revenues generated by the airport (and, in the case of a public airport, local taxes on aviation fuel) shall not apply.
26. Reports and Inspections. It will submit to the Secretary such annual or special financial and operations reports as the Secretary may reasonably request. For airport development projects, it will also make the airport and all airport records and documents affecting the airport, including deeds, leases, operation and use agreement, regulations and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request. For noise program implementation projects, it will also make records and documents relating to the project and continued compliance with the terms, conditions, and assurances of the grant agreement including deeds, leases, agreements, regulations, and other instruments, available for inspection by any duly authorized agent of the Secretary upon reasonable request.
27. Use of Government Aircraft. It will make available all of the facilities of the airport developed with Federal financial assistance and all those useable for landing and takeoff of aircraft to the United States for use by government aircraft in common with other aircraft at all times without charge, except, if the use by government aircraft is substantial, charge may be made for a reasonable share, proportional to such use, for the cost of operating and maintaining the facilities used. Unless otherwise determined by the Secretary, or otherwise agreed to by the sponsor and the using agency, substantial use of an airport by government aircraft will be considered to exist when operations of such aircraft are in excess of those which, in the opinion of the Secretary, would unduly interfere with use of the landing areas by other authorized aircraft, or during any calendar month that:
- a. Five (5) or more government aircraft are regularly based at the airport or on land adjacent thereto; or
 - b. The total number of movements (counting each landing as a movement) of government aircraft is three hundred (300) or more, or the gross accumulative weight of government aircraft using the airport (the total movements of government aircraft multiplied by gross weights of such aircraft) is in excess of five million (5,000,000) pounds.

28. Land for Federal Facilities. It will furnish without cost to the Federal Government for use in connection with any air traffic control or air navigation activities, or weather-reporting and communication activities related to air traffic control, any areas of land or water, or estate therein, or rights in buildings of the sponsor as the Secretary considers necessary or desirable for construction, operation, and maintenance at Federal expense of space or facilities for such purposes. Such areas or any portion thereof will be made available as provided herein within four (4) months after receipt of a written request from the Secretary.
29. Airport Layout Plan.
- a. It will keep up to date at all times an airport layout plan of the airport showing (1) boundaries of the airport and all proposed additions thereto, together with the boundaries of all offsite areas owned or controlled by the sponsor for airport purposes and proposed additions thereto; (2) the location and nature of all existing and proposed airport facilities and structures (such as runways, taxiways, aprons, terminal buildings, hangars and roads), including all proposed extensions and reductions of existing airport facilities; and (3) the location of all existing and proposed non-aviation areas and of all existing improvements thereon. Such airport layout plan and each amendment, revision, or modification thereof, shall be subject to the approval of the Secretary which approval shall be evidenced by the signature of a duly authorized representative of the Secretary on the face of the airport layout plan. The Sponsor will not make or permit any changes or alteration in the airport or in any of its facilities which are not in conformity with the airport layout plan as approved by the Secretary and which might, in the opinion of the Secretary, adversely affect the safety, utility, or efficiency of the airport.
 - b. If a change or alteration in the airport or its facilities is made which the Secretary determines adversely affects the safety, utility, or efficiency of any federally owned, leased, or funded property on or off the airport and which is not in conformity with the airport layout plan as approved by the Secretary, the owner or operator will, if requested by the Secretary (1) eliminate such adverse effect in a manner approved by the Secretary; or (2) bear all costs of relocating such property (or replacement thereof) to a site acceptable to the Secretary and all costs of restoring such property (or replacement thereof) to the level of safety, utility, efficiency, and cost of operation existing before the unapproved change in the airport or its facilities.
30. Civil Rights. It will comply with such rules as are promulgated to assure that no person shall, on the grounds of race, creed, color, national origin, sex, age, or handicap be excluded from participating in any activity conducted with or benefitting from funds received from this grant. This assurance obligates the sponsor for the period during which Federal financial assistance is extended to the program, except where Federal financial assistance is to provide, or is in the form of personal property or real property or interest therein or structures or improvements thereon, in which case the assurance obligates the sponsor or any transferee for the longer of the following periods: (a) the period during which the property is used for a purpose for which Federal financial assistance is extended, or for another purpose involving the provision of similar services or benefits or (b) the period during which the sponsor retains ownership or possession of the property.
31. Disposal of Land.
- a. For land purchased under grant before, on, after December 30, 1987 for airport noise compatibility purposes, it will dispose of the land, when the land is no longer needed for

such purposes, at fair market value at the earliest practicable time. That portion of the proceeds of such disposition which is proportionate to the United States share of acquisition of such land will, at the discretion of the Secretary, 1) be paid to the Secretary for deposit in the Trust Fund or 2) be reinvested in an approved noise compatibility project as prescribed by the Secretary.

- b. For land purchased for airport purposes (other than noise compatibility) under grant before, on, or after December 30, 1987, it will, when the land is no longer needed for airport purposes, dispose of such land at fair market value. That portion of the proceeds of such disposition, which is proportionate to the United States share of the cost of acquisition of such land will be paid to the Secretary for deposit in the Trust Fund.
 - c. Disposition of such land under a. and b. above will be subject to the retention or reservation on any interest or right therein necessary to ensure that such land will only be used for purposes which are compatible with noise levels associated with the operation of the airport.
32. Engineering and Design Services. It will award each contract, or subcontract for program management, construction management, planning studies, feasibility studies, architectural services, preliminary engineering, design, engineering, surveying, mapping, or related services with respect to the project in the same manner as a contract for architectural and engineering services is negotiated under Title IX of the Federal Property and Administrative Services Act of 1949 or an equivalent qualifications-based requirement prescribed for or by the sponsor of the airport.
33. Foreign Market Restrictions. It will not allow funds provided under this grant to be used to fund any project which uses any product or service of a foreign country during the period in which such foreign country is listed by the United States Trade Representative as denying fair and equitable market opportunities for products and suppliers of the United States in procurement and construction.

RESOLUTION NO. 23-6096
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE
AUTHORIZING THE MAYOR TO TERMINATE AN AIRPORT HANGAR LEASE
AGREEMENT WITH TIBERIUS REX, LLC., AND EXECUTE AN
AIRPORT HANGAR LEASE AGREEMENT, CITY OWNED HANGAR #5
WITH ANDREW ROSS

WHEREAS, the City of Susanville owns various hangars at the Susanville Municipal Airport; and

WHEREAS, Page 1, Paragraph 2 of the Airport Hangar Space Lease Agreement, City Owned Hangars are rented on a month to month basis leases; and

WHEREAS, Andrew Ross has expressed interest in renting City Owned Hangar #5 for an agreed upon amount of \$250.00 to be collected monthly; and

WHEREAS, Airport Hangar Space Lease Agreement, City Owned Hangar #5 needs to be terminated with Tiberius Rex Aviation, LLC.

WHEREAS, Airport Hangar Space Lease Agreement, City Owned Hangar #5 needs to be executed by Andrew Ross as the new renter.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Susanville hereby authorizes Tom Klenke to be the new renter of Hangar #5 and is subject to the terms provided in Airport Hangar Space Lease Agreement, City Owned Hangar #5 as required.

APPROVED: _____
Quincy McCourt, Mayor

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing Resolution No. 23-6096 was adopted at a regular meeting of the City Council of the City of Susanville held on the 15th day of February, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney

AGENDA ITEM NO. 9.E
Action Item

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Jolene Arredondo, Administrative Services

Action Date: February 15, 2023

SUBJECT: Consider **Resolution No. 23-6097**, authorizing the purchase of a rough mower for use at the Diamond Mountain Golf Course.

PRESENTED BY: Dan Newton, City Administrator

SUMMARY: The Diamond Mountain Golf Course has been experiencing mechanical difficulties with the older rough mower, during the 2022 season this machine experienced several maintenance issues and was frequently needing repairs. Over the winter the golf course manager sought out mechanics to examine the equipment for necessary repairs with no positive resolution. Currently the piece of equipment will not hold a battery charge and due to the age of the equipment mechanics are unable to provide necessary repairs and parts to get the mower working. In anticipation of the 2023 golf season and the reliance and use of the rough mower, staff is requesting to replace the rough mower using available cash balance. The golf course end of 21/22 fiscal year cash balance was \$138,094 and the current available cash balance is \$111,591.

FISCAL IMPACT: Increase to golf course budget \$21,000 for the purchase of a rough mower

ACTION REQUESTED: Motion to approve Resolution No. 23-6097, authorizing the purchase of a rough mower for use at the Diamond Mountain Golf Course

ATTACHMENTS:
[23-6097.pdf](#)

RESOLUTION NO. 23-6097
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE
AUTHORIZING THE PURCHASE OF A ROUGH MOWER FOR USE AT THE
DIAMOND MOUNTAIN GOLF COURSE

WHEREAS, the owns and operates the Diamond Mountain Golf Course; and

WHEREAS, the current rough mower is at the end of its useful life and will no longer run; and

WHEREAS, the use of the rough mower is an essential piece of equipment to maintain and resume golf course operations; and

WHEREAS, the golf course has an available cash balance to purchase the equipment.

NOW THEREFORE BE IT RESOLVED, that the City Council of the City of Susanville hereby approves the Mayor to enter into a purchase agreement with Rental Guys, Susanville and the Finance Manager to increase the golf course budget by \$21,000 to accommodate the purchase of the rough mower.

APPROVED: _____
Quincy McCourt, Mayor

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Susanville, held on the 15th day of February 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Bob Godman, Public Works

Action Date: February 15, 2023

SUBJECT: Consider **Resolution No. 23-6098**, authorizing the Public Works Director to execute a contract with MW Tree Service to remove a hazard tree as part of the abatement at 67 South Weatherlow St. Susanville, Ca 96130.

PRESENTED BY: Bob Godman, Public Works Director

SUMMARY: The building at 67 South Weatherlow was burned beyond repair several years ago. Part of that fire burned a large fir tree that is on the property. This property is now deep into the abatement process and the tree is part of the abatement order. This tree has been determined to be a hazard because of its size, the length of time that it has been dead and it's proximity to the High School. MW Tree Service has agreed to remove the tree for \$2,500.

FISCAL IMPACT: Initial funding of \$2,500 will come from the 1011 Code Enforcement Fund which is part of the General Fund, this cost will be added to the abatement costs that will be added to a lien on the property so funds could be recovered by the City when the property sells.

ACTION REQUESTED: Motion to approve Resolution No. 23-6098, authorizing the Public Works Director to execute a contract with MW Tree Service to remove a hazard tree as part of the abatement at 67 South Weatherlow St. Susanville, Ca 96130.

ATTACHMENTS:
[23-6098.pdf](#)
[Nuisance_Abatement_Order_67_South_Weatherlow_Final_amend_1.doc](#)

RESOLUTION NO. 23-6098
A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE
AUTORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE A CONTRACT
WITH MW TREE SERVICE FOR THE REMOVAL OF A HAZARD TREE AT
67 S. WEATHERLOW STREET AS PART OF A PROPERTY ABATEMENT

WHEREAS, Staff has identified a hazard tree at 67 S. Weatherlow Street; and,

WHEREAS, 67 S. Weatherlow is currently under an abatement order from City Code Enforcement; and,

WHEREAS, Staff has contacted the owner of the property and given sufficient notice for the owner to remove the tree; and,

WHEREAS, Staff has obtained a quote from MW Tree Service to remove the tree for \$2,500.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Susanville hereby authorizes the Public Works Director to execute the Services Contract Agreement between the City of Susanville and MW Tree Service for removal of a hazard tree allocated at 67 South Weatherlow Street as part of the abatement of that property.

APPROVED: _____
Quincy McCourt, Mayor

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Susanville, held on the 15th day of February, 2023 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

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PLANNING COMMISSION
CITY OF SUSANVILLE

Nuisance Abatement Order

City of Susanville, v Roland and Joanna Zimmerman	Petitioner Respondent
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Hearing: April 26, 2022, at 6:30 p.m.
May 12, 2022, at 6:30 p.m. (Continued)
Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was heard:

- a. On April 26, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
- b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Linda Robinette, and Jeremiah Sturgeon.
- c. Wayne Jambois presided over the procedure as Chairperson.
- d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated March 29, 2022 and served on Respondent Roland and Joanna Zimmerman by Certified Mail on March 29, 2022, and posted on the structure at 67 South Weatherlow Street on March 29, 2022.
- e. Present at the hearing were:

- i. Cody Loflin, Code Enforcement Officer for the City of Susanville and P.J. Van Ert, (appeared via Zoom) City Attorney for the City of Susanville representing the City of Susanville and
 - ii. Roland Zimmerman representing himself.
- f. On a 3-0 vote, the Susanville Planning Commission, tabled this matter and rescheduled the hearing for May 12, 2022, at 6:30 p.m.
2. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130 the public hearing was reopened and heard.
 - a. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Linda Robinette, Rob DeBoer, and Melanie Westbrook.
 - b. Wayne Jambois presided over the procedure as Chairperson.
 - c. Present at the hearing were:
 - i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary to the Planning Commission, and Cody Loflin, Code Enforcement Officer representing the City of Susanville.
 - ii. There was no appearance at this hearing by the Respondents or a Representative.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. Roland and Joanna Zimmerman are the owners of and responsible party for the property located at 67 South Weatherlow Street.

3. Roland and Joanna Zimmerman were properly served with a Notice of Violation on June 1, 2020, December 16, 2020, and February 7, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Roland and Joanna Zimmerman were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on March 29, 2022, and that said notice was properly posted at 67 South Weatherlow Street on March 29, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 67 South Weatherlow Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. Roland and Joanna Zimmerman must abate the public nuisance at 67 South Weatherlow Street by doing the following at 67 South Weatherlow Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 27, 2022.
 - c. To protect general public safety, at minimum a fence must be installed along the property line parallel to South Weatherlow Street, to protect the general public from a fall hazard, and must be maintained while in possession of this property. Fence must be installed no later than 10 days from the date the building is demolished.
 - d. Roland and Joanna Zimmerman must remove the hazardous tree from the rear of the property. This tree was damaged due to the structure fire and is a public safety

- 1 hazard and public nuisance. This nuisance must be abated by 11:59 pm on June 27,
2 2022.
- 3 2. Roland and Joanna Zimmerman must fully abate all public nuisances, unless specifically
4 noted, by 11:59 pm on July 25, 2022.
- 5 3. Roland and Joanna Zimmerman must obtain any and all required permits that may be
6 required to abate the public nuisance at 67 South Weatherlow Street.
- 7 4. After Roland and Joanna Zimmerman abates the nuisance at 67 South Weatherlow Street,
8 Roland and Joanna Zimmerman must contact the Building and Planning Department at
9 the City of Susanville and request that an official at the City of Susanville inspect the
10 condition of the property and buildings at 67 South Weatherlow Street to determine if the
11 public nuisance was abated.
- 12 5. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
13 Weatherlow Street by 11:59 pm on July 25, 2022, the City of Susanville may have the
14 property at 67 South Weatherlow Street abated.
- 15 6. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
16 Weatherlow Street by 11:59 pm on July 25, 2022, an administrative penalty pursuant to
17 section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
18 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
19 with.
20 b. Effective from February 7, 2022
21 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
22 costs and interest.
23 d. Assessment Penalty shall be due by 4:30 pm on September 2, 2022.
- 24 7. All costs of the City's abatement efforts, including the abatement work and administrative
25 time to investigate and to hear and effect the abatement shall be charged against Roland
26 and Joanna Zimmerman as a personal debt or may be assessed upon 67 South Weatherlow
27 Street and will constitute a lien or special assessment upon the property until paid.
28

1 8. This Order shall be effective for one year after issuance. During such period, the hearing
2 board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by this Order, as well as the abatement
4 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
5 property is maintained in such a manner so as not to create a nuisance. If, during this one-
6 year period, any enforcement official determines that the same or another nuisance, as
7 defined by this chapter exists with respect to the building, structure or property, he or she
8 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
9 Susanville Municipal Code. If Roland and Joanna Zimmerman do not abate the nuisance at
10 any time within the abatement period, the City may proceed with the abatement itself
11 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without
12 further action of the hearing board. The City of Susanville may also recover all of its
13 abatement effort costs as provided for in the City of Susanville Municipal Code.

14 **AMENDMENT #1**

15 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
16 Abatement Order shall be amended as follows.

- 17 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
18 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
19 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
20 writing, within twenty-one (21) days from the issuance of this amended order of their
21 request to have this appeal heard by the City Council. The aggrieved person shall deposit
22 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
23 responsible for all costs of such appeal which exceeds the deposited amount. If the
24 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
25 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
26 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
- 27 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
28 effect on May 12, 2022, except for any order issued regarding the abatement of weeds or

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rubbish from the premises that corresponds to the yearly weed abatement efforts with such date being for the year of 2022, June 27, 2022. All other orders shall be extended to a compliance deadline of 11:59 p.m. on August 15, 2022.

Dated: _____
Wayne Jambois, Chairperson
Susanville Planning Commission

AGENDA ITEM NO. 9.G
Action Item

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Bob Godman, Public Works

Action Date: February 15, 2023

SUBJECT: Consider **Resolution No. 23-6099**, authorizing the Public Works Director to execute a contract with Guzi-West Inspection and Consulting for asbestos and lead paint testing at 63 S. Weatherlow and 67 S. Weatherlow and authorize the Finance Manager to increase budget in the amount of \$5,000.

PRESENTED BY: Bob Godman, Public Works Director

SUMMARY: The properties of 63 and 67 S. Weatherlow have reached the stage of the abatement process where the city can move forward with the demolition and removal of the nuisance structures. Before we move forward with that process we need to test for lead and asbestos so that if those substances are present, they can be safely removed prior to the demolition of the structures. Further, there is not adequate budget available in the 1011 fund to accomplish this work. Therefore, Resolution 23-6099 includes authorizing the Finance Manager to increase the budget in the amount of \$5,000.

FISCAL IMPACT: Initial \$4,150 charge to the Code Enforcement 1011 fund budget which is part of the General Fund Budget. This cost would be added to the abatement of these properties,(\$2,075 to each), if in the future the city liens these properties this cost would be added to that lien and the city could get some reimbursement if the property(ies) sell.

ACTION REQUESTED: Motion to approve Resolution No. 23-6099, authorizing the Public Works Director to execute a contract with Guzi-West Inspection and Consulting for asbestos and lead paint testing at 63 S. Weatherlow and 67 S. Weatherlow and authorize the Finance Manager to increase budget in the amount of \$5,000.

ATTACHMENTS:
[23-6099.pdf](#)
[Nuisance_Abatement_Order_63_South_Weatherlow_Final___Amend_1.doc](#)
[Nuisance_Abatement_Order_67_South_Weatherlow_Final_amend_1.doc](#)

RESOLUTION NO. 23-6099

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUSANVILLE
AUTHORIZING THE PUBLIC WORKS DIRECTOR TO EXECUTE A SERVICES CONTRACT
AGREEMENT WITH GUZI-WEST INSPECTION AND CONSULTING FOR ASBESTOS AND
LEAD PAINT TESTING AT 63 SOUTH WEATHERLOW AND 67 SOUTH WEATHERLOW
AND AUTHORIZE THE FINANCE MANAGER TO FUND PROJECT BUDGET FOR EACH
ADDRESS IN THE CODE ENFORCEMENT BUDGET SECTION**

WHEREAS, the City of Susanville has a Building Inspection Department and a Code Enforcement Department; and,

WHEREAS, the City of Susanville is governed by California State Law in addition to Susanville Municipal Code; and,

WHEREAS, the City Building Official and Code Enforcement Officer have followed California Health and Safety Code 17980(a) in attempting to have the owner abate the burned structure at 63 South Weatherlow Street in Susanville, California; and,

WHEREAS, the City Building Official and Code Enforcement Officer have followed California Health and Safety Code 17980(a) in attempting to have the owner abate the burned structure at 67 South Weatherlow Street in Susanville, California; and,

WHEREAS, staff has determined that for Public Safety Lead Paint and Asbestos testing needs to be performed in order for the building to be safely demolished; and,

WHEREAS, staff has received three quotes for the Asbestos and Lead Paint testing with the quote from Guzi-West Inspection and Consulting for \$4,150 being the best quote.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Susanville hereby authorizes the Public Works Director to execute a Services Contract Agreement with Guzi-West Inspection and Consulting for Lead Paint and Asbestos testing in an amount not exceeding \$4,500 and further authorizes the Finance Manager to fund a project budget for each address from revenue received in the Building and Planning 1011 budget in the amount of \$5,000.

APPROVED: _____
Quincy McCourt, Mayor

ATTEST: _____
Heidi Whitlock, City Clerk

The foregoing Resolution was adopted at a regular meeting of the City Council of the City of Susanville, held on the 15th day of February, 2022 by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Heidi Whitlock, City Clerk

APPROVED AS TO FORM: _____
Margaret Long, City Attorney

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

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PLANNING COMMISSION
CITY OF SUSANVILLE

Nuisance Abatement Order

City of Susanville,
Petitioner
v
Ricardo Pellicer and Susan Morrison
Respondent

Hearing: April 26, 2022, at 6:30 p.m. in
Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was heard:

- a. On April 26, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
- b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Linda Robinette, and Jerimiah Sturgeon.
- c. Wayne Jambois presided over the procedure as Chairperson.
- d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated March 29, 2022, and served on Respondent Ricardo and Susan Pellicer by Certified Mail on March 29, 2022, and posted on the structure at 63 South Weatherlow Street on March 29, 2022.
- e. Present at the hearing where:
 - i. Cody Loflin, Code Enforcement Officer for the City of Susanville, Kelsey Walsh, City Attorney for the City of Susanville, P.J. Van Ert, (appeared via

1 Zoom) City Attorney for the City of Susanville, Kelly Mumper, City
2 Planner, and Ruth McElrath, Permit Technician / Secretary of the Planning
3 Commission, representing the City of Susanville and

- 4 ii. Joseph Hale (appeared via Zoom) representing his mother and property
5 owner Susan Morrison.

6 **FINDINGS**

7 The Hearing Board makes the following findings.

- 8 1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain
9 or use property or allow their property to be maintained or used in a manner that creates
10 or fosters the creation of a public nuisance."
11 2. Ricardo and Susan Pellicer are the owners of and responsible party for the property
12 located at 63 South Weatherlow Street.
13 3. Susan Pellicer has since had her name lawfully changed and will be referred to as Susan
14 Morrison in this order.
15 4. Ricardo Pellicer and Susan Morrison were properly served with a Notice of Violation on
16 June 1, 2020, September 2, 2020, September 1, 2021, October 1, 2021, and February 7, 2022,
17 service pursuant to City of Susanville Municipal Code section 8.32.060.
18 5. Ricardo Pellicer and Susan Morrison were properly served with a Notice of Intention to
19 Abate Public Nuisance and Notice of Public Hearing on March 29, 2022, and that said
20 notice was properly posted at 63 South Weatherlow Street on March 29, 2022, pursuant
21 to City of Susanville Municipal Code section 8.32.090.
22 6. The condition of the property and certain outbuildings located at 63 South Weatherlow
23 Street is a public nuisance as defined by City of Susanville Municipal Code section
24 8.32.050.
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Orders

The Hearing Board orders the following.

1. Ricardo Pellicer and Susan Morrison must abate the public nuisance at 63 South Weatherlow Street by doing the following at 63 South Weatherlow Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 25, 2022.
 - c. To protect general public safety, at minimum a fence must be installed along the property line parallel to South Weatherlow Street, to protect the general public from a fall hazard, and must be maintained while in possession of this property. Fence must be installed no later than 10 days from the issuance of this order which will be 11:59 pm on May 6, 2022.
2. Ricardo Pellicer and Susan Morrison must fully abate this public nuisance no later than June 25, 2022.
3. Ricardo Pellicer and Susan Morrison must obtain any and all required permits that may be required to abate the public nuisance at 63 South Weatherlow Street.
4. After Ricardo Pellicer and Susan Morrison abates the nuisance at 63 South Weatherlow Street, Ricardo Pellicer and Susan Morrison must contact the Building and Planning Department at the City of Susanville and request that an official at the City of Susanville inspect the condition of the property and buildings at 63 South Weatherlow Street to determine if the public nuisance was abated.
5. If Ricardo Pellicer and Susan Morrison do not abate the public nuisance at 63 South Weatherlow Street by 11:59 pm on June 25, 2022, the City of Susanville may have the property at 63 South Weatherlow Street abated.

- 1 6. If Ricardo Pellicer and Susan Morrison do not abate the public nuisance at 63 South
2 Weatherlow Street by 11:59 pm on June 25, 2022, an administrative penalty pursuant to
3 section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
- 4 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
5 with.
 - 6 b. Effective from October 1, 2021
 - 7 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
8 costs and interest.
 - 9 d. Assessment Penalty shall be due by 4:30 pm on September 2, 2022.
- 10 7. All costs of the City's abatement efforts, including the abatement work and administrative
11 time to investigate and to hear and effect the abatement shall be charged against Ricardo
12 Pellicer and Susan Morrison as a personal debt or may be assessed upon 63 South
13 Weatherlow Street and will constitute a lien or special assessment upon the property
14 until paid.
- 15 8. This Order shall be effective for one year after issuance. During such period, the hearing
16 board shall retain jurisdiction over the conditions of the building, structure or property
17 which constituted the nuisance established by this Order, as well as the abatement
18 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
19 property is maintained in such a manner so as not to create a nuisance. If, during this one-
20 year period, any enforcement official determines that the same or another nuisance, as
21 defined by this chapter exists with respect to the building, structure or property, he or she
22 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
23 Susanville Municipal Code. If Ricardo Pellicer and Susan Morrison do not abate the
24 nuisance at any time within the abatement period, the City may proceed with the
25 abatement itself under the provisions of section 8.32.190 of the City of Susanville
26 Municipal Code without further action of the hearing board. The City of Susanville may
27 also recover all of its abatement effort costs as provided for in the City of Susanville
28 Municipal Code.

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AMENDMENT #1

Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance Abatement Order shall be amended as follows.

1. Whenever any person is aggrieved by this final order of the Hearing Board, this person may appeal the Nuisance Abatement Order to the City of Susanville City Council. To request an appeal, the person aggrieved by this order shall notify the City Clerk, in writing, within twenty-one (21) days from the issuance of this amended order of their request to have this appeal heard by the City Council. The aggrieved person shall deposit two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be responsible for all costs of such appeal which exceeds the deposited amount. If the aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five (45) days of the filing appeal at a regularly scheduled meeting of the Susanville City Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
2. An additional twenty-one (21) days shall be added to the compliance orders that went into effect on April 26, 2022. Due to the expiration of the original orders with no compliance achieved, the Respondents, Ricardo Pellicer and Susan Morrison shall only receive the twenty-one (21) day extension. All orders remain in effect, with the exception that all orders shall be complied with by 11:59 p.m. on July 19, 2022.

Dated: _____

Wayne Jambois, Chairperson
Susanville Planning Commission

1 Margret E. Long SBN: 227176
2 City Attorney for City of Susanville
3 66 North Lassen Street
4 Susanville, CA 96130
5 Phone: 530-252-5100
6 attorney@cityofsusanville.org

7 Attorney for: Petitioner/City of Susanville

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PLANNING COMMISSION
CITY OF SUSANVILLE

Nuisance Abatement Order

City of Susanville, v Roland and Joanna Zimmerman	Petitioner Respondent
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Hearing: April 26, 2022, at 6:30 p.m.
May 12, 2022, at 6:30 p.m. (Continued)
Council Chambers
66 North Lassen Street
Susanville, CA 96130

1. This proceeding was heard:

- a. On April 26, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130.
- b. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Linda Robinette, and Jeremiah Sturgeon.
- c. Wayne Jambois presided over the procedure as Chairperson.
- d. This matter was set on a "Notice of Intention to Abate Public Nuisance & Notice of Public Hearing" dated March 29, 2022 and served on Respondent Roland and Joanna Zimmerman by Certified Mail on March 29, 2022, and posted on the structure at 67 South Weatherlow Street on March 29, 2022.
- e. Present at the hearing were:

- i. Cody Loflin, Code Enforcement Officer for the City of Susanville and P.J. Van Ert, (appeared via Zoom) City Attorney for the City of Susanville representing the City of Susanville and
 - ii. Roland Zimmerman representing himself.
- f. On a 3-0 vote, the Susanville Planning Commission, tabled this matter and rescheduled the hearing for May 12, 2022, at 6:30 p.m.
2. On May 12, 2022, at 6:30 pm in the Council Chambers at 66 North Lassen Street, Susanville, CA 96130 the public hearing was reopened and heard.
 - a. By the Planning Commission of the City of Susanville (also referred to as the Hearing Board or the Board) with the following commissioners of the Planning Commission present: Wayne Jambois, Linda Robinette, Rob DeBoer, and Melanie Westbrook.
 - b. Wayne Jambois presided over the procedure as Chairperson.
 - c. Present at the hearing were:
 - i. Kelly Mumper, City Planner, Ruth McElrath, Permit Technician/Secretary to the Planning Commission, and Cody Loflin, Code Enforcement Officer representing the City of Susanville.
 - ii. There was no appearance at this hearing by the Respondents or a Representative.

FINDINGS

The Hearing Board makes the following findings.

1. Pursuant to City of Susanville Municipal Code chapter 8.32.040, "No person may maintain or use property or allow their property to be maintained or used in a manner that creates or fosters the creation of a public nuisance."
2. Roland and Joanna Zimmerman are the owners of and responsible party for the property located at 67 South Weatherlow Street.

3. Roland and Joanna Zimmerman were properly served with a Notice of Violation on June 1, 2020, December 16, 2020, and February 7, 2022, service pursuant to City of Susanville Municipal Code section 8.32.060.
4. Roland and Joanna Zimmerman were properly served with a Notice of Intention to Abate Public Nuisance and Notice of Public Hearing on March 29, 2022, and that said notice was properly posted at 67 South Weatherlow Street on March 29, 2022, pursuant to City of Susanville Municipal Code section 8.32.090.
5. The condition of the property and certain outbuildings located at 67 South Weatherlow Street is a public nuisance as defined by City of Susanville Municipal Code section 8.32.050.

Orders

The Hearing Board orders the following.

1. Roland and Joanna Zimmerman must abate the public nuisance at 67 South Weatherlow Street by doing the following at 67 South Weatherlow Street:
 - a. In the opinion of the Building Official for the City of Susanville, the conditions of the structure are irreparable, and demolition must commence no later than thirty (30) days from the date of this order and shall be completed no later than sixty (60) days from this order.
 - b. Must remove any accumulated debris, garbage, rubbish, rubble, trash, and weeds from the property that had accumulated prior to and as a result of demolition activities. Must be completed no later than 11:59 pm on June 27, 2022.
 - c. To protect general public safety, at minimum a fence must be installed along the property line parallel to South Weatherlow Street, to protect the general public from a fall hazard, and must be maintained while in possession of this property. Fence must be installed no later than 10 days from the date the building is demolished.
 - d. Roland and Joanna Zimmerman must remove the hazardous tree from the rear of the property. This tree was damaged due to the structure fire and is a public safety

- 1 hazard and public nuisance. This nuisance must be abated by 11:59 pm on June 27,
2 2022.
- 3 2. Roland and Joanna Zimmerman must fully abate all public nuisances, unless specifically
4 noted, by 11:59 pm on July 25, 2022.
- 5 3. Roland and Joanna Zimmerman must obtain any and all required permits that may be
6 required to abate the public nuisance at 67 South Weatherlow Street.
- 7 4. After Roland and Joanna Zimmerman abates the nuisance at 67 South Weatherlow Street,
8 Roland and Joanna Zimmerman must contact the Building and Planning Department at
9 the City of Susanville and request that an official at the City of Susanville inspect the
10 condition of the property and buildings at 67 South Weatherlow Street to determine if the
11 public nuisance was abated.
- 12 5. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
13 Weatherlow Street by 11:59 pm on July 25, 2022, the City of Susanville may have the
14 property at 67 South Weatherlow Street abated.
- 15 6. If Roland and Joanna Zimmerman do not abate the public nuisance at 67 South
16 Weatherlow Street by 11:59 pm on July 25, 2022, an administrative penalty pursuant to
17 section 8.32.290 of the City of Susanville Municipal Code shall be assessed as followed:
18 a. Assessment of \$100.00 per day until the nuisance abatement has been complied
19 with.
20 b. Effective from February 7, 2022
21 c. The maximum administrative penalty shall be \$10,000, exclusive of administrative
22 costs and interest.
23 d. Assessment Penalty shall be due by 4:30 pm on September 2, 2022.
- 24 7. All costs of the City's abatement efforts, including the abatement work and administrative
25 time to investigate and to hear and effect the abatement shall be charged against Roland
26 and Joanna Zimmerman as a personal debt or may be assessed upon 67 South Weatherlow
27 Street and will constitute a lien or special assessment upon the property until paid.
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1 8. This Order shall be effective for one year after issuance. During such period, the hearing
2 board shall retain jurisdiction over the conditions of the building, structure or property
3 which constituted the nuisance established by this Order, as well as the abatement
4 thereof, to ensure that the nuisance does not reoccur and that the building, structure or
5 property is maintained in such a manner so as not to create a nuisance. If, during this one-
6 year period, any enforcement official determines that the same or another nuisance, as
7 defined by this chapter exists with respect to the building, structure or property, he or she
8 may give notice to abate the nuisance as provided for in section 8.32.060 of the City of
9 Susanville Municipal Code. If Roland and Joanna Zimmerman do not abate the nuisance at
10 any time within the abatement period, the City may proceed with the abatement itself
11 under the provisions of section 8.32.190 of the City of Susanville Municipal Code without
12 further action of the hearing board. The City of Susanville may also recover all of its
13 abatement effort costs as provided for in the City of Susanville Municipal Code.

14 **AMENDMENT #1**

15 Pursuant to Resolution No. 22-1111 of the Susanville Planning Commission, this Nuisance
16 Abatement Order shall be amended as follows.

- 17 1. Whenever any person is aggrieved by this final order of the Hearing Board, this person
18 may appeal the Nuisance Abatement Order to the City of Susanville City Council. To
19 request an appeal, the person aggrieved by this order shall notify the City Clerk, in
20 writing, within twenty-one (21) days from the issuance of this amended order of their
21 request to have this appeal heard by the City Council. The aggrieved person shall deposit
22 two hundred dollars (\$200.00) to the City of Susanville. The appellant shall be
23 responsible for all costs of such appeal which exceeds the deposited amount. If the
24 aggrieved person requests an appeal hearing, this hearing shall be granted within forty-five
25 (45) days of the filing of the appeal at a regularly scheduled meeting of the Susanville City
26 Council. The appellant shall be notified within ten (10) days of the scheduled meeting.
- 27 2. An additional twenty-one (21) days shall be added to the compliance orders that went into
28 effect on May 12, 2022, except for any order issued regarding the abatement of weeds or

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rubbish from the premises that corresponds to the yearly weed abatement efforts with such date being for the year of 2022, June 27, 2022. All other orders shall be extended to a compliance deadline of 11:59 p.m. on August 15, 2022.

Dated: _____
Wayne Jambois, Chairperson
Susanville Planning Commission

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Dan Newton, Administrative Services

Action Date: February 15, 2023

SUBJECT: City Project Priorities

PRESENTED BY: Dan Newton, City Administrator

SUMMARY: The City of Susanville is dedicated to providing essential services to residents/customers through the efforts and actions of four city departments, Administration, Fire, Police and Public Works. The Susanville City Council has adopted four (4) priorities for city staff to focus on when providing city services.

Four (4) Priorities of City Council

- Transparency
- Improve Susan River Trail
- Code Enforcement
- Improve Main Street

The City provides a variety of essential services such as law enforcement, fire/life safety, parks, water, natural gas, streets, development services, and many other community amenities, such as golf course, community pool, and the airport. In the provision of these services, several items come up during the work week, procedural clarifications, policy interpretations, complaints, human resource items, financial services, and staff development, just to name a few. It is estimated that over 90% of staff's time is spent handling day to day operations, and less than 10% of staff time is available for project delivery work.

The city posts a project priority list on the city's website and it is attached for the Council's review. The list is not comprehensive but is representative of items to which the city is dedicating its staffing

resources from a project stand point.

Staff is seeking a discussion and possible direction.

FISCAL IMPACT: None

ACTION REQUESTED: Direction to Staff

ATTACHMENTS:
[230215 City Project Priorities.docx](#)

City of Susanville Work Priorities

February 15, 2023

The City of Susanville is dedicated to providing essential services to residents/customers through the efforts and actions of four city departments, Administration, Fire, Police and Public Works. The Susanville City Council has adopted four (4) priorities for city staff to focus on when providing city services.

The City provides a variety of essential services such as law enforcement, fire/life safety, parks, water, natural gas, streets, development services, and many other community amenities, such as golf course, community pool, and the airport. In the provision of these services, several items come up during the work week, procedural clarifications, policy interpretations, complaints, human resource items, financial services, staff development just to name a few. It is estimated that over 90% of staff's time is spent handling day to day operations, and less than 10% of staff time is available for project delivery work.

Four (4) Priorities of City Council

- Transparency
- Improve Susan River Trail
- Code Enforcement
- Improve Main Street

Additional Priorities

- Provision of Essential Services
- Homelessness
- Enhancement of Economic Development Efforts
- Infrastructure Improvements
- Code Updates and Policies

Work Program Item Focus.

1. Address dogs-at-large issue – Provision of Essential Services
 2. Employee Bargaining: Provision of Essential Services – in progress
 3. Economic Development Partnership with SIR includes the Creation of an Economic Development Director Position: Enhancement of Economic Development Efforts
 4. Shopping Cart Ordinance Enforcement – Provide a report.
 5. Research Animal Control Partnership with Lassen County: Transparency; Provision of Essential Services – Provide a report.
 6. Public Facility Impact Fee – Self-Storage Analysis – Provide a report.
 7. HUSA Survey: Enhancement of Economic Development Efforts; Improve Main Street – Provide a report.
 8. FY 2023/2024 Budget Preparation: Provision of Essential Services – Provide a report.
 9. CA Fish and Wildlife Permit Dept of Fish and Wildlife: Improve Susan River Trail; Homelessness
 10. Begin 2023/24 Budget Prep and Mid-Year Budget: Transparency; Provision of Essential Services
-

11. Mitigation Fund Assessment – [Provision of Essential Services](#)
12. Completion of Reorganization Plan (Completion 606 Nevada): [Provision of Essential Services](#)
13. CDBG CV 2/3 Grant: Crossroads walk-in freezer: [Infrastructure Improvements](#)
14. Publish EDIP Framework: [Enhancement of Economic Development Efforts](#)
15. Analyze Code/Policies for improvements: [Transparency](#); [Code Enforcement](#); [Provision of Essential Services](#); [Enhancement of Economic Development Efforts](#); [Code Updates and Policies](#)
16. Strategic Plan: [Transparency](#); [Provision of Essential Services](#); [Enhancement of Economic Development Efforts](#);
17. Water Rate Study: [Provision of Essential Services](#); [Transparency](#)
18. Fire Hazard Map – Monitor/Research/Comment; [Provision of Essential Services](#)
19. General Plan Update – [Enhancement of Economic Development Efforts](#); [Provision of Essential Services](#)
20. Dog/Animal Control Ordinance review – [Provision of Essential Services](#)
21. Engineering and Traffic Studies - [Provision of Essential Services](#)
22. Fire Training Agreement update/written agreement. Fire Chief to set up a meeting with the group that uses the facility. – [Provision of Essential Services](#)
23. Safety Program Updates – Public Works / Fire / Police – IIPP – [Provision of Essential Services](#)
24. Community Garden Sink - [Infrastructure Improvements](#)
25. Community Garden Electrical Panel - [Infrastructure Improvements](#)
26. Community Garden Propane Tank Removal - [Infrastructure Improvements](#)
27. Ramsey Ditch Geothermal Agreement – [Provision of Essential Services](#)
28. Per Capita Grant: Memorial Park Pump Track Installation -
29. CDBG CV 2/3 Grant: Memorial Park Bathroom Installation - [Infrastructure Improvements](#)
30. 63 & 67 S. Weatherlow Code Enforcement Abatements – [Code Enforcement](#)
31. SE Gateway – Construction Documents – Bid - [Improve Main Street](#)
32. Riverside Dr. Trail – Project Development / Design - [Infrastructure Improvements](#)
33. Volunteer Trail Patrol – [Improve Susan River Trail](#)
34. Susanville River Corridor Vegetation Clearing – [Improve Susan River Trail](#)
35. Establish Seasonal Firefighter Program – [Provision of Essential Services](#); [Code Enforcement](#)
36. Recruitment for Economic Development Director Position - [Enhancement of Economic Development Efforts](#)
37. Employee Development Training Assessment - [Enhancement of Economic Development Efforts](#) - [Provision of Essential Services](#)
38. Broadband Network Design Project (Local Agency Technical Assistance Grant) – [Infrastructure Improvements](#)
39. Meeting Live Stream Project and Council Chamber Technology Improvements – [Transparency](#)
40. Surplus of city property – In Progress
41. Explore options for golf course lease – [Enhancement of Economic Development Efforts](#)
42. Phone System Upgrade – [Provision of Essential Services](#)

Completed:

- PG&E discovery
- Urban Water Management Plan: [Provision of Essential Services](#)
- South East Gateway construction allocation: [Infrastructure Improvements](#); [Improve Main Street](#)

The City of Susanville has 67 full-time positions allocated to each department as indicated below.

- Administration – 8.5 over three divisions [2.5 (Admin); 1(City Clerk); 5(Finance)]
- Fire – 8.5 over 2 divisions [2.5 (Admin); 6 (Operations)]
- Police – 21 over 2 divisions [3 (Admin); 18(Operations)]
- Public Works – 30 over 12 Divisions [5 (Admin); 1.5(Building Official/Inspector); 1.5(City Planner); 2 (Parks); 1(Code Enforcement); 4 (Water/Geothermal); 4(Gas); 4(Streets); 2(Engineers/Air Pollution); 1 (Mechanic); 1(Pool); 3(Utility Services)]

Departments such as Fire and Police focus on their core missions to protect the lives and safety of people and property within the community. Public Works operates similarly in the provision of water/geothermal and natural gas services and providing maintenance on city streets. Public Works; however, does have limited staffing resources to deliver projects. The following list is not a comprehensive list of city staff work priorities; however, it is representative of the priorities that city staff is currently working to accomplish.

Four Core Priorities of City Council

- Transparency
 - o Publish List of City Work Priorities – Completed/On-going
 - o Council Meeting Live Stream Improvements – Goal is to improve audio and provide timestamping of video to correspond to agenda items. – Council approved 1/18/2023 begin project execution (ongoing)
 - o City App/media platform to engage the public – Susanville Click and Fix - Completed
 - o Budget Process – Incorporate Re-organization into Budget Structure / Evaluate Policies / Include Measure P - Completed
- Improve Susan River Trail
 - o Adopt a Trail Program Implementation – Sign Posts and Signs installed on 6/15/2022, there are still segments available for adoption.
 - o Support Clean-Up Activities – On-going
 - o Volunteer Trail Patrol
- Code Enforcement
 - o Uptown Susanville – Pancera Plaza Area Trash Cleanup - Ongoing
 - o Burned out structures near Main Street – Abatement scopes under development – need budget to abate.
 - o Respond to complaints, property maintenance ordinance – Ongoing
 - o Access and respond to need for abatement budget

- Improve Main Street
 - o South East Gateway Project – Time extension request granted, Maintenance and Cooperative Agreement with CalTrans approved. Allocation paperwork submitted. Allocation expected in March 2023. Project can be bid after allocation is granted.
- CCC Closure
 - Monitor Closure Activities
 - Business/Economic Development

Financial Stability Efforts

- Economic Development Implementation Strategies –
 - o Ad Hoc – In progress.
 - o Master Sale Tax Agreement with County - New
- American Rescue Plan Act – Funding Strategy – In progress
- Expenditure Reduction Plan Development – Needs modification based on Measure P
- Strategic Plans are being prepared for each department – Departments' Completed Draft Plans, need to consolidate and prepare city-wide strategic plan.
- Sales Tax Measure – Modify Ordinance Per Department of Tax and Fee Request – Completed
 - ~~o Establish Sales Tax Oversight Board – Complete~~
- Salary Survey – Pending
- Economic Development Action Items –
 - o Business Development Assistance – No Progress
 - o Mural Repairs – Support Volunteers – Ongoing
- Review Fees – No Progress
- Review Cost Allocation – Ongoing
- ~~• Business Development Cannabis Ad Hoc – Ordinance adopted, referendum process underway, scheduled to for November 2022 ballot. Complete~~
- Review Combined Services Agreements - Ongoing
- Research Directly Billable Activities – Budget
- Implement procedures/policies to control expenses – In Progress
- Sale of Real Property – No Progress
- Reorganization Implementation
 - Relocation of Staff
 - City Hall Interior Repairs – No Progress
 - ~~▪ Implementation of Staffing Structure effective (1/22/2022)~~
 - Repairs to 606 Nevada for Engineering Staff – In progress
- CalPERs UAL Policy – In Progress

Provision of Essential Services

- Administration
 - o Human Resources employee recruitment and retention
 - o Accounts payable
 - o Accounts receivable

- o Utility billings
- o Grant management/billings
- o Budget oversight/preparation
- o Records management/public records requests
- o Review/update policies and procedures
- o Golf course maintenance and operations
- o Pool maintenance and operations
- Fire
 - o Respond to alarms and other emergency calls/incidents
 - o Overhaul and salvage operations
 - o Emergency rescue operations
 - o Public service calls
 - o Fire prevention inspections
 - o Test and maintain hydrants and vehicles
 - o Budget oversight/preparation
 - o Grant development, administration, and management
 - o Review/update policies and procedures
- Police
 - o Patrol City
 - o Respond to alarms and other emergency call/incidents
 - o Make arrests as necessary
 - o Investigate crimes
 - o Reports
 - o Enforcement of state, local, and federal laws
 - o Budget oversight/preparation
 - o Serve warrants
 - o Animal Control
 - o Traffic Enforcement
 - o Review/update policies and procedures
- Public Works
 - o Respond to utility service calls
 - o Repair water, geothermal and natural gas leaks
 - o Public safety awareness/conservation campaign
 - o Urban water management plan updates
 - o Maintain water and gas utilities in accordance with state, local, and federal laws
 - o Reports
 - o Street maintenance, repair, rehabilitation
 - o Building permits and inspection
 - o Zoning clearing for projects, use permits, general plan updates
 - o Code enforcement
 - o Park maintenance and upkeep
 - o Pool operation maintenance and upkeep
 - o Air pollution permitting, inspections, enforcement
 - o Oversee airport leases, planning, and project development

All Departments

- Interface with Community Groups/Businesses/Agency Partners
 - o Susanville Indian Rancheria
 - o Lassen County
 - o LMUD
 - o Susanville Sanitation District
 - o Local Area Revitalization Project
 - o Lassen High School
 - o Susanville School District
 - o Lassen County Office of Education
 - o Lassen Community College
 - o Lassen Land and Trails Trust
 - o Ducks Unlimited
- Review/update policies and procedures
- Additional projects under development
 - Little League Field Security Cameras – Completed
 - FD Project Development – Awarded Hat Creek Construction – Complete
 - o Richmond Rd
 - o Bunyan Rd
 - o Spring Ridge by Hospital
 - Richmond Road and North Gay Water service replacement projects – Complete
 - Per Capita Park Grant – Memorial Park lighting / pump track – In Progress
 - Airport Taxiway A Project –Complete
 - Airport Taxiway B Project – Funding Requested
 - Facilitation of community events (2023)
 - o Pet license/rabies clinic
 - o Home and Garden Show
 - o Fair Parade
 - o Safe and Sane Halloween
 - o Veterans Day Parade
 - o Magical Country Christmas
 - o Farmer's Market
 - Sierra Road Site Future Development Concepts

- o Community Compost – No Progress
- o Urban Farming – Information exchange with LARP

Future Council Items List

1. Update on Charging Station Discussion regarding
2. MOU with Lassen Historical Society Discussion on Council goal setting
3. Discussion regarding American Rescue Plan Act Funding
4. Discussion regarding city vehicle and equipment surplus auction
5. Update on Animal Shelter agreement (how many animals, cost of, ect.)
6. Discussion regarding lack of inventory of affordable low-income housing in support of Lassen Family Services
7. Discussion on collaboration with Lassen County and Susanville Indian Rancheria and City of Susanville to hire a liaison to collaborate with all three entities
8. Discussion regarding options to work with community on animal control and animal shelter agreement
9. Discussion regarding Councilmembers volunteering on projects
10. Discussion regarding Councilmember trainings
11. Discussion regarding partnership with Lassen Family Services in efforts to prioritize youth
12. Discussion regarding Council trainings and nepotism recusal policy trainings
13. Update on K-9 program – March 1, 2023
14. Discussion regarding tier two of shopping cart ordinance
15. Discussion regarding increased theft within the community and increase council support to police department
16. Discussion regarding proclamation declaring Susanville as a sanctuary city for the unborn
17. Discussion regarding bringing Airport Capital Improvement Plan to council earlier in the year
18. Discussion proving funding to police department facility renovation
19. Discussion regarding banner permits
20. Discussion regarding dog ordinance
21. Discussion regarding ARPA funds and planning of use of funds
22. Discussion regarding street legal ATV and golf cart ordinance
23. Discussion regarding Veterans preference in hiring
24. Discussion regarding city's airport hangar current use as a city storage
25. Discussion regarding enforcement of shopping cart ordinance
26. Discussion regarding graffiti
27. Discussion regarding dog control and nuisance ordinance
28. Discussion regarding the sale or lease of Diamond Mountain Golf Course
29. Update on Speed Survey

AGENDA ITEM NO. 12.B
Discussion Item

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Dan Newton, Administrative Services

Action Date: February 15, 2023

SUBJECT: Update to be provided on Ordinance No. 22-1035 - Imposing a transactions and use tax to be administered by the California Department of Tax and Fee Administration (CDTFA).

PRESENTED BY: Margaret Long, City Attorney

SUMMARY: On February 16, 2022, the City Council approved a Sales and Use Tax Ballot Measure to go before the voters. Staff worked with the California Department of Tax and Fees Administration (CDTFA) to draft appropriate language for the Ordinance to be considered and, on June 7, 2022, the voters approved the 1% Sales and Use Tax as well as an oversight board. Staff continued to work with the CDTFA to finalize the process and a section of Ordinance 22-1035 was required to be modified as follows:

Original Language: Section 16. TERMINATION DATE. The authority to levy the tax imposed by this Ordinance shall continue until this ordinance is repealed by a majority vote of the voters of the City, or until it is repealed or suspended or by a majority vote of the City Council, *in the event that the City Council repeals or suspends the tax, it may resume collection without voter approval as long as the transactions tax rate and use tax rate are not higher than the rates set forth in Sections 5 and 7, respectively.*

Modified Language: Section 17. TERMINATION DATE. The authority to levy the tax imposed by this Ordinance shall continue until this ordinance is repealed by a majority vote of the voters of the City, or until it is repealed or suspended or by a majority vote of the City Council.

FISCAL IMPACT: None.

ACTION REQUESTED: Information only.

ATTACHMENTS:

[22-1035 Tax Measure Revised.pdf](#)

ORDINANCE NO. 22-1035
AN ORDINANCE OF THE CITY OF SUSANVILLE
IMPOSING A TRANSACTIONS AND USE TAX TO BE
ADMINISTERED BY THE CALIFORNIA DEPARTMENT OF TAX AND FEE
ADMINISTRATION

Section 1. TITLE. This ordinance shall be known as the City of Susanville Transactions and Use Tax Ordinance. The City of Susanville hereinafter shall be called "City." This ordinance shall be applicable in the incorporated territory of the City.

Section 2. OPERATIVE DATE. "Operative Date" means the first day of the first calendar quarter commencing more than 110 days after the adoption of this ordinance, the date of such adoption being as set forth below.

Section 3. PURPOSE. This ordinance is adopted to achieve the following, among other purposes, and directs that the provisions hereof be interpreted in order to accomplish those purposes:

A. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with Section 7251) of Division 2 of the Revenue and Taxation Code and Section 7285.9 of Part 1.7 of Division 2 which authorizes the City to adopt this tax ordinance which shall be operative if a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.

B. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.

C. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefore that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.

D. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this ordinance.

Section 4. CONTRACT WITH STATE. Prior to the operative date, the City shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax ordinance; provided, that if the City shall not have contracted with the California Department of Tax and Fee Administration prior to the operative date, it shall nevertheless so contract and in such a case the operative date shall be the first day of the first calendar quarter following the execution of such a contract.

Section 5. TRANSACTIONS TAX RATE. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated territory of the

1 City at the rate of 1% of the gross receipts of any retailer from the sale of all tangible personal
2 property sold at retail in said territory on and after the operative date of this ordinance.

3 Section 6. PLACE OF SALE. For the purposes of this ordinance, all retail sales are
4 consummated at the place of business of the retailer unless the tangible personal property sold
5 is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for
6 delivery to an out-of-state destination. The gross receipts from such sales shall include delivery
7 charges, when such charges are subject to the state sales and use tax, regardless of the place
8 to which delivery is made. In the event a retailer has no permanent place of business in the
9 State or has more than one place of business, the place or places at which the retail sales are
10 consummated shall be determined under rules and regulations to be prescribed and adopted by
11 the California Department of Tax and Fee Administration.

12 Section 7. USE TAX RATE. An excise tax is hereby imposed on the storage, use or other
13 consumption in the City of tangible personal property purchased from any retailer on and after
14 the operative date of this ordinance for storage, use or other consumption in said territory at the
15 rate of 1% of the sales price of the property. The sales price shall include delivery charges
16 when such charges are subject to state sales or use tax regardless of the place to which
17 delivery is made.

18 Section 8. ADOPTION OF PROVISIONS OF STATE LAW. Except as otherwise provided
19 in this ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of
20 Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with
21 Section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a
22 part of this ordinance as though fully set forth herein.

23 Section 9. LIMITATIONS ON ADOPTION OF STATE LAW AND COLLECTION OF USE
24 TAXES. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

25 A. Wherever the State of California is named or referred to as the taxing agency,
26 the name of this City shall be substituted therefor. However, the substitution shall not be made
27 when:

28 1. The word "State" is used as a part of the title of the State Controller, State
Treasurer, State Treasury, or the Constitution of the State of California.

2. The result of that substitution would require action to be taken by or against
this City or any agency, officer, or employee thereof rather than by or against the California
Department of Tax and Fee Administration, in performing the functions incident to the
administration or operation of this Ordinance.

3. In those sections, including, but not necessarily limited to sections referring
to the exterior boundaries of the State of California, where the result of the substitution would be
to:

a. Provide an exemption from this tax with respect to certain sales, storage,
use or other consumption of tangible personal property which would not otherwise be exempt
from this tax while such sales, storage, use or other consumption remain subject to tax by the
State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;

1 b. Impose this tax with respect to certain sales, storage, use or other
2 consumption of tangible personal property which would not be subject to tax by the state under
the said provision of that code.

3 4. In Sections 6701, 6702 (except in the last sentence thereof), 6711, 6715,
4 6737, 6797 or 6828 of the Revenue and Taxation Code.

5 B. The word "City" shall be substituted for the word "State" in the phrase "retailer
6 engaged in business in this State" in Section 6203 and in the definition of that phrase in Section
6203.

7 1. "A retailer engaged in business in the District" shall also include any retailer
8 that, in the preceding calendar year or the current calendar year, has total combined sales of
9 tangible personal property in this state or for delivery in the State by the retailer and all persons
10 related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of
this section, a person is related to another person if both persons are related to each other
pursuant to Section 267(b) of Title 26 of the United States Code and the regulations thereunder.

11 Section 10. PERMIT NOT REQUIRED. If a seller's permit has been issued to a retailer
12 under Section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall
not be required by this ordinance.

13 Section 11. EXEMPTIONS AND EXCLUSIONS.

14 A. There shall be excluded from the measure of the transactions tax and the use
15 tax the amount of any sales tax or use tax imposed by the State of California or by any city, city
16 and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or
the amount of any state-administered transactions or use tax.

17 B. There are exempted from the computation of the amount of transactions tax the
18 gross receipts from:

19 1. Sales of tangible personal property, other than fuel or petroleum products,
20 to operators of aircraft to be used or consumed principally outside the county in which the sale is
21 made and directly and exclusively in the use of such aircraft as common carriers of persons or
property under the authority of the laws of this State, the United States, or any foreign
government.

22 2. Sales of property to be used outside the City which is shipped to a point
23 outside the City, pursuant to the contract of sale, by delivery to such point by the retailer or his
24 agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For
the purposes of this paragraph, delivery to a point outside the City shall be satisfied:

25 a. With respect to vehicles (other than commercial vehicles) subject to
26 registration pursuant to Chapter 1 (commencing with Section 4000) of Division 3 of the Vehicle
27 Code, aircraft licensed in compliance with Section 21411 of the Public Utilities Code, and
28 undocumented vessels registered under Division 3.5 (commencing with Section 9840) of the
Vehicle Code by registration to an out-of-City address and by a declaration under penalty of
perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of
residence; and

1 b. With respect to commercial vehicles, by registration to a place of
2 business out-of-City and declaration under penalty of perjury, signed by the buyer, that the
vehicle will be operated from that address.

3 3. The sale of tangible personal property if the seller is obligated to furnish the
4 property for a fixed price pursuant to a contract entered into prior to the operative date of this
ordinance.

5 4. A lease of tangible personal property which is a continuing sale of such
6 property, for any period of time for which the lessor is obligated to lease the property for an
7 amount fixed by the lease prior to the operative date of this ordinance.

8 5. For the purposes of subparagraphs (3) and (4) of this section, the sale or
9 lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or
lease for any period of time for which any party to the contract or lease has the unconditional
right to terminate the contract or lease upon notice, whether or not such right is exercised.

10 C. There are exempted from the use tax imposed by this ordinance, the storage,
11 use or other consumption in this City of tangible personal property:

12 1. The gross receipts from the sale of which have been subject to a
13 transactions tax under any state-administered transactions and use tax ordinance.

14 2. Other than fuel or petroleum products purchased by operators of aircraft
15 and used or consumed by such operators directly and exclusively in the use of such aircraft as
common carriers of persons or property for hire or compensation under a certificate of public
16 convenience and necessity issued pursuant to the laws of this State, the United States, or any
foreign government. This exemption is in addition to the exemptions provided in Sections 6366
17 and 6366.1 of the Revenue and Taxation Code of the State of California.

18 3. If the purchaser is obligated to purchase the property for a fixed price
pursuant to a contract entered into prior to the operative date of this ordinance.

19 4. If the possession of, or the exercise of any right or power over, the tangible
20 personal property arises under a lease which is a continuing purchase of such property for any
period of time for which the lessee is obligated to lease the property for an amount fixed by a
21 lease prior to the operative date of this ordinance.

22 5. For the purposes of subparagraphs (3) and (4) of this section, storage, use,
23 or other consumption, or possession of, or exercise of any right or power over, tangible personal
property shall be deemed not to be obligated pursuant to a contract or lease for any period of
24 time for which any party to the contract or lease has the unconditional right to terminate the
contract or lease upon notice, whether or not such right is exercised.

25 6. Except as provided in subparagraph (7), a retailer engaged in business in
26 the City shall not be required to collect use tax from the purchaser of tangible personal property,
unless the retailer ships or delivers the property into the City or participates within the City in
27 making the sale of the property, including, but not limited to, soliciting or receiving the order,
either directly or indirectly, at a place of business of the retailer in the City or through any
28 representative, agent, canvasser, solicitor, subsidiary, or person in the City under the authority
of the retailer.

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2 7. "A retailer engaged in business in the City" shall also include any retailer of
3 any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with
4 Section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with Section
5 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5
(commencing with Section 9840) of the Vehicle Code. That retailer shall be required to collect
use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an
address in the City.

6 D. Any person subject to use tax under this ordinance may credit against that tax
7 any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer
8 liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code
with respect to the sale to the person of the property the storage, use or other consumption of
which is subject to the use tax.

9 Section 12. AMENDMENTS. All amendments subsequent to the effective date of this
10 ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use
11 taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and
12 Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and
Taxation Code, shall automatically become a part of this ordinance, provided however, that no
such amendment shall operate so as to affect the rate of tax imposed by this ordinance.

13 Section 13. ENJOINING COLLECTION FORBIDDEN. No injunction or writ of mandate or
14 other legal or equitable process shall issue in any suit, action or proceeding in any court against
15 the State or the City, or against any officer of the State or the City, to prevent or enjoin the
collection under this ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of
any tax or any amount of tax required to be collected.

16 Section 14. SEVERABILITY. If any provision of this ordinance or the application thereof
17 to any person or circumstance is held invalid, the remainder of the ordinance and the application
18 of such provision to other persons or circumstances shall not be affected thereby.

19 Section 15. EFFECTIVE DATE. This ordinance relates to the levying and collecting of the
20 City transactions and use taxes and shall take effect immediately.

21 Section 16. SALES TAX OVERSIGHT BOARD. The Council will appoint a five-member
22 standing oversight committee to be made up of the Susanville residents to serve up to three (3)
two-year (2) terms. Each Councilmember will appoint one of the five (5) members of the
advisory committee.

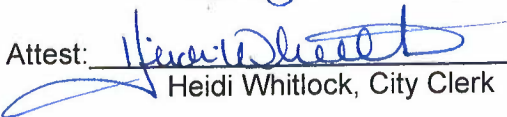
23 These members will serve as the independent Sales Tax Oversight Board to review the
24 expenditure of funds collected pursuant to the tax imposed by this Ordinance.

25 Section 17. TERMINATION DATE. The authority to levy the tax imposed by this
26 Ordinance shall continue until this ordinance is repealed by a majority vote of the voters of the
City, or until it is repealed or suspended or by a majority vote of the City Council.

27 I hereby certify that the City of Susanville Supplemental Transactions and Use Tax
28 Ordinance was PASSED, APPROVED, AND ADOPTED by the People of the City of Susanville
on the 7th day of June, 2022.

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Approved: 
Mendi Schuster, Mayor

Attest: 
Heidi Whitlock, City Clerk

AGENDA ITEM NO. 13.A
Discussion Item

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Heidi Whitlock, Administrative Services

Action Date: February 15, 2023

SUBJECT: Department reports

PRESENTED BY: Dan Newton, City Administrator

SUMMARY: The City Administrator Reports section of the agenda is designed for the Administrator and Department Heads to address the Council on a variety of topics, as needed.

FISCAL IMPACT: None.

ACTION REQUESTED: Information only

ATTACHMENTS:

AGENDA ITEM NO. 14.A
Discussion Item

SUSANVILLE CITY COUNCIL AGENDA ITEM

Submitted By: Heidi Whitlock, Administrative Services

Action Date: February 15, 2023

SUBJECT: Future Council Items

PRESENTED BY: Dan Newton, City Administrator

SUMMARY: Any person may address the Council during Business from the Floor and throughout the City Council agenda's staff reports and agenda items. To encourage public participation in City Council meetings and address items brought forth to the podium by the public, staff has compiled the attached list from the past 3 months of City Council meetings and categorized items brought forth to the podium by date the comment was received, agenda item topic comment was received on, and public comments received during Business from the Floor for Council's review and to help staff prioritize and address public items.

FISCAL IMPACT: None.

ACTION REQUESTED: Informational item with possible direction to staff.

ATTACHMENTS:
[20230215 Items from the Podium.pdf](#)

MEETING DATE

BUSINESS FROM THE FLOOR

- | | |
|------------|--|
| 11/16/2022 | Consider supporting Lassen Senior Services who will no longer be delivering meals to elders in our community due to lack of funding |
| 11/16/2022 | Consider support to Lassen County Fairgrounds grant application to build a community center located at the fairgrounds for various agriculture and community uses. |
| 11/16/2022 | Consider various ideas not cannabis industry related to bring industry into community |
| 11/16/2022 | Consider city participation in Veterans Day Program |
| 12/7/2022 | Consider reaching out to Lassen County Behavioral Health to discuss ideas of how to support homeless population |
| 12/7/2022 | Consider supporting the EAA chapter in their community support efforts and reinvest money received from the sale of the helicopter that was sold from hangar #3 at the airport |
| 12/7/2022 | Consider supporting Lassen Family Services' domestic violence services |
| 1/4/2023 | Consider completing work required to Hangar 3 to allow for public to rent |
| 1/4/2023 | Consider modification of meeting schedule to the Susanville Municipal Airport Commission meeting schedule |
| 1/4/2023 | Consider support to Lassen Family Services Domestic Violence awareness activities and Human Trafficking awareness. |
| 1/18/2023 | Consider providing information on the sale of the helicopter from city owned hangar #3 and the use of funds received. |
| 1/18/2023 | Consider lease of city owned hangar #3 and use of fire department staff and hoses to clean out hangar |
| 1/18/2023 | Consider increasing dog and animal control ordinance within city limits and addressing concerns for vicious dogs within city limits |
| 1/18/2023 | Consider hiring dedicated animal control officer |
| 1/18/2023 | Consider providing an update on city efforts addressing homelessness |
| 1/18/2023 | Consider increasing support to the airport and promote its value for the city's economic development efforts |
| 2/1/2023 | Consider respecting public who speak at podium and having staff and council speak into their microphones |
| 2/1/2023 | Consider breaking down snow berms that remain and are interfering with parking for businesses |
| 2/1/2023 | Consider supporting Lassen Family Services in raising awareness for February as Teen Dating Violence Awareness Month and wearing orange on February 8 |

NEW BUSINESS - PUBLIC COMMENT

- | | |
|------------|---|
| 11/16/2022 | <u>Approved Position List</u>
1. Consider partnership with Lassen Indian Rancheria benefits to the community
2. Consider community draws from similar applicant pool and it would be beneficial to work together versus competing for talent to accomplish similar community goals |
| 12/21/2022 | <u>Gateway Project</u>
1. Consider who will be responsible for snow removal at site |
| 1/18/2023 | <u>Mayor McCourt's Use of Discretionary Funds for Sierra Cascade Banner</u>
1. Consider potential discrimination of banner
2. Consider banner welcoming Sierra Cascade workers would be up during harvest season |

2/1/2023

Community Garden Update

1. Consider LARP's non-profit status and potential financial benefits LARP retains from Farmer's Market
2. Consider potential strings attached for LARPs use of Sierra Road property plans
3. Consider lack of knowledge of diversifying agriculture opportunities within city limits
4. Consider the purpose of the Community Garden which is to create a space for access to opportunity to grow organic food and receive education on gardening in community atmosphere
5. Consider LARP grant funding given to city and little information on LARP grants received and lack of availability to join LARP
6. Consider potential conflicts of interest with councilmember businesses selling LARP members products
7. Consider Airport space for agriculture and community gardening space

CONTINUING BUSINESS - PUBLIC COMMENT

11/16/2022

HUSA

1. Consider historical relationship between the city and HUSA
2. Consider bringing back HUSA assessments and consider benefits, size of assessed district, and economic development contribution
3. Consider vacant lot on Main Street and HUSA's designs to renovate vacant lot
4. Consider efforts of volunteers and those who pay assessments are the ones getting things done
5. Consider uptown district as a prioritization of city and support growth and regeneration of uptown as an attraction
6. Save HUSA to continue events that provide joy to community
7. Consider city council promise to fund district in 2019 and lack of follow through to the commitment to fund assessments not collected.
8. Consider sense of urgency for resurgence of Susanville

12/21/2022

Per Capita Grant - Pump Track Purchase

1. Consider space in which pump track will obtain on public park
2. Consider popularity fo feature and consider how and where users of pump track will enter speed ring for safety concerns

12/21/2022

City Project Priorities

1. Consider hiring a professional to review community to obtain and attract businesses and tourism
2. Consider prioritizing revenue streams to allow more staff to dedicate to projects that increase and create revenues
3. Consider prioritizing projects such as the Connected Communities Project that support increased exposure and tourism in the community based on our recreation

12/21/2022

ARPA Funds

1. Consider using funding towards resurfacing of tennis courts
2. Consider using funds for pickleball court
3. Consider using funds to hire a consultant or professional to provide marketing and economic development guidance
4. Consider spending funding on animal control
5. Consider timber industry and agriculture industry investments as both are resources within our community
6. Consider time constraints of expending funding
7. Consider gathering public input on how funds should be spent while hiring process of economic development person is in recruitment

1/18/2023

HUSA Survey

1. Consider Safe and Sane Halloween event is the only event that is put on by HUSA, other events on the survey are supported by HUSA in some capacity but just take place in the district
2. Consider Council's decision that was made in 2019 to stop collecting assessments from the district
3. Consider providing survey recipients with options for district improvements versus asking for their solutions

FUTURE COUNCIL ITEMS

Update on Charging Station

Discussion regarding MOU with Lassen Historical Society

Discussion on Council goal setting

Discussion regarding American Rescue Plan Act Funding (ongoing)

Discussion regarding city vehicle and equipment surplus auction

Update on Animal Shelter agreement (how many animals, cost of, ect.)

Discussion regarding lack of inventory of affordable low-income housing in support of Lassen Family Services

Discussion on collaboration with Lassen County and Susanville Indian Rancheria and City of Susanville to hire a liaison to collaborate with all three entities

Discussion regarding options to work with community on animal control and animal shelter agreement

Discussion regarding Councilmembers volunteering on projects

Discussion regarding Councilmember trainings

Discussion regarding partnership with Lassen Family Services in efforts to prioritize youth

Discussion regarding Council trainings and nepotism recusal policy trainings

Update on K-9 program

Discussion regarding tier two of shopping cart ordinance

Discussion regarding increased theft within the community and increase council support to police department

Discussion regarding proclamation declaring Susanville as a sanctuary city for the unborn

Discussion regarding bringing Airport Capital Improvement Plan to council earlier in the year

Discussion proving funding to police department facility renovation

Discussion regarding banner permits

Discussion regarding dog ordinance

Discussion regarding ARPA funds and planning of use of funds

Discussion regarding street legal ATV and golf cart ordinance

Discussion regarding Veterans preference in hiring

Discussion regarding city's airport hangar current use as a city storage

Discussion regarding enforcement of shopping cart ordinance

Discussion regarding graffiti

Discussion regarding dog control and nuisance ordinance

Discussion regarding the sale or lease of Diamond Mountain Golf Course

Update on Speed Survey