



STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
AGENDA
SPECIAL MEETING

Lee Adams, District 1

P.O. Box 1 - Downieville, CA 95936 - 530-289-3506 - supervisor1@sierracounty.ca.gov

Peter W. Huebner, District 2

P.O. Box 349 - Sierra City, CA 96125 - 530-565-6055 - phuebner@sierracounty.ca.gov

Paul Roen, Vice-Chair, District 3

P.O. Box 43 - Calpine, CA - 530-565-6048 - supervisor3@sierracounty.ca.gov

Jim Beard, District 4

P.O. Box 1140 - Loyalton, CA 96118 - 530-565-6092 - jbeard@sierracounty.ca.gov

Scott A. Schlefstein, Chair, District 5

P.O. Box 192 - Loyalton, CA 96118 - 530-913-9218 - supervisor5@sierracounty.ca.gov

The Sierra County Board of Supervisors will meet in a special session commencing at **10:00 a.m. on Friday, April 20, 2018 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA.** This meeting will be recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

NOTICE

If requested, this agenda can be made available in appropriate alternative formats to persons with a disability, as required by Section 202 of the Americans with Disabilities Act of 1990 and the Federal Rules and Regulations adopted in implementation thereof. Persons seeking an alternative format should contact the Clerk of the Board for further information. In addition, a person with a disability who requires a modification or accommodation, in order to participate in a public meeting should telephone or otherwise contact the Clerk of the Board as soon as possible and at least 48 hours prior to the meeting. The Clerk of the Board may be reached at 530-289-3295 or at the following addresses:

Heather Foster
Clerk of the Board of Supervisors
County of Sierra
100 Courthouse Square, Room 11
P.O. Drawer D
Downieville, CA 95936
clerk-recorder@sierracounty.ca.gov

All items posted on the agenda, including under correspondence, may be acted upon by the Board of Supervisors. However, matters under committee reports and department manager's reports may be briefly addressed by the Board or Staff but no action or discussion shall be undertaken on any item not appearing on the posted agenda. (GC 54954.2)

The Board of Supervisors may hold a Closed Session as the agenda schedule permits.

REGULAR AGENDA

1. STANDING ORDERS

- Call to Order
- Pledge of Allegiance
- Roll Call
- Approval of Regular Agenda

2. PUBLIC COMMENT OPPORTUNITY

Matters under the jurisdiction of the Board not on this posted agenda may be addressed by the general public during the Public Comment Opportunity time. No action may be taken or substantive discussion pursued on matters not on the posted agenda. Public comment is regulated by the Sierra County Board of Supervisors' Rules and Procedures. You may obtain a copy of the Public Comment rules from the Clerk. The Board limits public comment to three minutes per person and not more than three individuals addressing the same subject.

3. COUNTY COUNSEL - DAVID PRENTICE

- 3.A. Discussion/possible action regarding changes to the legal structure and/or organization of the City of Loyalton.

Documents:

[City of Loyalton.pdf](#)

ADJOURN



REDDING OFFICE
2240 Court Street
Redding, CA 96001
530-691-0800
530-691-0700

FRESNO OFFICE
5424 N. Palm Ave.
Suite 108
Fresno, CA 93704
559-500-1600

MEMORANDUM

TO: Sierra County Board of Supervisors

FROM: David Prentice, County Counsel
Margaret Long, Assistant County Counsel

DATE: April 19, 2018

RE: City of Loyalton

This memorandum is in response to the request for information on what steps the County can take to assist the citizens and employees of Loyalton in light of the recent resignation of a City Council Member, leaving them below quorum.

As background, the City of Loyalton currently has two active City Council members. A deliberative body cannot transact business in absence of a quorum except to adjourn or to handle limited non-substantive matters. As the United States Supreme Court recently explained, “a quorum is the number of members of a larger body that must participate for a valid transaction of business.”¹ For a City Council, that number is three.

Appoint City Council to Create Quorum

The Board of Supervisors cannot appoint, or participate in the appointment, of an individual to a vacant City Council seat.

There is case law, however, that remaining two City Council members can constitute a quorum for the purpose of appointing an individual to a vacant Council seat.²

As a result, the Council must, **within 30 days from the commencement of the vacancy**, either fill the vacancy by appointment or call a special election to fill the vacancy.³ The special election

¹*New Process Steel, L.P. v. Natl. Lab. Rel. Bd.*, 130 S. Ct. 2635 (2010)

² *Nesbitt v. Bolz* (1939) 13 Cal.2d 677; *Price v. Tennant Community Svcs. Dist.*, (1987) 194 Cal. App. 3d. 491.

³ Government § 34902.

shall be held on the next regularly established election date not less than 114 days from the call of the special election.

The County can, and likely should, wait to determine how the Council will proceed.

Board of Supervisors Move for Disincorporation of Loyalton

The other option is for the Board of Supervisors to initiate disincorporation of the City of Loyalton. It should be noted that if the Supervisors do this, the County will ultimately be responsible for the winding up, including the liabilities, of the City.

This does not mean that other territories within the County are responsible for or may not be taxed for the debts or liabilities of the former city.

It does mean that the County would have the administrative responsibility to use funds from the territory of the disincorporated city to pay the debts of the City, and raise money through taxes of the people of the disincorporated city, if necessary.

The process of disincorporation is as follows:

STAGE 1 – INITIATION OF PROCEEDINGS

There are two ways to propose disincorporation of a California city – either by petitioning the area LAFCO or by filing a resolution of application adopted by any “affected local agency,” which would include the city itself, the county, or any special district including a portion of the city.

STAGE 2 – CONSIDERATION BY THE LAFCO

Once the LAFCO has initiated proceedings, it must hold a public hearing within 90 days, which is a mandatory deadline. The commission may continue the hearing for up to 70 days. Within 35 days of concluding the hearing, the LAFCO must either approve or disapprove the proposal by resolution, with or without amendment, including any terms or conditions required by the commission.

STAGE 3 – ELECTION

After the LAFCO endorses a disincorporation proposal, the commission must adopt a resolution ordering the city’s disincorporation, subject to voter approval. However, if the commission determines that a majority of voters in the city have filed written protests against the proposal, a vote is unnecessary, and the proposal is abandoned. If either a majority protest exists or a majority of voters disapprove the proposal in an election, the Act bars reconsideration of a similar proposal for two years, subject to a commission waiver. The election must occur on the next regular election date at least 88 days after adoption of the resolution ordering the election. However, a special election on the matter may be conducted using mailed ballots if authorized by the county elections official.

STAGE 4 – COMPLETION OF PROCEEDINGS

If the voters approve the disincorporation, the LAFCO must issue a certificate of completion confirming its order within 30 days of the election canvass. The commission's executive officer then prepares and files a certificate of completion upon satisfaction of any terms and conditions required in the commission's approval of the disincorporation. The executive officer must file the certificate within 90 days of the election with the county recorder and each affected local agency. If set by the commission, the effective date of an approved disincorporation must be within nine months after the election (but no earlier than the execution date of the certificate of completion). Otherwise, the disincorporation takes effect on the date the certificate of completion is recorded by the county recorder.

Other Actions of the County

Unlike a Special District, the City functions autonomously from the County. As a result, the County does not, and cannot, take over the City's functioning, except as described above.