



**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
MINUTES
REGULAR MEETING**

Lee Adams, District 1

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Peter W. Huebner, District 2

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Paul Roen, Chair, District 3

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Terry LeBlanc, District 4

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Sharon Dryden, Vice Chair, District 5

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on September 6, 2022 in the Board of Supervisors' Chambers, Courthouse, Downieville, CA. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Supervisor LeBlanc

ROLL CALL

Present: Lee Adams, Supervisor, District #1
Peter W. Huebner, Supervisor, District #2
Paul Roen, Supervisor, Chair, District #3
Terry LeBlanc, Supervisor, District #4
Sharon Dryden, Supervisor, Vice Chair, District #5

Staff: Heather Foster, County Clerk-Recorder
Melissa Kinneer, Assistant County Clerk-Recorder
David Prentice, County Counsel
Van Maddox, Auditor/Treasurer Tax Collector
Tim Beals, Director of Planning/Public Works/Transportation/OES
Lea Salas, Director of Behavioral Health
Vickie Clark, Director of Health and Social Services

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APPROVAL OF THE CONSENT AGENDA

At the request of the Assistant Clerk-Recorder, Consent Agenda Item 10.G. was pulled from the agenda.

10.G. Minutes from the regular meeting held on July 19, 2022. (CLERK OF THE BOARD)

The Board moved to approve the Consent Agenda as amended.

APPROVED as amended. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

10. CONSENT AGENDA

10.A. Resolution adopting wage tables for the County of Sierra and Special Revenue Funds. (AUDITOR)

ADOPTED, Resolution 2022-097

10.B. Resolution approving the Memorandum of Understanding between the County of Sierra and Intercept offender Monitoring for electronic monitoring services and authorization for the Chief Probation Officer to sign the Agreement. (PROBATION)

ADOPTED, Resolution 2022-098 and **APPROVED**, Agreement 2022-112

10.C. Resolution approving Tulare County Agreement No. 230324 to provide funding to implement Friday Night Live (FNL) programs in Sierra County and authorizing the Behavioral Health Administrative Director to sign the agreement and all invoices to secure funds. (BEHAVIORAL HEALTH)

ADOPTED, Resolution 2022-099 and **APPROVED**, Agreement 2022-113

10.D. Resolution rescinding Resolution 2020-084 and updating solid waste transfer station gate fees in light of the updated per cubic yard fee set forth in Resolution 2022-079. (PUBLIC WORKS)

ADOPTED, Resolution 2022-100

10E. Resolution adopting findings and authorizing appointment of retired annuitant to a temporary position. (PERSONNEL)

ADOPTED, Resolution 2022-101

10.F. Minutes from the regular meeting held on August 2, 2022. (CLERK OF THE BOARD)

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APPROVAL OF THE REGULAR AGENDA

The Board moved to approve the Regular Agenda.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:01 Chair Roen opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams reported that the RCRC Board of Directors annual meeting will take place next week, with members from the Connected Communities presenting information on their project.

Chair Roen reported that the Sierra Nevada Conservancy will be meeting next week in Shasta County.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Sheriff reported on a recent search and rescue operation within the county.

The Auditor reported on the recommendation from the Finance Committee to adopt the final budget at the September 20th meeting in Loyalton.

The Director of Public Works provided an article to the Board from California County News, ranking Sierra County number one for residents of advanced age and further reported on the completion of the stairway railing project in the courthouse and on the cooling centers opened in both Downieville and at the Pliocene Ridge School.

The Director of Behavioral Health provided a brief update to the Board on the passing of Senate Bill 1338, (CARE) Court Program.

The Director of Social Services reported on the grant application submitted to AT&T for IT technology courses for seniors and disabled individuals; on surge capacity contracts with local nurses to deal with infectious diseases; on the upcoming Calpine Marketplace family fun fest; and on booster vaccination availability and clinics.

Supervisor Dryden commented on the AT&T grant and on the need for additional aging services for both the west and east side populations.

5. FOREST SERVICE UPDATE

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Yuba River District Ranger Lon Henderson provided an update on high fire danger impacting the Yuba Pass Meadow Restoration and Pliocene Ridge Road projects; fires on the district; status of recreation and patrol activities; the hazard tree program bids received for the Chapman and Ramshorn campgrounds; the transfer of the Graveyard timber sale; and on the North Yuba Landscape Resilience project.

Chair Roen inquired on the location of the Graveyard timber sale.

Ranger Henderson stated that the project is in both Sierra and Yuba counties, surrounding the town of Camptonville.

The Director of Public Works inquired on the anticipated date of completion for the two campgrounds managed by the National Forest Foundation; the status of fire engines located on the west side of the county; and on staffing at the North Yuba Ranger Station in Camptonville.

In response to the Director's inquiry, Ranger Henderson commented that the Chapman and Ramshorn campground projects are proactively moving forward; that all engines on the Tahoe National Forest are fully staffed; and that staff is onsite at the North Yuba Ranger Station in Camptonville.

Sierraville District Ranger Rachel Hutchinson provided an update on high fire danger impacting projects on the district; staffing; and on the second phase of the Smithneck WUI project.

Chair Roen expressed gratitude to Ranger Hutchinson and staff for the cross training happening on the Sierraville district.

Supervisor LeBlanc inquired on the status of campground hosts, radio communication, and fire restrictions at the Jackson Meadows campground.

Ranger Hutchinson clarified that Jackson Meadows is under the Sierraville Ranger District jurisdiction and further reported on the status of campground hosts and current regulations on campfires.

Item 3. Committee Reports Continued.

Supervisor Dryden reported on the recent California Department of Fish and Wildlife meeting held in Sierra Brooks and the tour of the east side of the county attended by representatives of Assemblywoman Megan Dahle's office. Supervisor Dryden further expressed gratitude to Sierraville District Ranger Rachel Hutchinson for the fuels management work on the Smithneck project.

6. HEALTH & SOCIAL SERVICES - VICKIE CLARK

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- 6.A. Approval of new Epidemiologist job description and position to be added under Public Health.

The Director of Social Services provided background on the Epidemiologist position and requested that the job description be approved as presented. The Director further commented that a budget adjustment and request for authorization to hire the position will be presented at the September 20th meeting.

Brief discussion ensued with Board.

After brief discussion, the Board moved to approve the new Epidemiologist job description and position to be added under Public Health.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

7. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

- 7.A. Discussion and direction on the Federal Community Wildfire Defense Grant program with a due date for applications of October 7, 2022 and making preparations (budgetary and administrative) to increase County Forester budget and provide authority to retain additional consultants accordingly.

The Director of Public Works provide background to the Board on the significant federal funding available per project, requiring a match and on the extensive, professional consultant help needed in preparing the application. The Director further expressed concerns over the Greene Acres project and current protection for the communities and reported on the opportunity for the County to become proactive on the necessary preparations and safety measures, utilizing its own grant.

Chair Roen clarified that state funds may not be used within 100 feet of residences and that federal funding has no constraints.

Discussion ensued with the Board.

The Director reported on the short timeframe to submit the application to the proper agency; the need to increase the County Forester budget; the potential new costs associated with additional consultants in preparing the application; the management and administration of the grant; the involvement of the Forest Service; and the source of funding to provide the match.

Discussion ensued with the Board.

Supervisor Adams expressed support to the Director on his efforts of securing the grant funding and on his concerns over the worsening fire seasons.

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The Director reported that the project would require planning and implementation and that the County Forester should be capable of working alongside county staff in putting together a competitive application.

Considerable discussion ensued with Board.

The Board authorized the Director to work with the County Forester on preparing the application for Federal Community Wildfire Defense Grant program funding and to present the application and budget at a future meeting.

7.B. Presentation of bids and adoption of resolution for award of Public Works Contract to Judd Buick Construction, Inc. for the Loyaltan Complex Fire 2020 Road Damage Repair Project.

Deputy Director of Transportation Bryan Davey indicated that the lowest bid received for the project was rejected due to inconsistencies and further requested that the Board approve the second lowest bid received from Judd Buick Construction, Inc.

Brief discussion ensued with the Board.

The Board moved to adopt the resolution for award of Public Works Contract to Judd Buick Construction, Inc. for the Loyaltan Complex Fire 2020 Road Damage Repair Project.

ADOPTED, Resolution 2022-102 and **APPROVED**, Agreement 2022-114 Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

9. TIMED ITEMS

9.A. 10:00AM PUBLIC HEARING - SHORT-TERM RENTAL ORDINANCE
Conduct public hearing on a County-initiated Zone Amendment to adopt a new Short-Term Rental Ordinance and introduction and waive first reading of an ordinance to amend Sierra County Code Chapter 15.08 to add definitions, and add subsection .060 to Chapter 15.10 pertaining to policies on Short Term Rentals.

The Director of Planning provided background on discussions held at the Planning Commission and staff levels including: feedback received from property owners regarding issues involved in the proper maintenance and use of properties being utilized as short-term rentals; criticism received regarding regulatory oversight by the County for nuisance and occupancy complaints; the extensive research performed by County staff on neighboring county's policies and regulations for short-term rentals; state law surrounding Accessory Dwelling Units (ADU's), prohibiting occupancy for a period of less than 30 days; concerns over the lack of rental opportunities available to the community; and on the current number of short-term rentals located within the County.

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The Director further commented on the ordinance having no effect on campgrounds, hotels and Bed and Breakfast's authorized under permit.

Supervisor Adams expressed gratitude to the Planning Commission on their efforts and hard work on preparing the ordinance.

At 10:18 a.m. Chair Roen opened the public hearing.

The Clerk entered the following documents into the record:

- Exhibit 1 – September 6, 2022 Board of Supervisors Record of Proceedings and attached Planning Commission Record
- Exhibit 2 – Board of Supervisors Public Hearing Notice with attachments
- Exhibit A – Email dated August 28, 2022 from Devan Rosdahl in opposition of the short-term rental ordinance
- Exhibit B – Email dated September 4, 2022 from Paul Guffin in opposition of the short-term rental ordinance
- Exhibit C – Email dated September 5, 2022 from Jamie Schmidt in opposition of the short-term rental ordinance
- Exhibit D – Email dated September 6, 2022 from Tobias Young in opposition of the short-term rental ordinance
- Exhibit E - Email dated September 5, 2022 from Adrienne Anila in opposition of the short-term rental ordinance
- Exhibit F – Email dated September 6, 2022 from Janice Eggers in opposition of the short-term rental ordinance
- Exhibit G – Email dated September 6, 2022 from Joe Graney in opposition of the short-term rental ordinance

Public comment was received by Debbie and Brad Stocking expressing concern over the language surrounding the two-year property ownership requirement and on the potential negative impacts to the pending sale of their property if the proposed ordinance were to be adopted.

Discussion ensued with Board.

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Mr. Stocking further expressed concern over the proposed language in Section J. Violations, Paragraph 3 of the ordinance pertaining to the Planning Director or designee having the authority to suspend or revoke a short-term rental administrative permit at any time.

In response to Mr. Stocking's inquiry County Counsel clarified that it is a remedy for violations.

Supervisor Adams requested clarification on the two-year ownership requirement.

Deputy Director of Planning Brandon Pangman clarified that the Planning Commission's primary reasons behind the two-year property ownership restriction requirement in the ordinance were the nuisance complaints received from property owners and that short-term rentals are directly competing with affordable housing in the communities.

Discussion ensued with the Board.

The Auditor reported on the hardships of collecting Transient Occupancy Tax (TOT) on short-term rentals.

Discussion ensued with the Board.

Mr. Stocking further expressed concern over the proposed language in Section E. Short-Term Rental Permit Application Process, Paragraph 8 regarding the number of required septic inspections.

Supervisor Adams clarified that the requirement is only for properties with official limitations.

Discussion ensued with the Planning Director and Board.

Supervisor Adams commented on the differences between short and long term rentals on the reasonable standards being set forth in the ordinance.

Continued discussion ensued with the Board.

Public comment was received from Jamie Schmidt, Sierraville property owner, in opposition of the proposed ordinance and on the requirements surrounding Accessory Dwelling Units (ADU's).

Deputy Director Pangman reported on the changes to state law surrounding Accessory Dwelling Units (ADU's) passed by the Governor and State Legislature as an

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effort to fix the affordable housing crisis in California and further clarified that areas zoned as R2 and R3 would be excluded from operating short-term rentals.

Public comment was received by Tobias Young, Sierra City property owner, in opposition of the proposed ordinance due to the impacts to the local economy; tourism; garbage requirements; snow removal; and restrictions for the placement of BBQ's on properties being utilized as short-term rentals.

Discussion ensued with the Board.

Public comment was received by Lynn Spaulding, Downieville property owner, in favor of the proposed ordinance due to short-term rental noise nuisances; exceeding occupancy limits; the need for septic regulations due to environmental impacts on rivers; and on the hardships for long-term occupancy within the county.

Discussion ensued with the Board.

Public comment was received from Connie Johnson, Downieville property owner, in opposition of the proposed ordinance due to the potential impacts on the local communities including revenue for businesses and lack of collection of Transient Occupancy Tax (TOT).

Considerable discussion ensued with the Board.

Supervisor Huebner commented on the numerous nuisance complaints received from property owners and further expressed gratitude to the Planning Department and Planning Commission on their efforts on bringing the ordinance forward for consideration.

Supervisor Dryden commented on the unintended consequences surrounding short-term rentals and expressed concerns over the burden to property owners and County staff in applying and administering administrative permits and on the establishment and assessment of fees. Supervisor Dryden further expressed gratitude to the Planning Commission on the countless hours spent on drafting the ordinance.

Public comment was received by Jason Hall, Downieville property owner, in opposition of the proposed ordinance due to the impacts and hardships to homeowners for long-term versus short-term rentals; the associated costs for repairs on long-term properties; the impact on the revenue brought into the communities; and on the effect on housing values.

Supervisor Adams commented on the intent and reasonable controls set forth in the ordinance; the requirements on septic; the revenue brought in from Transient Occupancy Tax (TOT) to offset fire, ambulance, emergency, deputies, events, and Chamber of Commerce.

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Discussion ensued with the Board.

At 12:09 p.m. Chair Roen continued the matter to September 20th in Loyalton at 11:00 am.

- 7.C. Resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding of a purchase and installation of new a generator at the Downieville Courthouse, as well as directing inclusion of the grant budget in the Fiscal Year 22-23 budget.

The Board moved to adopt the resolution authorizing and approving the grant application filed with USDA Emergency Rural Health Care Grants for funding of a purchase and installation of new a generator at the Downieville Courthouse, as well as directing inclusion of the grant budget in the Fiscal Year 22-23 budget.

ADOPTED, Resolution 2022-103. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.D. Discussion/adoption of resolution waiving formal bidding, approving a budget amendment, and authorize purchase of a courthouse generator.

Deputy Director of Transportation Bryan Davey provided a brief update to the Board on the item.

Brief discussion ensued with the Board.

After brief discussion, the Board moved to adopt the resolution waiving formal bidding, approving a budget amendment, and authorize purchase of a courthouse generator.

ADOPTED, Resolution 2022-104. Motion: Dryden/LeBlanc/Unanimous Roll Call Vote: 5/0

- 7.E. Resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding of the purchase of two new truck mounted snowplows, as well as directing inclusion of the grant budget in the Fiscal Year 22-23 budget.

Deputy Director of Transportation Bryan Davey provided brief background to the Board on the item.

The Board moved to adopt the resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding of the purchase of two new truck mounted snowplows, as well as directing inclusion of the grant budget in the Fiscal Year 22-23 budget.

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ADOPTED, Resolution 2022-105. Motion: Dryden/Huebner/Unanimous Roll Call Vote: 5/0

- 7.F. Resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding toward the Downieville Community Hall Renovation Project, as well as directing inclusion of the grant budget in the Fiscal Year 2022-23 budget.

Deputy Director of Transportation Bryan Davey provided background to the Board on the application submitted for rural health care funding and on the County's eligibility to apply for the grant as the facility is utilized as a COVID-19 testing and vaccination site. Deputy Director Davey further reported that the ADA access to the stage would be eliminated if the funding were to run out.

Supervisor Adams expressed gratitude to the Director and Deputy Director Davey on their efforts on submitting the grant application and further requested clarity from the Auditor on the numbers outlined in the resolution.

In response to Supervisor Adams' inquiry, the Auditor recommended the Board approve the resolution as written.

Deputy Director Davey reported on the funding sources for the project including \$200,000 from Proposition (Prop) 68; \$86,000 from the Parks and Recreation Budget; \$75,000 donation from the Downieville Improvement Group (DIG); \$50,000 donation from the Western Sierra Residential Center; and \$221,347 from the USDA Grant.

Discussion ensued with the Board.

After brief discussion, the Board moved to adopt the resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding toward the Downieville Community Hall Renovation Project, as well as directing inclusion of the grant budget in the Fiscal Year 2022-23 budget.

ADOPTED, Resolution 2022-106. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.G. Resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding toward the Sierraville Community Center Renovation Project, as well as directing inclusion of the grant budget in the Fiscal Year 2022-23 budget.

The Board moved to adopt the resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding toward the Sierraville Community Center Renovation Project, as well as directing inclusion of the grant budget in the Fiscal Year 2022-23 budget.

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ADOPTED, Resolution 2022-107. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.H. Resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding of the purchase of new road paint striping machine, as well as directing inclusion of the grant budget in the Fiscal Year 22-23 budget.

Deputy Director of Transportation Bryan Davey provided a brief update to the Board on the item.

The Board moved to adopt the resolution authorizing and approving grant application filed with USDA Emergency Rural Health Care Grants for funding of the purchase of new road paint striping machine, as well as directing inclusion of the grant budget in the Fiscal Year 22-23 budget.

ADOPTED, Resolution 2022-108. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.I. Discussion/adoption of resolution waiving formal bidding, approving a budget amendment and authorizing the purchase of a paint striper.

The Board moved to adopt the resolution waiving formal bidding, approving a budget amendment and authorizing the purchase of a paint striper.

ADOPTED, Resolution 2022-109. Motion: Huebner/Adams/Unanimous Roll Call Vote: 5/0

- 7.J. Introduction and waive first reading of an ordinance amending Part 11, Chapter 08, Section 010 of the Sierra County Code to establish a 15 mile per hour speed limit on three roads in Sierra City, which recently were acquired/added to the County Road System; Ostrom Way, 49er Drive, and Old Highway 49.

The Board moved to waive the first reading of an ordinance amending Part 11, Chapter 08, Section 010 of the Sierra County Code to establish a 15 mile per hour speed limit on three roads in Sierra City, which recently were acquired/added to the County Road System; Ostrom Way, 49er Drive, and Old Highway 49.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.K. Adoption of an Urgency Ordinance adding Part 150, Chapter 11, Section 05 to Sierra County Code to implement weight restrictions on the Pearl Street (Hansen) Bridge, 13C0003, due to a crack in one of the timber stringers in the truss span of Bridge discovered by the Load Rating Branch, California Department of Transportation.

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Deputy Director of Transportation Bryan Davey briefly introduced the item to the Board.

After brief discussion, the Board moved to adopt an Urgency Ordinance adding Part 150, Chapter 11, Section 05 to Sierra County Code to implement weight restrictions on the Pearl Street (Hansen) Bridge, 13C0003, due to a crack in one of the timber stringers in the truss span of Bridge discovered by the Load Rating Branch, California Department of Transportation.

ADOPTED, Ordinance 1114. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

8. BOARD OF SUPERVISORS

- 8.A. Discussion/authorization to enter into a land use agreement with the US Forest Service for placement of helicopter dip tanks on county property located at Dearwater Field, Sierraville and Smithneck Road, Loyalton. (CHAIR ROEN)

Chair Roen provided background to the Board on the item.

The Board moved to approve the land use agreement with the US Forest Service, as approved by County Counsel, for placement of helicopter dip tanks on county property located at Dearwater Field, Sierraville and Smithneck Road, Loyalton and authorized the Chair or Director of Public Works to sign.

APPROVED, Agreement 2022-115. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 8.B. Resolution establishing allocation amounts under PL 117-58 – Extension of the Secure Rural Schools and Community Self Determination Act of 2000 (SRS Act) for allocation to local projects under Title II and Title III respectively. (CLERK OF THE BOARD)

Supervisor Adams and Chair Roen inquired on the allocation amounts for Title II and Title III.

The Director of Public Works responded that the County must allocate 15 percent to 20 percent of its share to Title II, Title III, or a combination of both, except that the allocation for the Title III projects may not exceed 7 percent.

Brief Discussion ensued by the Board.

After brief discussion, the Board moved to adopt the resolution allocating 8 percent to Title II and 7 percent to Title III under PL 117-58 – Extension of the Secure Rural Schools and Community Self Determination Act of 2000 (SRS Act).

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ADOPTED, Resolution 2022-110. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

8.C. Discussion/action regarding conducting meetings of the Sierra County Board of Supervisors in accordance with AB 361 and Sierra County Resolution 2021-140. (CLERK OF THE BOARD)

By consensus, the Board directed continuing to conduct hybrid meetings of the Sierra County Board of Supervisors in accordance with AB 361 and Sierra County Resolution 2021-140.

ADJOURN

At 12:34 p.m., with no further business, Chair Roen adjourned the meeting.

PAUL ROEN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

MELISSA KINNEER
ASSISTANT CLERK OF THE BOARD