

**Sierra County
Board of Supervisors'
Agenda Transmittal &
Record of Proceedings**

MEETING DATE: August 16, 2016	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
DEPARTMENT: Clerk-Recorder APPROVING PARTY: Heather Foster PHONE NUMBER: 530-289-3295	

AGENDA ITEM: Minutes from the regular meeting held on July 19, 2016.	
SUPPORTIVE DOCUMENTS ATTACHED: <input type="checkbox"/> Memo <input type="checkbox"/> Resolution <input type="checkbox"/> Agreement <input type="checkbox"/> Other Minutes	
BACKGROUND INFORMATION:	
FUNDING SOURCE: GENERAL FUND IMPACT: No Additional General Fund Impact OTHER FUND: AMOUNT: \$ N/A	
ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- <input checked="" type="checkbox"/> No	IS THIS ITEM ALLOCATED IN THE BUDGET? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No IS A BUDGET TRANSFER REQUIRED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

SPACE BELOW FOR CLERK'S USE

BOARD ACTION: <input type="checkbox"/> Approved <input type="checkbox"/> Approved as amended <input type="checkbox"/> Adopted <input type="checkbox"/> Adopted as amended <input type="checkbox"/> Denied <input type="checkbox"/> Other <input type="checkbox"/> No Action Taken	<input type="checkbox"/> Set public hearing For: _____ <input type="checkbox"/> Direction to: _____ <input type="checkbox"/> Referred to: _____ <input type="checkbox"/> Continued to: _____ <input type="checkbox"/> Authorization given to: _____	Resolution 2016- _____ Agreement 2016- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS: 	
CLERK TO THE BOARD _____	DATE _____



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

Lee Adams, Chair, District 1

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

Peter W. Huebner, Vice-Chair, District 2

P.O. Box 349 - Sierra City, CA 96125 - 530-862-1004 - supervisor2@sierracounty.ca.gov

Paul Roen, District 3

P.O. Box 43 - Calpine, CA - 209-479-2770 - supervisor3@sierracounty.ca.gov

Jim Beard, District 4

P.O. Box 1140 - Loyalton, CA 96118 - 530-414-8126 - jbeard@sierracounty.ca.gov

Scott A. Schlefstein, District 5

P.O. Box 192 - Loyalton, CA 96118 - 530-993-4900 - supervisor5@sierracounty.ca.gov

The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on July 19, 2016 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Supervisor Huebner

ROLL CALL

Present: Lee Adams, Supervisor, Chair, District #1
Peter W. Huebner, Supervisor, Vice-Chair, District #2
Paul Roen, Supervisor, District #3
Jim Beard, Supervisor, District #4
Scott A. Schlefstein, Supervisor, District #5

Staff: Heather Foster, County Clerk-Recorder
David Prentice, County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
Darden Bynum, Director of Health and Human Services
Jeff Bosworth, Chief Probation Officer
Tim Standley, Sheriff-Coroner

July 19, 2016

APPROVAL OF CONSENT AGENDA

The Board moved to approve the Consent Agenda.

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

11. CONSENT AGENDA

11.A. Agreement between The Regents of the University of California, UC Davis Extension and Sierra County for skills training courses provided in fiscal year 2016-2017. (SOCIAL SERVICES)

APPROVED, Agreement 2016-080

11.B. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Billy & Kathleen Epps, Applicants and Landowners for consideration of a zone variance from the front yard setback to allow the placement of a single family residence. The project site, identified as APN 002-130-028, is located on Gold Bluff Road, Downieville. (PLANNING)

APPROVED, Agreement 2016-081

11.C. Amendment to Professional Services Agreement 97-068 with Bastian Engineering to increase compensation for Fiscal Year 2016. (PUBLIC WORKS)

APPROVED, Agreement 2016-082

11.D. Amendment to Professional Services Agreement 2014-097 with MGE Engineering for time extension on the Plumbago Bridge Replacement Project. (PUBLIC WORKS)

APPROVED, Agreement 2016-083

11.E. Amendment to Professional Services Agreement 2014-096 with MGE Engineering for time extension on the Packer Lake Road Bridge Replacement Project. (PUBLIC WORKS)

APPROVED, Agreement 2016-084

11.F. Amendment to Professional Services Agreement 2014-095 with MGE Engineering for time extension on the Salmon Lake Road Bridge Replacement Project. (PUBLIC WORKS)

APPROVED, Agreement 2016-085

July 19, 2016

11.G. Amendment to the Alleghany County Water District Conflict of Interest Code. (CLERK OF THE BOARD)

APPROVED, Agreement 2016-086

11.H. Resolution approving contract for HAVA Section 301 Voting Systems Program Grant Funds. (ELECTIONS)

ADOPTED, Resolution 2016-076

APPROVED, Agreement 2016-087

11.I. Minutes from the regular meeting held on February 16, 2016. (CLERK-RECORDER)

11.J. Minutes from the regular meeting held on July 5, 2016. (CLERK-RECORDER)

APPROVAL OF REGULAR AGENDA

At the request of Chair Adams, Correspondence Item 12.A. was moved to the Regular Agenda as Item 7.B.

12.A. Sierra County Grand Jury Final Report 2015/2016.

The Board moved to approve the Regular Agenda as amended.

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

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:04 a.m. Chair Adams opened the public comment opportunity.

Ms. Pam Saporta, Pike expressed concerns with the equity of the solid waste system in the County as she doesn't generate much waste and recycles. Ms. Saporta further suggested the Board reconsider a gate fee system to encourage people to conserve waste and to have a much more equitable system.

Mr. Richard Featherman, Goodyears Bar referred to the solid waste transfer stations noting there is enough metal in the metal bin to cover expenses. Mr. Featherman also suggested having a "picker" at the landfill to pull some of the recyclables out of the bins.

July 19, 2016

Mr. Featherman continued to express concerns with the arsenic in the water in Downieville and suggested piping the system into the Downie River rather than Pauley Creek in order to have good water.

At 9:07 a.m. Chair Adams closed the public comment opportunity with no further persons addressing the Board.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Chief Probation Officer reported that Governor Brown has established this week as Probation Services Week and also nationally it is Pretrial, Probation and Parole Services Week. The Chief Probation Officer further read the Governor's proclamation and provided an overview of the Probation Department.

The Sheriff reported on the grant for bullet resistant vests and a new deputy with a resident post within the City of Loyalton slated to start on the July 25th.

The Director of Health and Human Services reported on the new emerging position of Peer Support Staff in Health and Human Services.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Roen thanked Supervisor Huebner for sitting in for him on the Natural Resources Standing Committee meeting held on July 18, 2016 as he had a conflict meeting in Sacramento with the Farm Bureau.

5. FOREST SERVICE UPDATE

Sierraville District Ranger Quentin Youngblood reported on the current fire season and various other projects and events going on within the district.

6. PUBLIC WORKS / TRANSPORTATION - Tim Beals

- 6.A. Presentation of bids and adoption of resolution awarding contract for the Jim Crow Road Bridge Rehabilitation Project.

The Director of Public Works introduced the item, explaining this project is a Federal Bridge Replacement project which is 90% funded by Federal Bridge Replacement funds and STIP dollars provided by the Local Transportation Commission as a match. Bids were solicited, plans approved, and the apparent low bid received was over a half million over budget. The Director continued to explain they have an allocation that is made and is secure. The additional \$500,000 needed to execute this project is in the process of being amended to be included in the State Regional Transportation Improvement Plan and the Caltrans E76 letter that is the authority for funding will be issued within the next 60 to 90 days.

July 19, 2016

The Director added that the County is in a situation to either award the contract based on the E76 letter being executed or reject the bids. He met with the Transportation Planner in Marysville last week and there is no doubt in his mind that the additional funding will be allocated and the E76 letter will be issued. The issue is the County currently doesn't have sufficient funding to cover this project but we will have it within the next 60 to 90 days. He is asking the Board to take a risk and authorize the award of the bid on the basis that the additional funding will be forthcoming through Caltrans through the E76 process. He could also request the contractor to hold the bid for an additional 30 to 45 days, however the County needs to start the project this year or we will lose the season and go into next year which will probably affect the total cost of the bid.

Chair Adams questioned what happens if they take the chance and then the state doesn't fund this.

The Director responded worst case scenario the County would have to terminate the contract or accept paying the additional funding. He believes the safer way to go is to request the contractor to extend the bid for 30 days.

Supervisor Roen questioned why there is such a stark contrast between the engineering costs and the bids.

The Director indicated he wasn't sure, but they did run into some issues that were not in the engineer's report, however this did not rise to the additional half million. The bottom line is the overage is a high number and he can't explain it.

The Director added the risk is low and if we don't do this we would have to forfeit the process, rebid the project and the cost of the project will go up.

Following further discussion, the Board authorized the Director to make the request of extension of the bid from the apparent low bidder and continue this item to the August 2, 2016 Board meeting or a special meeting if necessary.

7.B. Sierra County Grand Jury Final Report 2015/2016. **(Correspondence Item 12.A.)**

Following a brief introduction by Chair Adams, the Board directed adding an item regarding a response to the Sierra County Grand Jury Report to the August 2, 2016 Board meeting agenda.

8. COUNTY SERVICE AREA BOARD OF DIRECTORS
Meeting of the County Service Area (CSA) Board of Directors.

At 9:39 a.m., Chair Adams recessed the Regular Board meeting and reconvened as the County Service Area Board of Directors.

July 19, 2016

At 9:40 a.m., Chair Adams adjourned as the County Service Area Board of Directors and reconvened as the County Board of Supervisors with all members present.

7. BOARD OF SUPERVISORS

- 7.A. Discussion/action regarding recommendation from Natural Resources, Planning & Building Inspection Standing Committee regarding marijuana ordinance. (CHAIR ADAMS)

Chair Adams provided background on the meeting, noting the Committee reviewed two draft ordinances written by County Counsel and received a number of comments from members of the public and the attorney for the Sierra County Growers Association desiring expansion of the ordinance beyond the state personal grow limits. The Committee also received an email from Ms. Pam Saporta commenting on the draft ordinance which is what the Committee wanted to see as opposed to other comments received to expand beyond the state personal grow and consider licensing.

Chair Adams added that this process has taken on a life of its own and he believes we are at an impasse at this point and his district is very divided on this issue. The Committee was hoping to get the proposed ordinances for submittal to the ballot to the Board by August 2nd. He also thinks the Committee process is no longer the best at this time and is willing to have a special meeting just to deal with this if necessary.

Supervisor Roen concurred with Chair Adams comments.

Supervisor Schlefstein noted he is curious as to what the big obstacle is, is there a particular element to the ordinance that everyone is objecting to.

Chair Adams noted many are objecting to limiting to 10 plants x 2 or only 3 plants outside. As he understands it the state allows them to go up to 100 square feet for personal grows and in order to go over 100 square feet they have to be licensed by the county or state. So the questions comes down to whether the Board wants to expand beyond where they have gone already.

Mr. Russell Rosewood, Calpine indicated he is not a medical marijuana user, doesn't sell buy or grow and very seldom uses the weed, he doesn't care about large grows which seems to be everyone's real concern. He is standing here for the individual property tax paying homeowner who may need to grow their own medicine. He understands that by law they can grow a 10 x 10 patch of medical marijuana assuming they have a medical recommendation. This ordinance is endeavoring to steal an individual person's right to grow their own medicine on their own property that they pay taxes for. He believes the entire Board should be listening to the people's needs.

Chair Adams commented that he doesn't believe any member of the Board is set on a 10 plant count, rather what they are quibbling over is how much to allow on what

July 19, 2016

size parcels. He is in agreement if the Board wants to change this to 100 square feet on over 2 acres and then discuss how much to allow on smaller parcels. He completely understands where Mr. Rosewood is coming from, but not everyone shares his opinion and he is trying to come up with a process that allows for some growing but not necessarily over impacting a neighbor's desire. What the Board has been stating is they would like to limit this to the state standards for personal grows and so far the Board hasn't had an interest for licensing.

In response to Mr. Rosewood's inquiry, Chair Adams noted the state allows every county to decide what the standards are going to be, it can't be more liberal than the state standards, but it can be less restrictive through zoning which is what the Board is doing.

Supervisor Schlefstein referred to Ms. Saporta's letter noting there are some valid points and he thinks the Board can make some of these adjustments and then submit to this to the voters.

Chair Adams suggested getting the consensus of the Board on what they would like changed so County Counsel can prepare the draft ordinance.

County Counsel reviewed some of the changes they are making based on what was requested at the Committee meeting including providing language that clarifies only the owner of a parcel may seek a permit; clarify the word premises and the difference between premises and living on a parcel with respect to where you can grow; define fencing requirements so people know what an adequate fence is; further clarify the lighting requirements; review sections G.1. and G.2. in order to make sure these sections are not in conflict; define local delivery versus commercial delivery; change the setbacks to allow more parcels to grow when they are small parcels; provide for hardship variances and provide for due process procedures if denied; look at the penalty and make sure violations of the ordinance are assessed a reasonable penalty that is enforceable; and include a clear statement that clarifies peoples protection under the 4th Amendment.

Following further discussion, Chair Adams questioned if it seems reasonable to have this on the next agenda and if there are any issues the Board can hold a special meeting to meet the August 12th deadline for the November ballot.

County Counsel added that there may be some additional suggestions presented at the August 2nd meeting as his staff will be speaking with the Sierra County Growers Association's attorney in an effort to get all of the ideas on the table.

The Director of Planning indicated there was some discussion during the Committee meeting regarding having specific language to address certain zoning districts where the issue would be precluded including aviation district, the Business Park, industrial, etc. along with land uses including mobile home parks, travel parks, multi-family residential, etc.

July 19, 2016

County Counsel indicated he will work with the Director on these issues and make sure this gets into the draft.

Ms. Pam Saporta, Pike thanked the Board for listening to her suggestions. Ms. Saporta also referred to Chair Adams' comment during the Committee meeting regarding being elected by his district but serves the entire county, noting she doesn't believe that was known to all in the room and makes his actions more reasonable to her.

Ms. Saporta also questioned if there is some incentive from the state to the counties that has caused the county to prohibit commercial growing.

Chair Adams responded that from his viewpoint it is just the opposite, the state has given this authority to the counties to do with this what they like. This truly is a land use issue left up to the local community standards and the problem the Board has is when there isn't a consensus and you have a 60-40 split, how do you meet everyone's needs.

Ms. Saporta added the Sierra County Growers Association plans to move forward through legal and political means and they do not speak for everyone who grows marijuana. Ms. Saporta continued to express concerns with not allowing commercial grows and would ask the Board to continue to look at the cottage growing issue.

Chair Adams indicated that Ms. Sarah Grew's letter regarding her request for expansion of what the Board has considered so far has been sent to the full Board.

Ms. Becky Kinkead, Loyalton commented on commercial grows, noting 61% of the residents have already voiced their opinion on this and from her perspective it is a moot point.

Chair Adams indicated this matter will be back on the August 2, 2016 Board meeting agenda.

9. TIMED ITEMS

9.A. 10:00AM BOARD OF EQUALIZATION Meeting of the Sierra County Board of Equalization

At 10:26 a.m., Chair Adams recessed the Regular Board meeting and reconvened as the Sierra County Board of Equalization.

At 10:28 a.m., Vice-Chair Adams recessed the Board of Equalization meeting and reconvened as the Sierra County Board of Supervisors with all members present.

July 19, 2016

10. CLOSED SESSION

10.A. Conference with Legal Counsel-Anticipated Litigation pursuant to Government Code section 54956.9 (2)-2 cases.

The Board met in closed session from 10:29 a.m. to 11:30 a.m. County Counsel reported out of closed session noting information was given to the Board on the first matter of anticipated litigation and direction was given to staff on the second matter of anticipated litigation.

12. CORRESPONDENCE LOG

12.B. Letter from Diane Schermerhorn resigning from the Cemetery District #5.

ADJOURN

At 11:31 a.m., with no further business, Chair Adams adjourned the meeting.

LEE ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD