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

MEETING DATE: September 6, 2016	**TYPE OF AGENDA ITEM:** ☐Regular ☐Timed ☒Consent

DEPARTMENT: Clerk-Recorder
APPROVING PARTY: Heather Foster
PHONE NUMBER: 530-289-3295

AGENDA ITEM: Minutes from the regular meeting held on June 7, 2016.

SUPPORTIVE DOCUMENTS ATTACHED: ☐Memo ☐Resolution ☐Agreement ☒Other
Minutes

BACKGROUND INFORMATION:

FUNDING SOURCE:
GENERAL FUND IMPACT: No Additional General Fund Impact
OTHER FUND:
AMOUNT: $ N/A

ARE ADDITIONAL PERSONNEL REQUIRED? ☐Yes, -- -- ☒No	**IS THIS ITEM ALLOCATED IN THE BUDGET?** ☐Yes ☒No **IS A BUDGET TRANSFER REQUIRED?** ☐Yes ☒No

SPACE BELOW FOR CLERK'S USE

BOARD ACTION: ☐Approved ☐Approved as amended ☐Adopted ☐Adopted as amended ☐Denied ☐Other ☐No Action Taken	☐Set public hearing For: _____ ☐Direction to: _____ ☐Referred to: _____ ☐Continued to: _____ ☐Authorization given to: _____	Resolution 2016- _____ Agreement 2016- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: ☐By Consensus

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 June 7, 2016 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 the County Clerk

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
Christian Curtis, Deputy County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
Darden Bynum, Director of Health and Human Services
Laura Marshall, Assessor/Solid Waste Fee Administrator
Tim Standley, Sheriff-Coroner
Jeff Bosworth, Chief Probation Officer

APPROVAL OF CONSENT AGENDA

Deputy County Counsel briefly explained Consent Items 14.G and 14.H. have been updated and the updates have been distributed to the Board; the updates included clean-up in ambiguity and enhanced clarity

The Board moved to approve the Consent Agenda with the stated amendments to Consent Items 14.G. and 14.H.

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

14. CONSENT AGENDA

14.A. Resolution approving the Sierra County Allocation Funding Application, (AFA) and the Scope of Work, (SOW) for the ongoing Maternal, Child and Adolescent Health (MCAH) Program for fiscal year 2016-2017 and authorizing Darden Bynum, Director, to sign documents regarding the AFA. (PUBLIC HEALTH)

ADOPTED, Resolution 2016-056
APPROVED, Agreement 2016-046

14.B. Resolution approving the submittal of an application for the Local Enforcement Agency Grant and authorization for Darden Bynum, Director, to execute the necessary application for the securing of grant funds. (PUBLIC HEALTH)

ADOPTED, Resolution 2016-057
APPROVED, Agreement 2016-047

14.C. Approval of California Governor's Office of Emergency Services (OES) County Victim Services Program. (DISTRICT ATTORNEY)

APPROVED, Agreement 2016-048

14.D. Approval of California Office of Emergency Services (CalOES) 2016-2017 Victim/Witness Grant. (DISTRICT ATTORNEY)

APPROVED, Agreement 2016-049

14.E. Approval of revised CalOES Certification of Assurance of Compliance for the 2015-2016 California Governor's Office of Emergency Services (OES) Victim/Witness Grant. (DISTRICT ATTORNEY)

14.F. Amendment to Agreement No. 2015-099 extending the term date (Operative Provision No. 2) between Dudek and the County of Sierra for Environmental Consulting Services on Sierra Hot Springs. (PLANNING)

APPROVED, Agreement 2016-050

14.G. Resolution approving agreement for transportation services in the amount of $49,000 between County of Sierra and Golden Rays Senior Citizens of Sierra County, Inc. for fiscal year 2017. (PUBLIC WORKS)

ADOPTED, Resolution 2016-058
APPROVED, Agreement 2016-051

14.H. Resolution approving agreement for transportation services in the amount of $49,000 between County of Sierra and Incorporated Senior Citizens of Sierra County for fiscal year 2017. (PUBLIC WORKS)

ADOPTED, Resolution 2016-059
APPROVED, Agreement 2016-052

14.I. Minutes from the regular meeting held on May 3, 2016. (CLERK-RECORDER)

14.J. Minutes from the special meeting held on May 31, 2016. (CLERK-RECORDER)

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:03 a.m. Chair Adams opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Beard reported on the upcoming car show in Loyalton.

Chair Adams reported the Finance Committee will have the preliminary budgets on the next meeting agenda and the Committee will be meeting again to make some adjustments to the solid waste budget. Chair Adams continued to express his appreciation to the Department Managers and the Auditor for their work on the budget.

Chair Adams further reported that the telecommunication bill has been beaten down and it's believed it has no chance of coming back this year.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Sheriff reported on the loss of one their officers and wishes Frank Sanchez the best in his new career. The Sheriff also reported the office has a new Corrections-Communications officer starting in the next couple of weeks and they have a patrol officer in the final stages of background.

The Director of Health and Human Services provided an update on the Veteran Services Program, noting the next ad hoc committee meeting on this issue will be held at 10:00 a.m. on June 17, 2016 in Loyalton.

5. FOREST SERVICE UPDATE

Ms. Heather Newell, Yuba River Ranger District provided an update on hiring six people in fire and fuels throughout the District and the only position left to fill is the fire management officer.

Chair Adams questioned the issue regarding of solid waste fees with the administrative cabins, noting he was under the impression that these were going to be paid in full and would request Ms. Newell ask District Ranger Karen Hayden to confirm that the agency will be paying these fees.

11.A. Discussion/action regarding Plumas National Forest closure of the Gold Lake Boat ramp from July 5, 2016 to December 31, 2016. (SUPERVISOR HUEBNER)

Plumas National Forest Acting District Ranger Matt Jedra apologized for not working with the Sierra County sooner on this matter and provided background on the feasibility study the district performed to determine the effectiveness of the Gold Lake Boat Launch, noting they found that they have the option to increase the size of the facility in order to increase recreation. They worked with the Division of Boating and Waterways and received a grant award to increase the parking spots from 34 to 58. Acting Ranger Jedra continued to review maps that show the current structure and new proposal, explaining the boat launch will be closed from July through December 31st.

Acting Ranger Jedra continued to refer to the news release sent out on the project on May 20th, noting he wasn't aware that Sierra County hadn't been involved in this project from day one.

Supervisor Huebner questioned if they could have more publicity on this job as the public doesn't know that the area will be closed until December.

Acting Ranger Jedra indicated that they did post signs last year at the facility and also on the Plumas Nation Forest's website.

In response to Supervisor Schlefstein's inquiry, Acting Ranger Jedra indicated this was not advertised in the local papers, rather they normally just put out a press release.

Supervisor Schlefstein further recommended the Forest Service try to get this out before they start working on the project.

Mr. James Linderborg, Pike questioned where they can launch their boats.

Acting Ranger Jedra responded that they can use day use facility only.

Chair Adams questioned if they have mitigated the AIS issue with the expansion of the parking lot going from 34 to 58.

Acting Ranger Jedra responded that they have taken this into consideration.

Chair Adams expressed concerns with the County being the last to know when these projects are happening and suggested a letter to Regional Forester Randy Moore informing him that this is continuing and we don't like it.

Acting Ranger Jedra continued to provide an update on other projects on the Plumas National Forest.

6. PROBATION - Jeff Bosworth

6.A. Approval and adoption of the preliminary budget for the Community Corrections Partnership (CCP) for fiscal year 2016-2017.

The Chief Probation Officer introduced the item explaining the budget is very preliminary as the AB 109 budget cycle doesn't start until September. He is unsure sure if we are going to receive the $100,000 start up this year and the SB 678 funding is confirmed and the same amount as last year.

The Auditor commented that as a result of this program the County potentially has people in jail for up to five years, so we are looking to get hospitalization insurance on the inmates to help keep our costs down.

The Chief Probation Officer indicated they haven't had to use it yet and the County does have contract with CDRC to take care of routine medical expenses for these inmates.

Following brief discussion, the Board moved to adopt the preliminary budget for the Community Corrections Partnership (CCP) for fiscal year 2016-2017.

ADOPTED. Motion: Schlefstein/Huebner/Unanimous Roll Call Vote: 5/0

6.B. Resolution transferring $25,000 in Community Corrections Partnership (CCP) funds to out of county jail housing budget.

The Chief Probation Officer briefly explained they had a few cases this year that increased the budget, so they have increased next year's budget a little.

The Board moved to adopt the resolution transferring $25,000 in Community Corrections Partnership

ADOPTED, Resolution 2016-060. Motion: Roen/Schlefstein/Unanimous Roll Call Vote: 5/0

6.C. Agreement for Drug Court/Realignment Court medical consulting services between the Department of Health and Human Services and Frank Lang.

The Chief Probation Officer provided a brief overview of the contract, noting there were a few minor adjustments made to the contract but the bottom line is the same. The CCP has already reviewed and unanimously approved the contract.

APPROVED, Agreement 2016-053. Beard/Huebner/Unanimous Roll Call Vote: 5/0

7. ASSESSOR / SOLID WASTE ADMINISTRATOR - Laura A. Marshall

7.A. Resolution pertaining to Solid Waste Fees for fiscal year 2016-2017.

At the request of the Solid Waste Fee Administrator this item was continued to the June 21, 2016 Board meeting.

10. CLERK-RECORDER - Heather Foster

10.A. County Clerk's certificate of the examination of a County Referendum Petition on the County's Ordinance No. 1071 relating to the cultivation of medical marijuana, and discussion/action to either repeal Sierra County Ordinance No. 1071 or submit the ordinance to the voters at the November 8, 2016 Presidential General Election pursuant to California Elections Code Sections 9144 and 9145.

The County Clerk provided background on the item, noting the petitions were found to be sufficient and the Board now needs to decide on how they are going to proceed per the California Elections Code.

Chair Adams indicated that the Elections Code provides for the Board to either submit the ordinance to the voters for the November ballot or repeal the ordinance in its entirety and until this is done Ordinance 1071 is in abeyance and the County reverts back to the previous ordinance.

County Counsel explained the options under the Election Code, noting if the Board elects to place this on the November ballot it needs to be the ordinance in its entirety. If the Board wants to repeal the ordinance, the Board is limited in its ability to reenact an ordinance containing the same “essential features”; there would be some danger of reenacting an ordinance that is too similar to the old ordinance, but on the other hand the Board has the option of submitting the ordinance to the voters. Another

option is to refer Ordinance 1071 to the voters and also put a new ordinance on the ballot so there would be two competing measures.

Chair Adams explained it is not mandatory to do anything today, however if the Board is going to put to anything on the ballot it would need to be done 88 days before the November election. He is also willing to send this back to a committee. With respect to the current ordinance and some confusion with respect to what access has been given to the Sheriff, the Fourth Amendment of the U.S. Constitution trumps this. He is wondering if the Board should amend the ordinance to abate this confusion and make it clear what the authority of the Sheriff is. If they decide to do so, he doesn't see any harm sitting down with both the opponents and proponents of the issue. He would also suggest if the Board decides to pull the ordinance and rewrite it, to put it before the voters.

Supervisor Schlefstein questioned the process and what the definition or case law is that defines "similarities" if the Board were to change the ordinance.

Deputy County Counsel indicated that the case law pertaining to counties with respect to this issue has quite a bit of ambiguity in it. There is the possibility to retool the ordinance and change some aspects and not others and the courts have found this acceptable, however he believes it is better to send the changes to the voters and avoid any potential litigation.

Following brief discussion, Supervisor Beard indicated he realizes there is a big difference between medical and commercial marijuana and he doesn't believe the Board should take action until after the results of Measure A are known.

Following discussion, Chair Adams clarified that he would like to take a look at the ordinance again and sit down but as a smaller group. As for today he believes the Board should put this on the next agenda, but his interest is to rewrite and take advice from both sides and then submit it to the voters.

Ms. Sarah Grew, Pike commented that she appreciates all of the time this has taken. With respect to the difference between medical and commercial marijuana issue, this is not separate as in California it is still all medical marijuana this is just the difference in cultivating for themselves versus cultivating for other people and shifting the structure from a nonprofit to a for-profit structure over the next two years. However, until the state starts issuing licenses they are still under Propositions 215 and AB 420 which allows for collective nonprofit medical cannabis cultivation.

Ms. Grew also clarified that most are not pushing for this to go to a vote, rather just reasonable and sensible regulation as this ordinance was so different from the prior ordinance. Ms. Grew further recommended the Board repeal the ordinance and possibly form a well-rounded committee that involves stakeholders from both sides of the view point and also involve the Agriculture Commission as the state has deemed this as an agricultural product. She would also personally volunteer to participate on any committee.

Detective Mike Fisher addressed some of the misinformation going around the County over the last several months, noting the Fourth and Fifth Amendment will trump the language in the ordinance. There are all sorts of different case law that allows the government to have access to certain portions of private property that doesn't require a search warrant, but in order to enter into someone's home absent consent or a search warrant the public is protected under the Fourth Amendment. Also, with respect to Ordinance 1055, just like the county ordinance doesn't trump the Fourth Amendment nor does the county ordinance trump state law. Current state law states you can cultivate or possess marijuana that is reasonable for a medical ailment. Ordinance 1055 states you shall not cultivate more than 18 marijuana plants, it doesn't give an express right to cultivate 18 marijuana plants.

Deputy County Counsel also clarified that Ordinance 1055 held some criminal penalties that have been preempted by state law, so the state criminal penalties are now the only ones in play.

Ms. Belle Sandwith, Sierra Brooks indicated that her physician gets to decide what her medical needs are and law enforcement has no jurisdiction over her medical needs and is only schooled in jurisdiction and not in medicine.

Ms. Pam Saporta, Pike requested a brief explanation of what "open field doctrine" is and also requested County Counsel prepare a summary of how this is going to affect medical marijuana growers in order to eliminate the confusion.

Detective Fisher indicated he is willing to leave his information for anyone to contact him to provide additional information.

Following further discussion and by consensus the Board tabled this item to the June 21, 2016 meeting and directed County Counsel to prepare both a resolution submitting Ordinance 1071 to the voters and an ordinance repealing Ordinance 1071 for consideration at the next meeting.

Mr. Laurenc DeVita, Sattley referred to Chair Adams comments and requested the Board redefine the parameters under which the Board will just send this to the ballot.

Following considerable discussion and by consensus the Board also referred this to the Natural Resources, Planning & Building Committee.

12. TIMED ITEMS

12.A. 10:00AM SOLID WASTE APPEAL - JOSEPH ARATA

Appeal of Solid Waste Assessment Fees filed by Mr. Joseph Arata for APN 009-142-001-0; 18 Lake Street, Sierra City, CA.

Deputy County Counsel provided an overview of the appeal process.

Mr. Joe Arata, appellant referred to pictures of the subject property.

The Clerk entered the following document into the record:

Exhibit A – Pictures of 18 Lake Street, Sierra City – 1 page

Mr. Arata further explained he has been denied the use of Sierra County 8.05.025 “any property shown to be of another use” and has been forced to pay $345 for a room full of furniture and another $345 for six kitchen bags of garbage. Mr. Arata further indicated a property owner should be able to rely upon and trust a county’s ordinances and a county decree should be honored unless rescinded. The County’s provision under 8.05.025 states that under the right circumstances a property will be exempt from a solid waste fee or have its fee reduced, which sounds like a decree to him. He has not been allowed to have a defense against his second solid waste fee or to be able to identify his adjacent storage property for what it really is. This property is not a residence, as defined in the Webster Dictionary.

Mr. Arata further questioned how many of the Board of Supervisors have only been able to spend 60 days a year in the County and how many have paid $690 for six kitchen bags of garbage; $115 per bag. In the last 12 years he has created a total of 72 bags of garbage which is 936 gallons. This translates to approximately $3,500 for each property. His next day neighbor creates 48 32 gallon cans per year, a total of 18,432 gallons over the last twelve years and pays only one solid waste fee while he is forced to pay two. This gross disproportionality screams for corrective action which lies in the County ordinance and the Board is required to allow him to use Section 8.05.25 "a property shown as some other use". Again, he is requesting the use of Sierra County provision 8.05.025. Mr. Arata continued to express concerns with paying a second solid waste fee based on a paper definition of a property that does not translate into a real residence.

The Solid Waste Fee Administrator entered the following documents into the record:

Exhibit 1 – Sierra County Code, Chapter 8.04.010 Definitions, Solid Waste Services - 4 pages

Exhibit 2 – Sierra County Code, Chapter 15.12.080 Residential One Family District – 1 page

Exhibit 3 – Photograph, 18 Lake Street, Sierra City, APN 009-142-0 Joseph G. Arata Residence – 1 page

Exhibit 4 – Sierra County Ordinance 1048, Amending Portions of Chapters 8.04 and 8.05 of the Sierra County Code Pertaining to Use of County Solid Waste System and Charges for Solid Waste System – 7 pages

Exhibit 5 – Sierra County Ordinance 1053, Amending Section 8.04.040 of the Sierra County Code Pertaining to Use of the County Solid Waste System – 2 pages

Exhibit 6 – David Paland v. Brooktrails Township Community Services District Board of Directors

Exhibit 7 – Portion of February 7, 2006 Minutes from Mr. Joseph G. Arata Solid Waste Appeal – 3 pages

Exhibit 8 – Summary of Monthly Residential Waste Generation Establishing 2015-2016 Loose Cubic Yards per Residential Structure – 15 pages – 4 pages

The Solid Waste Fee Administrator continued to review in detail the eight Exhibits, noting Mr. Arata is requesting a change in classification from a single family residence to storage which can be accommodated he just needs to have a permit issued by the Building Department and he has been told this a number of times. The solution to Mr. Arata's solid waste issue has been explained over the last 12 years and has opted not to do this. The Fee Administrator continued to review in detail the exhibits, noting this property is a habitable structure and anyone could move in and produce solid waste. Her determination is that this fee has been correctly assessed to Mr. Arata's property.

Supervisor Schlefstein questioned if Mr. Arata obtains a building permit and turns off the utilities the problem goes away, but if he wants to sell the property in the future he would have to get a new permit and bring the property up to current building standards.

The Fee Administrator indicated this is correct and also noted there have been two property owners in the County who obtained a permit and disconnect the utilities and the solid waste fee was stripped from the properties as they were no longer classified as a residential use.

Supervisor Schlefstein further questioned which would be more expensive, pay the solid waste fee or the risk of remodeling the house to bring it up to current building standards.

Chair Adams indicated that this structure does not have to have someone living in it, it just has to be available or have all of the accoutrements of what we normally understand a residence to be.

The Fee Administrator indicated that she met with Mr. Arata at the property years ago and the property has everything necessary to make it a habitable structure.

Chair Adams explained that he spends 42 days in Inyo County and pays a $40 phone bill every month because if he pulls the phone AT&T will pull the wire and he'll never get the phone back. He sees this as a similar situation, Mr. Arata is negatively impacted if he pulls it as a residence and wants to sell it, but unfortunately this is a business decision Mr. Arata has to make.

In response to Supervisor Huebner's inquiry, Mr. Arata indicated he doesn't want to sell the property; he has his "for sale" signs out but hasn't officially listed it.

In response to Chair Adams inquiry as to whether Mr. Arata has the property listed as a storage or a residence, Mr. Arata indicated it is a residential property.

Chair Adams noted that by definition in the County Code the property is suitable for habitation.

In response to Supervisor Schlefstein's inquiry, Mr. Arata indicated he has not listed the property in the MLS for sale.

Mr. Arata continued to argue that he has not been able to get the use of Section 8.05.025 of the County Code to reduce his solid waste fee.

The Fee Administrator explained Mr. Arata does have the use of the County Code and ordinances. The Fee Administrator referred to Exhibit 2, noting under Zoning Code 15.12.080 in order to change the property to another use and allow Section 8.05.025 come into play Mr. Arata would have to make this a storage which requires a special use permit. Mr. Arata is asking for a favor and asking to be exempted from applying for a special use permit. The Fee Administrator continued to review the method needed to have these ordinances apply to Mr. Arata.

Chair Adams indicated that Mr. Arata has the option to sell the property or change the property and make it a conditional use.

Mr. Arata indicated that the Solid Waste Fee Administrator has cited a lot of things, but he hasn't had the information she is stating he has received with respect to the detailed information to convert the property to storage.

Mr. Arata reiterated that he is not trying to get out of paying the solid waste fee, but when it comes to paying twice as much he believes something is very wrong. In 12 years he has created 932 gallons of garbage and his neighbor has created 18,000 gallons, this is a huge disproportionality.

The Board made a motion of intent to deny the appeal Solid Waste Assessment Fees filed by Mr. Joseph Arata for APN 009-142-001-0; 18 Lake Street, Sierra City, CA based on Mr. Arata's own admission that he has the property advertised as a residence and the property meets the definition of a residence within the Sierra County Code.

INTENT TO DENY. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

At 10:55 a.m. Chair Adams closed the hearing.

12.B. 10:30 A.M. SIERRA COUNTY FIRE PROTECTION DISTRICT NO. 1
Update by the Sierra County Fire Protection District No. 1 regarding possible annexation of the north eastern portion of Sierra County. (SUPERVISOR ROEN)

Supervisor Roen briefly introduced the item.

Mr. Bill Copren, Commissioner, Sierra County Fire Protection District No. 1 (SCFPD1) referred to the map of the District explaining the issue involves the north eastern portion of the County that effectively has no fire protection. The problem they are trying to address affects all five Supervisors based on the County Service Areas as there is significant portion of Sierra County that does not have dedicated fire protection.

Supervisor Roen explained what motivated this discussion was a lot of homeowners in the area are having issues with obtaining fire insurance as they are out of the District.

Mr. Copren noted the District has been working with Verdi for some time trying to provide fire protection in the area. Currently, the County has an agreement with Truckee Meadows Fire District to provide fire protection services to the areas just north of the SCFPD1's boundaries.

Mr. Copren continued to provide background of the boundaries of the SCFPD1, explaining at one point in time this area was in the District, however the residents of the area pulled out prior to Proposition 13 in order to reduce their tax rates; however after Proposition 13 passed in 1978, everyone is now effectively paying the same property tax regardless of the agencies providing service to that particular property.

Mr. Copren continued to explain there is no dedicated fire protection to this area and in the 1990's the Board of Supervisors adopted two agreements to allow the City of Loyalton to provide fire protection to CSA 5A (Sierra Brooks) and CSA 5 (outside of Sierra Brooks), so we have an interesting situation in that there are properties in the City that pay for fire protection twice, once to the City and then to CSA 5 for the same fire protection. There are also significant areas outside of the City that don't pay anything for fire protection but receive it under the good samariten rule.

Supervisor Roen noted this came up when he served on the District 10 years ago and responded to a fire outside of the District and had an employee get injured which ended up costing the District $250,000 for a workers comp claim.

Mr. Copren continued to note the District believes everyone in Sierra County has the right to fire protection and the SCFPD1 is the logical agency to provide the fire protection outside of the City and enter into agreements with other fire departments to provide the same service. So, other than Long Valley and Verdi, the 1990 agreements cover the areas in CSA 5 and 5A, which excludes everything east of Smithneck Road, the Senior Apartments and all of the ranches north west and east of the City except those west of Smithneck Road. It's obvious that a mistake was made in the 1990 agreements, thinking they adopted the Supervisorial District 5 boundary versus the 1982 CSA 5 boundary which is very problematic as it is outside of the City's sphere of influence.

Supervisor Roen added that these contracts have been provided to the City's attorney.

Mr. Copren continued to explain the intent is to have the District annex these areas and then enter into agreements for service.

Considerable discussion ensued regarding the proposed annexation.

Mr. Copren added that the District believes they can provide a systematic method for providing fire protection legally to all of the different areas, i.e. Verdi, Long Valley, Sierra Brooks, Loyalton Pines, and the ranches through a series of agreements with the City of Loyalton. The zone along the state boundary will have some sort of a special assessment. Also, the SCFPD1 brings the mitigation fee for new construction so anyone who builds a new house in the District will have to pay the fee.

Supervisor Schlefstein indicated the need to get all of this information out to the public.

Following brief discussion, Mr. Rick Maddelana, Commissioner, SCFPD1, indicated the District is will be meeting with the Sierra Brooks Homeowners Association, the Loyalton City Council and the Loyalton Rotary Club to gather information about what the questions and concerns are in this planning process. The will also hold additional meetings in Long Valley and Verdi.

Mr. John Evans, Loyalton Fire Department Division Chief clarified that there is fire protection being provided. Mr. Evans also clarified that the people within the City limits would not become part of the District and the mitigation fee would not apply to people within the City. Mr. Evans also indicated everything he is hearing makes sense.

Mr. Copren concluded that they plan on attending a lot of meetings to try to explain this process.

11. BOARD OF SUPERVISORS

11.B. Discussion/direction regarding notice from Larry Ostrom canceling Sierra County Agreement 2002-207 for Grant of Right of Way and Road Maintenance. (CLERK OF THE BOARD)

The Clerk briefly explained that she distributed an email received from Mr. Ostrom requesting this item be continued.

The Director of Transportation briefly explained this action was initiated by Mr. Ostrom.

Chair Adams questioned what the right is for someone to opt in or out of an agreement, the County has spent some money in this area so the property owner has received some benefit from the County. He also expressed concerns with how this impacts surrounding property owners should the County abandon them.

Deputy County Counsel noted the contract contains no termination clause, and with respect to a right to use real property, even a revocable license which is an expressed right to be terminated at any time, can become irrevocable. He would suspect the County has spent money in the course of the contract on the maintenance of these roads. The County has the right to acquire property through eminent domain versus litigation over the termination of the contract.

The Director noted the 2002 agreement was an agreement executed between the Board of Supervisors and the Ostrom Family Trust and he was not allowed to be part of the negotiations of the contract. The terms of the agreement eliminates the need for the Trust to have any obligation for an encroachment permit to dig up the street and maintain the water system without regard to county road standards and is an incredibly difficult situation all the way around. The fact that there isn't an out clause is really something County Counsel needs to review.

The Director added that the County is going to put road base on the road today due to damage from snow removal, but he has to get Ostrom's permission first. He believes this should be a County road that the County controls and has an obligation to provide services to, however this involves condemnation or acquisition of the property which he is sure there will be some anxiety from the party that has requested termination.

The Director continued to explain the additional area that complicates this is 49er Drive and reviewed a drawing of Wild Plum Road, Highway 49, Ostrom Way, 49er Drive and an area (gap) which the County doesn't have control over as Ostrom wanted to maintain some control over the road. The Director noted the bottom line is this comes down to County Counsel's opinion as to termination options and the appetite of the Board to resolve this matter for the benefit of the 40 homes relying on public services and snow removal by condemning the property which is approximately a 30 or 40 foot strip of road.

Chair Adams noted he would like to hear from the other homeowners on how this would affect them and what they would like their destiny to be. He is in favor of condemnation for public purposes so long as we reimburse the person, but he would like a survey of the homeowners with respect to what they would like to see.

In response to Supervisor Beard's inquiry, the Director provided detailed background on the history of the road.

Following discussion and by consensus the Board directed reagendizing this matter for the next meeting in Downieville (August 6, 2016) and allow the Director to invite the property owners to attend the discussion.

The Director indicated he will make a point to contact the property owners.

Deputy County Counsel cautioned the Board that if they want to take the route of exercising eminent domain it does take some time.

11.C. Appointments to the Local Solid Waste Enforcement Hearing Panel. (CLERK OF THE BOARD)

The Board moved to appoint Betty Thatcher as the Public Representative and Doug Aims as the Technical Expert to the Local Solid Waste Enforcement Hearing Panel.

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

11.D. Appointment to the Sierra Valley Groundwater Management District. (CLERK OF THE BOARD)

The Board moved to appoint Thomas Rowson to the Sierra Valley Groundwater Management District.

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

11.E. Letter from the National Association of Counties (NACO) regarding the Association's annual election of officers and policy adoption. (CLERK OF THE BOARD)

Following a brief introduction by Chair Adams, the Board moved to adopt the NACO 2016 credential voting form.

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

NOON RECESS

The Board took the noon recess from 11:53 a.m. to 1:13 p.m. and reconvened with all members present.

9. COUNTY BOARD OF SUPERVISORS AND COUNTY SERVICE AREAS JOINT MEETING

Board of Supervisors to convene as Board of Directors for County Service Area (CSA) 1,2,3,4,5, and 4A5A (Sierra Brooks Water) and to hold joint meetings as both the County Board of Supervisors and the CSA Board of Directors.

At 1:13 p.m. the Board convened as the County Service Area Board of Directors and Board of Supervisors.

9.A. Approval for use of public works budget or County Service Area budget to cover the cost of road employees working overtime to work with the CCC on a fire clearance project at Sierra Brooks from June 8, 2016 through the end of the month.

The Director of Public Works introduced the item, noting the County has been participating in four spike camp projects along Ridge Road using the SRA funding and at the close of the project the County was contacted by the California Conservation Corps (CCC) indicating they might have an additional two to three weeks of time if the County was interested. The Director added that it became apparent that the project in Sierra Brooks might be a qualified project, keeping in mind that this has to be used on private or federal lands.

In response to Supervisor Schlefstein's inquiry, the Director briefly reviewed the project and issues with having to conduct a nest survey of the private and public lands by the Forest Service and Plumas Audubon. The Forest Service found no concerns however the Plumas Audubon had concerns with the campground and park due to significant nesting activities, so they have amended the project to eliminate the campground and park.

The Director continued to explain what is needed is to pay Plumas Audubon and also cover the costs to the Road Fund for use of the County chipper. The payment for the chipper would be cleaner from the CSA and he is hopeful that since this treatment is benefiting federal land that it might be an opportunity to have the costs to the CSA reimbursed through Title III.

The Auditor indicated that so long as the project is within 200 feet of homes it fits the Title III requirements.

Following further discussion, the Board moved to authorize an amount not to exceed $5,000 out of CSA 4A5A and includes the payment to the Plumas Audubon.

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

At 1:23 p.m. the Board adjourned as the County Service Area Board of Directors and County Board of Supervisors and reconvened as the County Board of Supervisors with all members present.

8. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

8.A. Report on May 18, 2016 Economic Outlook and Business Development Workshop held in Sierraville.

The Director of Public Works reported on the workshop and tour, noting the University really liked the opportunity to see the mill first hand and the workshop was well attended and received.

The Director added that it was clear from what he heard from the guest speaker Ms. Glenda Humiston (Vice-President of the University of California-Agriculture and Natural Resources) was very positive about the opportunity that may evolve out of Loyalton. She also indicated that if this project doesn't work here, they are going to put it somewhere in northern California.

Supervisor Roen added that Ms. Humiston was also very clear that currently this is the only facility they are looking at and they are not looking anywhere else unless it becomes apparent that they cannot exercise the purchase agreement.

8.B. Update and direction to staff on the Sierra Pacific Industries property at Loyalton.

The Director of Public Works indicated they are putting forward a full court press to get any agency that could be impacted to support the UC project at Loyalton.

Supervisor Roen noted the County has currently received two letters of support from both Chambers and he believes one is coming from the Northern Sierra Air Quality Board, the Sierra Valley Resource Conservation District, the Cattlemen's Association and the Farm Bureau.

Chair Adams suggested keeping this item on for the next meeting.

8.C. Authorization to utilize between $500 and $1,000 from the Off Highway Vehicle fine funding to construct an OHV/OSV barrier on Yuba Pass in a cooperative project with the US Forest Service in order to prevent further damage to the Yuba Pass meadow area.

The Director of Transportation provided background on the item explaining this came up due to someone who ripped up the Yuba Pass meadow with a snowmobile and the lack of signs to keep people off of this meadow. This has become a high priority to the Forest Service and he would first request the State Commissioner to carve $500 out of the OSV funds and if they decline this would have to be paid out of the Parks fund.

The Board moved to authorize between $500 and $1,000 from the Off Highway Vehicle fine funding to construct an OHV/OSV barrier on Yuba Pass in a cooperative project with the US Forest Service in order to prevent further damage to the Yuba Pass meadow area.

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

8.D. Report and direction to staff on Verdi-County meeting with the Reno City Council member representing Verdi.

The Director of Planning provided a report on the meeting he attended in Boomtown, noting the general discussion was regarding growth and development in Verdi and then they broke out into four sessions on schools, roads/transportation and circulation, water and sewer and emergency services.

The Director further referred to a map pertaining to zoning of property in Washoe County Nevada and reviewed the Somerset project which is fully developed, the proposed West Meadows project, and the proposed Mortensen-Garson project which is scheduled to deliver 4,000 new lots and is 3,000 acres. The Director added that the number of lots being created are really changing the rural lifestyle that Washoe County had created.

The Director further referred to the Evans Ranch project which is 7,000 new units east of the California bug station, noting this project is pushing all kinds of traffic onto Long Valley Road.

The Director continued to note that there is a lot going on and Sierra County stands to be impacted greatly from traffic, fire protection, etc. from this development.

8.E. Appointment of a Board Member and an alternative to serve as Sierra County representative on the Truckee River Watershed Council Technical Advisory Committee.

The Board moved to appoint Supervisor Roen as the County Representative and Supervisor Huebner as the Alternate to the Truckee River Watershed Council Technical Advisory Committee.

APPROVED. Motion: Schlefstein/Beard/Unanimous Roll Call Vote: 5/0

11.F. Confirmation of appointment of Board representatives to the Resource Advisory Committee (RAC). (CLERK OF THE BOARD)

Following brief discussion, the Board moved to confirm/reappoint Supervisor Adams and Supervisor Roen as the Board of Supervisor Representatives to the Resource Advisory Committee (RAC).

APPROVED. Motion: Schlefstein/Beard/Unanimous Roll Call Vote: 5/0

13. CLOSED SESSION

13.A. Closed Session pursuant to Government Code Section 54957 regarding appointment for the position of Sierra County Counsel.

The Board met in closed session from 1:57 p.m. to 2:11 p.m. Chair Adams reported out of closed session and stated no action has been taken.

ADJOURN

At 2:13 p.m., with no further business, Chair Adams adjourned the meeting.

_____
LEE ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

_____
HEATHER FOSTER
CLERK OF THE BOARD