

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

MEETING DATE: November 1, 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 October 4, 2016.	
SUPPORTIVE DOCUMENTS ATTACHED: <input type="checkbox"/> Memo <input type="checkbox"/> Resolution <input type="checkbox"/> Agreement <input checked="" 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 October 4, 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 Supervisor Schlefstein

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
Tim Standley, Sheriff-Coroner

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APPROVAL OF CONSENT AGENDA

The Board moved to approve the Consent Agenda.

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

10. CONSENT AGENDA

10.A. Approval to move forward with Mark Warren, MAI, for proposed appraisal services for 202 Front Street in Loyalton, CA 96118. (HEALTH AND HUMAN SERVICES)

10.B. Rescission of Agreement 2016-091 and approval of a professional services agreement between Placer County and the County of Sierra. (MENTAL HEALTH)

APPROVED, Agreement 2016-118

10.C. Approval to fill vacancy of Account Technician position. (AUDITOR)

10.D. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Scott Carruth, Applicant and Landowner for consideration of a Tentative Parcel Map in the Rural Residential 1.5 zoning on a 5.81 ac vacant parcel. The project site, identified as APN 023-150-045, is located in the Glen Tara Subdivision in Verdi, CA. (PLANNING)

APPROVED, Agreement 2016-119

10.E. Resolution approving proposed budget for the CalRecycle OPP6 (Oil Payment Program 6) for Fiscal Year (FY) 2016/2017. (PUBLIC WORKS)

ADOPTED, Resolution 2016-096

10.F. Requesting Board of Supervisors approval to declare entire list of obsolete items as surplus and to give authority to dispose said items. (PUBLIC WORKS)

10.G. Minutes from the regular meeting held on August 2, 2016. (CLERK-RECORDER)

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

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REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:01 a.m. Chair Adams opened the public comment opportunity.

Mr. Richard Featherman, Goodyears Bar expressed concerns with something happening to a friend, noting he can no longer be affiliated with the Board of Supervisors anymore.

At 9:02 a.m. Chair Adams closed the public comment opportunity with no further persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Chair Adams reported on a meeting he and Supervisor Huebner attended with the Sierra Frontier Medical Resources Group formed in Downieville to address emergency medical issues in light of limited clinic hours. Chair Adams explained there was a lot of the discussion revolved around the North San Juan Fire Department undertaking two tax overrides in the last 20 years. The most recent was two years ago wherein they assessed themselves \$69 per year, per parcel and the measure passed with a 79% margin. Chair Adams added they will have representatives from North San Juan at their next meeting to discuss how they obtained the support of the community. Chair Adams also reminded the Board that this issue was assigned a few years ago to an Ad Hoc Committee consisting of himself and Supervisor Huebner.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Sheriff reported on hunting season and being cautious when firearms are involved due to a recent mishap last week wherein a hunter shot himself in the leg with a 357 Magnum revolver.

The Director of Health and Human Services reported on a meeting with members of the Central Valley Regional Water Quality Control Board, himself, Director Beals, Brandon Pangman, and Elizabeth Morgan regarding Local Area Management Plan (LAMP) status. The Director added that this matter will come before the Board in January. The Director continued to report on their field trip in Sierra Brooks wherein they discussed the hydrogeology of the environment and the realization that the vast tracks of subdivisions the state was basing their monitoring on was much different. The state had a misconception and seemed receptive to lowering the County's requirements.

In response to Supervisor Roen, the Director clarified that this will be a countywide ordinance and their aim is to bring the updated plan before the Board in January.

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5. FOREST SERVICE UPDATE

Yuba District Ranger Karen Hayden introduced Pamela Hertzler, District Conservationist for the Natural Resources Conservation Services (NRCS).

Ms. Hertzler provided brief background on herself, noting she looks forward to working with everyone and is attending the Sierra Valley Resource Conservation District meeting tomorrow in an attempt to address the tree mortality issue.

Ranger Hayden continued to report on various matters in the district.

Chair Adams referred to the tree mortality issue and questioned if there is an update on the most recent survey.

Ranger Hayden responded that she hasn't received anything yet.

Supervisor Roen informed the Board that the Mohawk District Ranger passed away yesterday.

6. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

6.A. Resolution authorizing use of Title 3 funds in the total amount of \$15,707.93, \$14,306 left from allocations made under Resolution 2012-022, and \$1,401.93 from allocations made under 2006-010 to reimburse the Sierra County Public Works in the amount of \$9,160.90 and Sierra County Service Area 5 in the amount of \$6,547.03, for costs of support to the associated California Conservation Corps project of clearing/landscaping within 200 feet of most homes in order to increase protection of people and property, including adjacent federal lands, around the communities of Sierra Brooks in the Bear Valley Road area in response to the current proclamation of local emergency due to wildfire danger severity as proclaimed in Board Resolution 2014-066.

The Director of Public Works explained this is a standard reimbursement and reimbursement is requested to make the County side of this whole.

The Auditor requested a minor correction to the proposed resolution.

The Board moved to adopt the resolution as amended.

ADOPTED as amended, Resolution 2016-097. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

The Director of Public Works briefly reported on a fire near Pike (German Bar) and concerns with the Pike Fire Department not being able to access the fire due to the

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condition of the roads in Nevada County and requested Ranger Hayden keep this in mind

7. BOARD OF SUPERVISORS

- 7.A. Continued discussion/direction regarding response to the 2015/2016 Sierra County Grand Jury Report. (CHAIR ADAMS)

The Director of Planning introduced the item noting he worked with the committee (Supervisors Huebner and Roen) designated to evaluate the 2015/16 Grand Jury report. The Director further reviewed in detail the draft letter in response to the 2015/2016 Grand Jury report with respect to the Sierra County Waste Management Analysis; the Loyaltan Landfill; the County Jail and Law Enforcement Facilities; Water Conservation Enforcement in Sierra Brooks; and Sierra County's Fire Protection Districts.

Supervisor Schlefstein questioned if the Grand Jury had called any of the Supervisors for an interview, noting they have always called him prior to forming their report. Supervisor Schlefstein continued to express concerns that the Grand Jury never called any of the supervisors or asked questions before coming to the conclusions in the report and suggested mentioning this in their response.

Chair Adams expressed his appreciation of the committee and the Director for drafting the response and the Grand Jury for their work and with complying with the 48 hour notice to the Board prior to the report becoming public. He also appreciates the Director's clarification that the Fire Districts are completely autonomous of the County.

Following discussion, the Board moved to approve and submit the response to 2015/2016 Sierra County Grand Jury Report.

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

- 7.B. Appointment of a board representative and alternate to the California State Association of Counties (CSAC) Board of Directors for 2017. (CHAIR ADAMS)

The Board moved to reappoint Chair Adams as the board representative to California State Association of Counties (CSAC) Board of Directors for 2017.

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

The Board moved to reappoint Supervisor Huebner as the board alternate to California State Association of Counties (CSAC) Board of Directors for 2017.

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

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8. TIMED ITEMS

8.A. 10:00AM ALLIANCE FOR WORKFORCE DEVELOPMENT

Presentation on the Alliance for Workforce Development, Inc. operations in Sierra County.

KT Puckett, Resource Coordinator for the Sierra County Business and Career Network provided an update on last year's activities and progress.

Supervisor Schlefstein questioned the unemployment rate and if Ms. Puckett believes this is unreported.

Ms. Puckett responded she does believe the unemployment rate is underreported and a lot of this is from those in the community that have never worked and probably closer to 7 or 8%.

The Board met in closed session from 10:11 a.m. to 10:50 a.m.

The Board continued the closed session to later in the meeting.

8.B. 10:30AM PUBLIC HEARING - ZONE AMENDMENT

- 1) Conduct public hearing on a County Initiated Zone Amendment from General Forest (GF) District to Rural Residential-5 (RR-5) District on a 4.13 acre parcel identified as APN 006-120-003, to bring the zoning into conformance with the General Plan.
- 2) Resolution approving the zone amendment from General Forest (GF) District to Rural Residential-5 (RR-5) District and CEQA exemption.
- 3) Introduction and adoption of an ordinance amending Section 15.12.320 .80 (e) of the Sierra County Code to rezone 4.13 acres from General Forest (GF) District to Rural Residential-5 (RR-5) District to be consistent with Sierra County General Plan.

Mr. Brandon Pangman, Assistant Director of Planning introduced the item explaining this is a County initiated rezone in order to allow a second dwelling on the property. The Assistant Director added that when this was brought to the Planning Commission it was directed by the Commission to do a county initiated rezone so there was no cost to applicant. There were no concerns raised at the public hearing at the Planning Commission and the Planning Commission has recommended the rezone. The project is exempt from CEQA and is a rezone of a single parcel in Pike from General Forest to Rural Residential – 5 (RR-5).

At 11:02 a.m. Chair Adams opened and closed the public hearing with no persons addressing the Board.

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The Board moved to adopt the resolution approving the zone amendment from General Forest (GF) District to Rural Residential-5 (RR-5) District and CEQA exemption.

ADOPTED, Resolution 2016-098. Motion: Schlefstein/Roen/Unanimous Roll Call Vote: 5/0

ADOPTED, Ordinance No. 1075. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

8.C. 11:00AM APPEAL HEARING - NOTICE TO ABATE

Appeal of Notice to Abate Unlawful Marijuana Cultivation filed by Sarah J. Lang (Grew) and Tristan Grew, Property Owners and Jennifer L. Lahm and Ryan J. Romero, Property Occupants, APN 006-130-027-00.

Ms. Charnel James, attorney for appellants addressed the Board and requested a continuance of the hearing as Mrs. Grew just had twins and is unable to attend today's hearing and she asking to move this to the next hearing date.

The Clerk clarified the next meeting date is October 18, 2016 in Loyalton.

In response to Chair Adams' inquiry, County Counsel indicated that the appeal is fairly simple, it's whether they have a lawful dwelling and he is sure any of the parties can testify to that issue. The County is ready to go on their side.

Chair Adams indicated this is a rather simple issue with respect to a permit being issued and if not, it is not an actual dwelling. He also realizes that this hearing could be a moot point considering where we are in the season.

Ms. James commented that she feels this is good cause as both Mrs. and Mr. Grew cannot attend due to the brand new babies and believes there is a lot of information that could be relevant to the Board. She also knows that they have had instructions to the tenants about cleaning up the property, so she feels there is really good cause to move this to the 18th. There is a good possibility they might have the property cleared before then and inspected by Fisher (Detective Fisher) so it will be completely off of the Board's plate entirely. Ms. James continued to note that the property owner does have a right to be here and with Mrs. Grew's condition and the new babies there is no way she can be here.

Supervisor Schlefstein noted he believes the appellant should be able to testify.

Supervisor Huebner indicated that this is a simple thing; it is whether there is a dwelling on the property or not and questioned if they can ask staff what the record is.

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Chair Adams concurred that this is a pretty simple answer with respect to whether there is a dwelling on the property or not.

Ms. James responded that she doesn't have the complete file and generally represents the Growers Association and she was asked come help with this due to their unavailability. She also knows the code allows some discretion with the Board and there are permits out there and she believes the Board needs the whole picture. Ms. James added that she cannot testify on her client's behalf and she feels it is more prudent to allow the continuance to the 18th and allow them to appear.

Chair Adams suggested hold the hearing and hear from County staff. If the Board then believes there is reason to hear from the appellant they can continue the appeal for two weeks.

County Counsel indicated the Board can do this.

Chair Adams added that if the County makes an overwhelming case that it is what it is, and maybe we end it today.

Ms. James responded that the problem with that is you have denied due process to the Grew's by not allowing them to testify. They have good cause not to be here and with twins any court in the state would allow the continuance.

County Counsel commented that Ms. James had indicated that if they came back on the 18th the property might be clean.

Ms. James noted it might be removed, she is on her way out to inspect the property and talk to the tenants.

County Counsel questioned what she means by this.

Ms. James clarified it is to see if the plants are removed.

County Counsel questioned if she is willing to stipulate on behalf of her clients that the plants will be gone by the 18th regardless of what happens today.

Ms. James responded that she could stipulate to this regardless of what happens today.

Following brief discussion, County Counsel indicated that if the appellants stipulate that the plants will be gone on the 18th, the Board will continue this and determine on the 18th whether they are gone or not and if they are not gone, they are waiving their due process rights and the Sheriff can go remove plants.

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Following a brief break, Ms. James indicated she spoke to her clients and they are in agreement to a stipulation that property will be cleared by the 18th and ready for inspection by the 19th.

County Counsel clarified the stipulation is the Board will continue the hearing to October 18, 2016 and if the plants are not cleared by the 18th the appellant waives due process and if the plants are not removed the Sheriff can remove plants on that day.

It was clarified that the stipulation is for the Sheriff to remove the plants on the 19th.

County Counsel added that if the Sheriff is notified prior to the next hearing that the plants are gone and it is verified before the 18th then they can remove this matter off of the agenda.

9. CLOSED SESSION

9.A. Closed Session pursuant to Government Code Section 54957 - performance review regarding Director of Health and Human Services.

9.B. Closed Session pursuant to Government Code 54956.9(a) to discuss the following litigation: Thomas Moellman v. County of Sierra, Sierra County Superior Court Case No. 7614.

The Board met in closed session from 11:20 a.m. to 1:01 p.m. County Counsel reported with respect to Item 9.A. that the Board has continued this item to the next meeting on the 18th and with respect to Item 9.B. Moellman v. Sierra County direction was given to staff.

ADJOURN

At 1:01 p.m., with no further business, Chair Adams adjourned the meeting.

LEE ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD