

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

MEETING DATE: February 19, 2019	TYPE OF AGENDA ITEM: <input type="checkbox"/> Regular <input type="checkbox"/> Timed <input checked="" type="checkbox"/> Consent
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DEPARTMENT: Clerk-Recorder APPROVING PARTY: Heather Foster, Clerk of the Board PHONE NUMBER: 530-289-3295
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AGENDA ITEM: Minutes from the regular meeting held on February 5, 2019.

SUPPORTIVE DOCUMENTS ATTACHED: Memo Resolution Agreement Other
Minutes

BACKGROUND INFORMATION:

FUNDING SOURCE:
GENERAL FUND IMPACT: No 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: <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 2019- _____ Agreement 2019- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
	COMMENTS: _____ _____ _____ _____ _____ _____	

_____ CLERK TO THE BOARD	_____ DATE
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**STATE OF CALIFORNIA, COUNTY OF SIERRA
BOARD OF SUPERVISORS
MINUTES
REGULAR MEETING**

Lee Adams, District 1

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

Peter W. Huebner, District 2

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

Paul Roen, Chair, District 3

P.O. Box 43 - Calpine, CA 96124 - 530-565-6048 - supervisor3@sierracounty.ca.gov

Jim Beard, Vice-Chair, District 4

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

Sharon Dryden, District 5

P.O. Box 246 - Loyalton, CA 96118 - 530-993-4048 - sdryden@sierracounty.ca.gov

The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on February 5, 2019 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 Adams

ROLL CALL

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

Staff: Heather Foster, County Clerk-Recorder
Amanda Uhrhammer, Deputy County Counsel
Van Maddox, Auditor/Treasurer Tax-Collector
Tim Beals, Director of Planning and Transportation
Lea Salas, Director of Behavioral Health
Vickie Clark, Director of Health and Social Services

February 5, 2019

APPROVAL OF CONSENT AGENDA

The Board moved to approve the Consent Agenda.

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

14. CONSENT AGENDA

14.A. Resolution rescinding Agreement 2017-125 with the Sierra Buttes Snowbusters as it has been replaced by Agreement 2019-003. (PUBLIC WORKS)

ADOPTED, Resolution 2019-016A

14.B. Resolution authorizing the Auditor to make certain changes to the 2018/2019 Final Budget - Community Corrections Sub Account. (PROBATION)

ADOPTED, Resolution 2019-017A

14.C. Cash Audit Report for the period ended December 31, 2018. (AUDITOR)

14.D. Treasurer Reports and Statements of Liquidity for October through December 2018. (AUDITOR)

14.E. Investment report for period ending December 31, 2018. (AUDITOR)

14.F. Resolution amending Resolution 2018-124 tax revenue exchange between the County of Sierra and Sierra County Fire Protection District #1. (AUDITOR)

ADOPTED, Resolution 2019-018

14.G. Approval of travel reimbursement for Peter W. Huebner, December 2018. (AUDITOR)

14.H. Resolution approving contract between the County of Sierra and the California Secretary of State known as the "Voting System Replacement Contract 2018". (ELECTIONS)

ADOPTED, Resolution 2019-019

APPROVED, Agreement 2019-009

February 5, 2019

- 14.I. Minutes from the regular meeting held on January 22, 2019. (CLERK-REORDER)

APPROVAL OF REGULAR AGENDA

On behalf of the Director of Public Works the Clerk requested pulling Item 6.C. from the Regular Agenda.

- 6.C. Presentation of bids and determination of possible adoption of resolution for award of Public Works Contract for construction of the Sierra County Wellness Center Addition Project.

The Board moved to approve the Regular Agenda as amended.

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

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:10 a.m. Chair Roen opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Huebner reported on AT&T making several internet installations in Sierra City and increasing the speed.

Supervisor Beard reported that the Behavioral Health Advisory Committee will meet on Thursday at 9:30 a.m. and the Area 4 Agency on Aging will meet Friday at 10:00 a.m.

Chair Roen reported on a meeting with the Sierra Nevada Conservancy Executive Director Bob Kingman.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

No reports given.

5. FOREST SERVICE UPDATE

No update given.

6. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

- 6.A. Resolution authorizing the Auditor to make changes to the 2018/2019 Final Budget to add an extra help road maintenance worker position to the county road budget, through the end of the current fiscal year and authorization to fill the position.

The Director of Transportation provided background on the request to add an extra help maintenance worker position in order to fill a void in the department and address snow removal issues on the east side of the county.

The Board moved to adopt the resolution authorizing the Auditor to make changes to the 2018/2019 Final Budget to add an extra help road maintenance worker position to the county road budget, through the end of the current fiscal year and authorization to fill the position.

ADOPTED, Resolution 2019-020. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 6.B. Resolution of intent to abandon (vacate) a portion of an offer of dedication that was offered in perpetuity to the County as part of the approval of the Sierra Valley Senior Community located on Hill Street adjacent to the City of Loyalton.

Following a brief introduction by the Director of Transportation, the Board moved to adopt the resolution of intent to abandon (vacate) a portion of an offer of dedication that was offered in perpetuity to the County as part of the approval of the Sierra Valley Senior Community located on Hill Street adjacent to the City of Loyalton.

ADOPTED, Resolution 2019-021. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

7. PLANNING / BUILDING - TIM BEALS

- 7.A. Request to set date and time for a public hearing regarding a County Initiated Zone Amendment on nine parcels as recommended by the Planning Commission.

The Director of Planning briefly reviewed the request to set a public hearing regarding a County Initiated Zone Amendment which involves nine properties.

The Board moved to set the public hearing regarding a County Initiated Zone Amendment on nine parcels as recommended by the Planning Commission for March 19, 2019 at 10:00 a.m.

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

8. PERSONNEL DIRECTOR - MARGARET LONG

- 8.A. Authorization for the County's Lead Negotiator Margaret Long to sign side letter agreement with Sierra County Deputy Sheriff's Association regarding amendment to the current Memorandum of Understanding (MOU).

Following a brief introduction by Deputy County Counsel, the Board moved to authorize the County's Lead Negotiator Margaret Long to sign side letter agreement with Sierra County Deputy Sheriff's Association regarding amendment to the current Memorandum of Understanding (MOU).

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

- 8.B. Authorization for the County's Lead Negotiator Margaret Long to sign side letter agreement with Sierra County Road and Miscellaneous/Clerical Units regarding amendment to the current Memorandum of Understandings.

The Board moved to authorize the County's Lead Negotiator Margaret Long to sign side letter agreement with Sierra County Road and Miscellaneous/Clerical Units regarding amendment to the current Memorandum of Understandings.

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

9. COUNTY COUNSEL - DAVID PRENTICE

- 9.A. Discussion/direction on a letter to the California State Water Resources Control Board regarding issuance of discharge permits within Sierra County.

Deputy County Counsel provided background on the request to send a letter to the California State Water Resources Control Board (Water Board) regarding issuance of discharge permits within Sierra County in order to explain that Sierra County is not a commercial marijuana cultivation county.

Supervisor Adams expressed concerns that the Water Board is aware that Sierra County has banned commercial cultivation but doesn't seem to care and is adding to the confusion. Supervisor Adams also suggested copying our legislative representatives on the letter.

The Board moved to authorize County Counsel and the Director of Planning to draft and submit a letter to the California State Water Resources Control Board regarding issuance of discharge permits within Sierra County.

February 5, 2019

The Director of Planning expressed concerns regarding the Water Board having engaged in discussions and issuing permits to five property owners in the county and not having discussed CEQA issues or local land use regulations with the county. The Director further suggested including language in the letter indicating that the Water Board has an obligation to make sure applicants are complying with local regulations.

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

10. BOARD OF SUPERVISORS

- 10.A. Continued discussion/direction with regard to Sierra County's Proclamation of Emergency, Resolution 2014-066 and Resolution 2016-122, with regard to catastrophic wildfire potential. (CHAIR ROEN)

The Director of Planning provided background on a meeting with the Sierra Nevada Conservancy (SNC) to further promote the concept of coordination between the SNC and the county with respect to fire prevention, suppression, biomass removal, etc. and the new farm bill allowing for good neighbor agreements with the Forest Service.

Comments were received by Chair Roen and Supervisor Adams regarding the pros and cons of having good neighbor agreements in order to secure funding and obtain block grants to get work done on the ground.

Discussion ensued with the Board.

The Director of Planning commented on a series of significant funding sources available through FEMA and the Homeland Security offices due to the catastrophic wildfire events.

- 10.B. Discussion/direction to staff regarding combined use roadway legislation allowed pursuant to AB 628 (2011) and SB 1345 (2016) and inclusion of Sierra County into any continuation of this pilot project. (SUPERVISOR ADAMS)

Supervisor Adams provided background on the combined use roadway legislation allowed pursuant to AB 628 (2011) and SB 1345 (2016) and inclusion of Sierra County into any continuation of this pilot project.

Discussion ensued with the Board.

Following discussion and by consensus, the Board directed moving forward with including Sierra County into any continuation of the pilot project.

February 5, 2019

12. COUNTY SERVICE AREA BOARD OF DIRECTORS

Meeting of the County Service Area (CSA) Board of Directors.

At 9:41 a.m. Chair Roen recessed the Regular Board meeting and reconvened as the County Service Area Board of Directors.

At 9:53 a.m. Chair Roen recessed as the County Service Area Board of Directors and reconvened as the Board of Supervisors.

13. TIMED ITEMS

13.A. 10:00 A.M. CONTINUED PUBLIC HEARING - VACATE OREGON CREEK ROAD

Conduct continued public hearing and provide direction to staff with regard to resolution of intent to vacate Oregon Creek Road (#295).

The Director of Transportation provided background on the resolution of intent to vacate Oregon Creek Road and the public hearing conducted by the Board on December 4, 2018 wherein testimony was received from a number of individuals and the Board continuing the hearing. The Director further explained that the Clerk is maintaining a chronological record of all documentation received and entered into the record.

The Director continued to review the staff report previously transmitted to the Board which summarizes the comments and issues that came up at the public hearing held on December 4, 2018 and the options to either abandon the entire stretch of Oregon Creek Road or abandon a portion of Oregon Creek Road.

The Director also reviewed concerns expressed during the public hearing by the Kate Hardy Mine and Zumalt property owners who do not want public access on the portion of the road between their properties and the opportunity to allow permits for gates/barricades for this section of the road under California Streets and Highway Code Section 954.5 wherein the Board can declare by resolution to terminate maintenance of a portion of a county road which requires a public hearing and specific posting. This would provide the Board the opportunity to reopen the road in the future and would satisfy the concerns of the property owners about public access/public thoroughfare through their properties.

Supervisor Dryden clarified that she was not seated at the first public hearing, however she has reviewed the evidence and feels comfortable sitting in on the public hearing today.

At 10:23 a.m. Chair Roen opened the public hearing.

Jeff Hanson, Hansen Brothers representing Maverick Gold, LLC, in favor of keeping the road open with gates. Mr. Hanson also indicated that Maverick Gold is

February 5, 2019

willing to take over some of the maintenance and development of the road in order to relieve some of the financial burden on the county.

Joanna Zumalt-McGarity, Daisy Lode Mine/Zumalt property, expressed her willingness to commit to help as much as they can with the road and also expressed concerns with the potential loss of privacy to their private property.

Alicia Brunner, BT Consulting representing Maverick Gold, LLC, in favor of keeping the road open and having the county retain the right-of-way throughout Oregon Creek Road.

Steve Zumalt, referred to pictures of the road between the Kate Hardy Mine and the Zumalt property and indicated that the Board needs to consider the liability if the county continues to maintain the road.

Chair Roen recommended continuing the public hearing to the next meeting in Loyalton due to people not being able to attend today as a result of the road closures.

Supervisor Adams expressed concerns with abandoning a right-of-way over national forest lands, however he is willing to agree to allow gates and signs stating it is not a maintained road in order to reduce liability to the county.

Deputy County Counsel clarified that if the Board's intent is to go the route of Streets and Highway Code Section 954.5 on a portion of Oregon Creek Road, the Board will need to hold a separate public hearing.

The Director further explained the process outlined under Streets and Highway Code Section 954.5.

Board discussion ensued.

Following discussion, the Board moved to continue the public hearing to February 19, 2019 at 10:30 a.m. in Loyalton and indicated that no further notice will be made.

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

12. COUNTY SERVICE AREA BOARD OF DIRECTORS - CONTINUED

At 10:39 a.m. Chair Roen recessed the Regular Board meeting and reconvened as the County Service Area Board of Directors.

At 10:42 a.m. Chair Roen adjourned as the County Service Area Board of Directors and reconvened as the Board of Supervisors.

February 5, 2019

11. CLOSED SESSION

11.A. Closed Session pursuant to Government Code Section 54956.9(d)(2) - conference with legal counsel regarding anticipated litigation - 1 case.

CLOSED SESSION STATEMENT

The Board met in closed session from 10:58 a.m. to 11:23 a.m. Deputy County Counsel reported that there was nothing to report out of closed session.

15. CORRESPONDENCE LOG

15.A. Letter from Rachel Sears, U.S. Department of Homeland Security Federal Emergency Management Agency (FEMA), commending Sierra County for implementing floodplain management measures in order to participate in the National Flood Insurance Program (NFIP).

No action taken.

15.B. Letter from Downieville Fire Protection District regarding appointment of Wayne M. Creel as the Interim Fire Chief of the Downieville Volunteer Fire Department.

No action taken.

15.C. Letter from American Lung Association regarding the upcoming release of the 17th annual State of Tobacco Control Report on January 30, 2019.

ADJOURN

At 11:24 a.m., with no further business, Chair Roen adjourned the meeting.

PAUL ROEN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD