

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

MEETING DATE: 6 AUGUST 2019	TYPE OF AGENDA ITEM: X Regular Timed Consent
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DEPARTMENT: Board of Supervisors
APPROVING PARTY: Lee Adams, Supervisor – District One
PHONE NUMBER: 530.289.3506; hangman@sierracounty.ca.gov

Item: Approval of Board of Supervisors response to the 2018-2019 Sierra County Grand Jury.

SUPPORTIVE DOCUMENTS ATTACHED: Resolution Agreement Other

This item is to discuss and approve the Board's response to the 2018-2019 grand jury report as required by section 933.05 of the California Penal code. The deadline for the board's response is September 19, 2019. A draft letter for discussion, revision, and approval is attached.

FUNDING SOURCE:
GENERAL FUND IMPACT: NA
OTHER FUND:
AMOUNT: NA

ARE ADDITIONAL PERSONNEL REQUIRED? <input type="checkbox"/> Yes, -- -- X No	IS THIS ITEM ALLOCATED IN THE BUDGET? Yes X No IS A BUDGET TRANSFER REQUIRED? Yes X No
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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 2017- _____ Agreement 2017- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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COMMENTS:

CLERK TO THE BOARD DATE

SIERRA COUNTY

Board of Supervisors
P.O. Drawer D
Downieville, California 95936
Telephone (530) 289-3295
Fax (530) 289-2830



6 August 2019

Hon. Charles Ervin, Presiding Judge
Sierra County Superior Court
PO Box 476
Downieville, CA 95936

Subject: Response to 2018-2019 Grand Jury Final report

Dear Judge Ervin:

This response is made in compliance with section 933.05 of the California Penal Code.

With respect to finding 2.2.3.1 on the subject of building and planning, this Board of Supervisors agrees with respect to the City of Loyalton of Loyalton, that the lack of a building code, permitting process, and enforcement has the potential to create a situation of public safety for the City of Loyalton and its people, and the possibility of liability for the City of Loyalton.

With respect to recommendation 2.2.3.1 to the City of Loyalton re-establishing a planning services agreement with the county, this Board of Supervisors remains willing to re-establish the long standing agreement that was in place for decades until the City of Loyalton made the unilateral decision to create its own 'system.' Our recollection is that the City of Loyalton was doing some work in-house, and some work with the County Planning Department. Such a piecemeal system created confusion for all, and opened the County for the potential of liability for being part of a such an unorganized system and this Board of Supervisors took action to cancel that agreement.

It is our understanding that there is currently no program in place and what little effort (contract with Portola) is in place is bare bones and is a disservice to its residents. It is reported that City of Loyalton residents virtually daily asking the County to conduct inspections as they have great fear that things are not being inspected and thus no quality control nor code compliance, with the real concern being to their property mortgages and property insurance. We understand there is no code adopted, there is nothing in place to comply with current codes, nor is there floodplain administration. The potential long-term effects of this are a reduction in the quality of housing stock, an overall loss of assessed value and taxes to both the City of Loyalton and the County as there is no reporting to the Assessor because there is virtually no permit process nor notification. Overall, there is the basic life and safety protection that is missing here that people rely upon from its government.

Lee Adams
District No. 1
P.O. Box 1
Downieville, CA 95936

Peter W. Huebner
District No. 2
P.O. Box 349
Sierra City, CA 96125

Paul Roen
District No. 3
P.O. Box 43
Calpine, CA 96124

Jim Beard
District No. 4
P.O. Box 1040
Loyalton, CA 96118

Sharon Dryden
District No. 5
P.O. Box 246
Loyalton, CA 96118

Should the City of Loyalton be interested in re-establishing a planning services agreement with the County, our only concern would be that it be an exclusive agreement that seeks the County to undertake all such work, and not a piece meal agreement. What will remain of concern to the County, are the subsequent impacts which arise related to to the period in which the City of Loyalton operated with their questionable system.

With respect to finding 1.3.4 on the subject of the Board of Supervisors' travel policy, we would defer to the Auditor's separate response and respectfully disagree with the Grand Jury's finding. There are no uncertainties about whether this action was done according to the law. It was done according to law. While the Grand Jury is entitled to its opinion with respect to compassion and moral compassion, an opinion differs from a finding. We disagree.

With respect to recommendation 1.3.4, we disagree. As the garnishment in this instance was in fact done in compliance with California law (an elected official is not an employee), we do not see any rationale in the development of a policy to guide the Auditor. Any policy would be redundant. The Auditor followed the law in this instance and we trust him to do the same in the future in his role as a professional and licensed CPA and elected official.

Finally, this Board of Supervisors appreciates and respects the efforts of any and all Grand Juries. You often face what are thankless tasks and undertake those duties as volunteers serving the Sierra County community. The grand jury process is an important and unique process that we believe important and that serves the public trust.

We appreciate this opportunity to comment.

SIERRA COUNTY
BOARD OF SUPERVISORS

PAUL ROEN
Chair

Lee Adams
District No. 1
P.O. Box 1
Downieville, CA 95936

Peter W. Huebner
District No. 2
P.O. Box 349
Sierra City, CA 96125

Bill Nunes
District No. 3
P.O. Box 118
Calpine, CA 96124

David "Dave" Goicoechea
District No. 4
P.O. Box 883
Loyalton, CA 96118

Scott A. Schlefstein
District No. 5
P.O. Box 192
Loyalton, CA 96118