



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

**Lee Adams, District 1**

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**Peter W. Huebner, District 2**

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**Paul Roen, Vice-Chair, District 3**

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**Jim Beard, District 4**

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**Scott A. Schlefstein, Chair, District 5**

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on April 3, 2018 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](http://www.sierracounty.ca.gov).

**PLEDGE OF ALLEGIANCE:** Led by Supervisor Beard

**ROLL CALL**

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

**Staff:** Heather Foster, County Clerk-Recorder  
Joe Larmour, 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 Service

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**APPROVAL OF CONSENT AGENDA**

The Board moved to approve the Consent Agenda.

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

**11. CONSENT AGENDA**

11.A. Resolution approving plans, specifications and bidding documents and authorization to solicit bids for the Sierraville Dearwater Airport Tie-Down Area Re-construction Project. (PUBLIC WORKS)

**ADOPTED,** Resolution 2018-028

11.B. Resolution rescinding Resolution 2018-025 and authorizing solicitation of informal quotes for purchase and installation of a new vault restroom at the Bassett's Station Off Highway Vehicle (OHV) area. (PUBLIC WORKS)

**ADOPTED,** Resolution 2018-029

11.C. Authorize payment in the amount of \$10,391.94 to Axleline for purchase of transfer case assembly for a Road Department plow/sand truck, equipment number 11. (PUBLIC WORKS)

11.D. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Richard and Mickey Wayne, Applicants and Landowners for consideration of a Conditional Use Permit to allow the temporary use of a travel trailer during construction a single family residence. The project site, identified as APN 016-160-010, is located at 615 Bear Valley, Rd. Loyalton. (PLANNING)

**APPROVED,** Agreement 2018-020

11.E. Minutes from the regular meeting held on March 6, 2018. (CLERK-RECORDER)

11.F. Minutes from the regular meeting held on March 20, 2018. (CLERK-RECORDER)

**APPROVAL OF THE REGULAR AGENDA**

At the request of Supervisor Roen the following item was added to the Regular Agenda as the matter came up after the close of the agenda.

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- 6.B. Approval of a quote from Sierra County to be included in a press release regarding American Renewable Energy's acquisition and restart of the Loyalton Biomass Plant.

The Board moved to add Item 6.B. to the Regular Agenda.

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

The Board moved to approve the Regular Agenda as amended.

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

## **REGULAR AGENDA**

### **2. PUBLIC COMMENT OPPORTUNITY**

At 9:04 a.m. Chair Schlefstein opened and closed the public comment opportunity with no persons addressing the Board.

### **3. COMMITTEE REPORTS & ANNOUNCEMENTS**

- RCRC March 14, 2018 Board Meeting Highlights. (SUPERVISOR ADAMS)

Supervisor Huebner reported that following the last Board meeting and after sending emails and letters to AT&T, the Buckhorn in Sierra City will now have internet.

Supervisor Adams reported that our representative with AT&T, Alice Perez will be coming before the Board on May 1, 2018; CSAC's Executive Board will meet on Thursday; with respect to the County's gold collection he is going to make inquiries to see if there is anywhere within California government to house the gold so it would be in California rather than Nevada as previously discussed by the Board; having the Finance Committee review the Board of Supervisor's travel policy at their next meeting; and the State Senate confirming his appointment to the Commission on State Mandates.

Supervisor Schlefstein reported on the Family Resource Center meeting held on March 28<sup>th</sup> and having been contacted by Sarah Grew regarding the next steps of the marijuana ad hoc committee.

Deputy County Counsel reported on the marijuana ad hoc committee meeting held on March 6, 2018 wherein he laid out the necessary groundwork and infrastructure it takes to have a commercial marijuana industry. At this point the committee is looking for direction from the Board on whether they want the committee to continue having discussions or bring a report back to the full Board.

Supervisor Adams suggested continuing the committee process.

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#### **4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS**

The Director of Planning indicated it would be timely for the marijuana ad hoc committee and/or the Board to give clear direction within the next 60 to 90 days as to what they want to do with marijuana as they have started the process of the general plan update and zoning code and the permitted uses, none permitted uses and conditional uses of marijuana will be part of the development of the code.

Discussion ensued regarding the permitted uses of marijuana being a big part of land use.

The Director of Planning continued to report on AT&T providing internet service to the Buckhorn; the Stampede project; storm damage incurred on the east side of the county a few weeks ago; the bidding and award process for the Bassett's OHV project starting in the next 30 days; the delay in the removal of the remaining material at the Loyalton Mobilehome Park; the Truckee River Basin Water Group meeting and DWR requesting a joint meeting with Environmental Health agencies in Placer, Sierra and Nevada Counties as they are obligated under TROA to inventory and keep current all well permits issued in the Truckee River system; the Sierraville Airport project going out to bid; a meeting will be held with the architect for the Downieville Community Hall on April 10<sup>th</sup>; requesting proposals from two additional architects on the Health and Human Services Wellness building; he will have a report on the snow grooming program at the next meeting in April; he will be participating in a Good Morning Truckee presentation on April 11<sup>th</sup> at 7:30 a.m. at the Truckee Airport; a resolution of appreciation for US Forest Service Hydrologist Randy Westmorland will be on the next meeting agenda; the Transportation Commission has funded and proceeded with purchasing radar speed feedback signs for Loyalton; and a meeting to be held on April 17<sup>th</sup> in Portola to discuss the Sierra Valley Hospital District.

The Auditor reported on the two year reauthorization of the Secured Rural Schools funding and the changes to the County general fund and road fund.

Board discussion ensued regarding the difference in the Secured Rural Schools funding versus the 25% receipts program.

#### **5. FOREST SERVICE UPDATE**

Ms. Marilyn Tierney, Yuba River Ranger District Biologist provided an update on projects in the district.

Brief discussion ensued.

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**9.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, located at 18 Lake Street, Sierra City, CA.

On behalf of the Appellant, the Clerk entered the following exhibit into the record:

Exhibit A – Four (4) photographs of the subject property located at 18 Lake Street, Sierra City, CA – 2 pages

Mr. Joe Arata, Appellant made his presentation to the Board in regards to his appeal of the solid waste assessment fee.

The Solid Waste Fee Administrator made her presentation to the Board on Mr. Arata's appeal of the solid waste assessment fee on property located at 18 Lake Street, Sierra City, including a drone video showing the online real estate ad for 18 Lake Street, Sierra City and entered the following exhibits into the record:

Exhibit 1 – Portion of Sierra County Code, Chapter 8.04 – Solid Waste Services – 08.04.010 Definition of Solid Waste Services – highlighted definitions “Board”, “Place or Premises”, “Residential”, “Single family residential” and “Solid Waste Fee Administrator”- 4 pages

Exhibit 2 – Four (4) photographs of subject property located at 18 Lake Street, Sierra City, CA APN 009-142-001-0 – 1 page

Exhibit 3 – Sierra County Resolution 2017-087 pertaining to solid waste fees for the 2017/2018 Fiscal Year – 4 pages

Exhibit 4 – Portion of Sierra County Code, Chapter 8.05 – Solid Waste System Fees and Charges – 4 pages

Exhibit 5 – Court of Appeal Case No. A12263 – David Paland vs. Brooktrails Township Community Service District Board of Directors - highlighted statement on page 12 “We conclude the “immediately available” requirement is logically focused on the agency's conduct, not the property owner's.” – 16 pages

Exhibit 6 – Portion of Sierra County Code, Section 15.12.080 - R1 Residential One Family District – highlighted subparagraph (b) Permitted Uses: One single family dwelling per lot or parcel and subparagraph (d) Conditional Uses: storage and repair yards – 1 page

Exhibit 7 – Real estate listing for 18 Lake Street, Sierra City, CA 96125 - 1 page

Board questioning and discussion ensued.

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Following discussion and deliberation, the Board made a motion of intent to deny the appeal of Solid Waste Assessment Fees filed by Mr. Joseph Arata for APN 009-142-001-0, located at 18 Lake Street, Sierra City, CA as the property is properly classified and has the availability of the service, and directed County Counsel to bring back findings.

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

**9.B. 10:30AM CHILD ABUSE PREVENTION**

Presentation by Tammy Muldoon, Family Resource Center Director regarding National Child Abuse Prevention and adoption of resolution declaring April 2018 as "Child Abuse Prevention Awareness Month" in Sierra County.

Ms. Tammy Muldoon made her presentation to the Board.

The Board moved to adopt the resolution declaring April 2018 as "Child Abuse Prevention Awareness Month" in Sierra County.

**ADOPTED,** Resolution 2018-030. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

**6. BOARD OF SUPERVISORS**

6.A. Discussion and approval of letter to City Council of Reno and Board of Commissioners of Washoe County requesting a joint meeting to discuss growth impacts to Sierra County and communities of Verdi and Long Valley. (SUPERVISOR HUEBNER)

Supervisor Huebner provided an overview of the meeting he attended last Thursday regarding the 75 home development near Bordertown and the request from citizens in Verdi, CA and Washoe County for a town meeting to discuss this development further. Supervisor Huebner further requested approval of a letter requesting a joint meeting and to have Supervisor Roen and the Director of Public Works attend said meeting.

Comments were received by the Director Public Works regarding coordinating public services.

Comments were received by Sharon Dryden, Loyalton suggesting the County Superintendent of Schools receive notice of future meetings.

Discussion ensued regarding the potential impacts of the development on Sierra County's inter-district students and concerns of water issues.

The Board moved to approve a letter, to be signed by the Chair, to the City Council of Reno and Board of Commissioners of Washoe County requesting a joint meeting to discuss growth impacts to Sierra County and communities of Verdi and Long Valley.

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

- 6.B. Approval of a quote from Sierra County to be included in a press release regarding American Renewable Energy's acquisition and restart of the Loyalton Biomass Plant.

Following brief discussion, the Board moved to approve the quote from Sierra County to be included in a press release regarding American Renewable Energy's acquisition and restart of the Loyalton Biomass Plant.

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

**7. HEALTH & SOCIAL SERVICES - Vickie Clark**

- 7.B. Resolution approving Phase I 2017-2018 Fiscal Year Plan Budget for the Tobacco Use and Reduction Program #CTCP-17-46.

Following a brief introduction by the Director of Health and Social Services, the Board moved to adopt the resolution approving Phase I 2017-2018 Fiscal Year Plan Budget for the Tobacco Use and Reduction Program #CTCP-17-46.

**ADOPTED,** Resolution 2018-031. Motion: Huebner/Adams/Unanimous Roll Call Vote: 5/0

- 7.A. Approval to accept Quote #1009-1 and move forward with the purchase of University of California, San Diego (UCSD) California Student Tobacco Survey (CSTS) which provides County-Specific Reporting for Sierra County.

The Director of Health and Social Services provided background on the University of California, San Diego (UCSD) California Student Tobacco Survey (CSTS) which will go to all middle and high school students in Sierra County.

Following brief discussion, the Board moved to approve the Quote ##1009-1 and move forward with the purchase of University of California, San Diego (UCSD) California Student Tobacco Survey (CSTS) which provides County-Specific Reporting for Sierra County.

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

**8. PUBLIC WORKS/TRANSPORTATION - Tim Beals**

- 8.A. Professional Services Agreement with Avalex, Inc. for engineering and construction inspection services related to the closure of the Loyalton Landfill.

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The Director of Public Works briefly reviewed the agreement with Avalex, Inc. for engineering and construction services related to the closure of the Loyalton Landfill which will provide for a significant savings by setting up a nuclear gauge at the landfill.

**APPROVED**, Agreement 2018-021. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

- 8.B. Resolution approving Participating Agreement between the County of Sierra and the US Forest Service Tahoe National Forest for the Sierra Tree Mortality Project.

The Director of Public Works provided background on agenda Items 8.B. and 8.C. which agreements will allow funds to flow for the Tree Mortality and AIS (Aquatic Invasive Species) inspection Title II projects that were allocated to the County.

The Board moved to adopt the resolution approving Participating Agreement between the County of Sierra and the US Forest Service Tahoe National Forest for the Sierra Tree Mortality Project.

**ADOPTED**, Resolution 2018-032 and **APPROVED**, Agreement 2018-022. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 8.C. Resolution approving Participating Agreement between the County of Sierra and the US Forest Service Tahoe National Forest for the Sierra County Watercraft Inspection Program.

The Board moved to adopt the resolution approving Participating Agreement between the County of Sierra and the US Forest Service Tahoe National Forest for the Sierra County Watercraft Inspection Program.

**ADOPTED**, Resolution 2018-033 and **APPROVED**, Agreement 2018-023. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

## 10. CLOSED SESSION

- 10.A. Closed session pursuant to Government Code section 54956.9(a) - conference with legal counsel regarding the following litigation: Sierra County v. Michael Miller, Sierra County Superior Court Case No. 7637.
- 10.B. Closed session pursuant to Government Code Section 54956.9 (d)(4) - conference with legal counsel - initiation of litigation - 1 case.
- 10.C. Closed session pursuant to Government Code section 54956.9(a) - conference with legal counsel regarding the following litigation: Sierra County v. Loyalton Mobile Home Park, Sierra County Superior Court Case No. 7677.



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10.D. Closed session pursuant to Government Code Section 54956.9 (d)(2) – potential exposure to litigation – 1 case.

The Board met in closed session from 11:24 a.m. to 12:10 p.m. Deputy County Counsel reported with respect to Item 10.A, information was given; Item 10.B., information and direction was given; Item 10.C., information was given; and Item 10.D., information was given.

**ADJOURN**

At 12:10 p.m., with no further business, Chair Schlefstein adjourned the meeting.

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SCOTT A. SCHLEFSTEIN, CHAIR  
BOARD OF SUPERVISORS

ATTEST:

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HEATHER FOSTER  
CLERK OF THE BOARD