



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

Lee Adams, District 1

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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 - 530-913-9218 - sdryden@sierracounty.ca.gov

The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on June 4, 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 Beard

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
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 Services
Mike Fisher, Sheriff/Coroner

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APPROVAL OF CONSENT AGENDA

At the request of the Clerk, Consent Item 15.K. was pulled from the agenda.

15.K. Minutes from the regular meeting held on May 7, 2019. (CLERK-RECORDER)

The Board moved to approve the Consent Agenda as amended.

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

15. CONSENT AGENDA

15.A. Agreement for Transportation Services in the amount of \$54,000 between County of Sierra and Golden Rays Senior Citizens of Sierra County, Inc. for Fiscal Year 2020. (PUBLIC WORKS)

APPROVED, Agreement 2019-044

15.B. Agreement for Transportation Services in the amount of \$54,000 between County of Sierra and Incorporated Senior Citizens of Sierra County for Fiscal Year 2020. (PUBLIC WORKS)

APPROVED, Agreement 2019-045

15.C. Resolution authorizing Auditor to implement changes to the Fiscal Year 2019-2020 transit budget in order that the Auditor's County Budget aligns with the budget that was approved and provided by the Sierra County Transportation Commission. (PUBLIC WORKS)

ADOPTED, Resolution 2019-086

15.D. Rescission of Agreement No. 2019-041 and approval of revised Memorandum of Understanding (MOU) between Sierra County Public Health (SCPH) and Plumas County Public Health Agency (PCPHA) for the purpose of providing HIV/HCV screening services from the mobile testing unit and authorizing the Public Health Director to sign the MOU. (PUBLIC HEALTH)

APPROVED, Agreement 2019-046

15.E. Resolution approving amendment 04 of the Women, Infants and Children (WIC) four-year agreement and authorizing Vickie Clark, Director to sign the amendment. (PUBLIC HEALTH)

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ADOPTED, Resolution 2019-087

APPROVED, Agreement 2019-047

- 15.F. Resolution approving the Plumas County Agreement No. PARTB1920SCPH, Ryan White Part B, and authorizing the Public Health Director to sign the agreement and all invoices to secure funds. (PUBLIC HEALTH)

ADOPTED, Resolution 2019-088

APPROVED, Agreement 2019-048

- 15.G. Resolution approving the Personal Services Agreement between the County of Shasta through its Department of Housing and Community Action Programs, and the County of Sierra for the purpose of participating in a collaborative effort known as the Homeless Management Information System ("HMIS") and authorizing the Administrative Director of Behavioral Health to sign the agreement. (BEHAVIORAL HEALTH)

ADOPTED, Resolution 2019-089

APPROVED, Agreement 2019-049

- 15.H. Approval of an invoice by Pliocene Ridge Community Services District for Title III funds for services rendered on Federal land. (AUDITOR)

ADOPTED, Resolution 2019-090

- 15.I. Renewal of contract for Airespring; managed redundant phone connectivity. (INFORMATION SYSTEMS)

APPROVED, Agreement 2019-050

- 15.J. Minutes from the regular meeting held on April 16, 2019. (CLERK-RECORDER)

APPROVAL OF REGULAR AGENDA

At the request of the Director of Public Works, Regular Agenda Items 9.C. and 10.A. were continued to the June 18, 2019 meeting.

- 9.C. Resolution approving proposed Solid Waste Budget for Fiscal Year 2019-2020.
- 10.A. Resolution pertaining to the solid waste fees for the 2019-2020 Fiscal Year.

The Board moved to approve the Regular Agenda as amended.

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

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:09 a.m. Chair Roen opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Chair Roen requested changing the July 2019 meeting dates due to the 4th of July Holiday.

By consensus, the Clerk was directed to add this to the next meeting agenda.

Chair Roen also reported that he attended the community meeting in Sierra City regarding wildfire prevention.

Supervisor Adams congratulated the Director of Transportation on getting Gold Lake Road open and also commented on constituent concerns/frustrations with not being able to get to Packer Saddle and other Forest Service roads.

Supervisor Beard reported that the Behavioral Health Advisory Committee will meet on Thursday in Loyalton and the car show is this Saturday in Loyalton.

Chair Roen also reported on Sierra Nevada Conservancy meeting held in Sonora.

Supervisor Dryden reported on the AAA4 meeting she attended in Sacramento and the lack of a picture of Sierra County at the AAA4 building in Sacramento so she placed one from Mary Davey titled "The Work Road Less Traveled" in their building also has one for the Sierra County Chamber.

Supervisor Huebner thanked Chair Roen and Supervisor Adams for attending the meeting in Sierra City regarding wildfire prevention.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Director of Behavioral Health reported on Mental Health Services Act program audit.

Sheriff reported on the community meeting regarding wildfire prevention held in Sierra City, and the California Emergency Management Summit held yesterday in Sacramento and the need to review some of the deficiencies within his office with

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respect to preparedness that he will be addressing prior to going into the summer months.

5. FOREST SERVICE UPDATE

Yuba River District Ranger Lon Henderson reported on the community meeting held in Sierra City regarding wildfire protection and the North Yuba Forest Watershed meeting to be held on Friday.

The Director of Planning reported that on Brian Estes, CalFire Unit Ranger will be attending the June 18, 2019 Board meeting.

6. BEHAVIORAL HEALTH - Lea Salas

- 6.A. Permission to submit applications to take part in the University of Nevada Reno Field Education Program to take place at Sierra County Behavioral Health in Loyalton.

The Director of Behavioral Health provided background on the item which is the first step in creating the internship program.

The Board moved to authorize submitting applications to take part in the University of Nevada Reno Field Education Program to take place at Sierra County Behavioral Health in Loyalton.

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

Supervisor Adams introduced two representatives from the California Highway Patrol.

7. AUDITOR / TREASURER-TAX COLLECTOR - Van Maddox

- 7.A. Discussion/direction regarding pay rates for split positions in the County.

The Auditor provided background on the item and the issues with CalPERS and staff spending an inordinate amount of time on calculating split pay rates.

Supervisor Adams commented on this being a small amount, however the Department Managers want to review the matter further to determine how it affects their employees and also have County Counsel review it for any possible union issues.

By consensus, the Board continued this item to a future meeting.

- 7.B. Discussion/authorization to purchase laptop for the Grand Jury.

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The Auditor provided background on the request by the Grand Jury for the purchase of a laptop.

The Board moved to authorize the purchase of a laptop for the Grand Jury NTE \$1,000.

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

8. PLANNING / BUILDING - Tim Beals

- 8.A. Discussion and adoption of resolution approving increase in allocation for purchase of two fixed assets (vehicles) in the 2018-2019 approved budget to allow purchase price to not exceed \$25,000 each (approved at \$20,000 each) with funding to make up the difference to be sourced out of the approved departmental budgets-no increase in overall budget as a result.

The Director of Planning provided background on the increase in allocation for the purchase of two vehicles.

The Board moved to adopt the resolution approving an increase in the allocation for purchase of two fixed assets (vehicles) in the 2018-2019 approved budget to allow purchase price to not exceed \$25,000 each (approved at \$20,000 each) with funding to make up the difference to be sourced out of the approved departmental budgets-no increase in overall budget as a result.

ADOPTED, Resolution 2019-090. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

9. PUBLIC WORKS/TRANSPORTATION - Tim Beals

- 9.A. Amendment to Sierra County Agreement 2018-017 with Bruce Boyd, Architecture & Planning for changes to the scope of work and corresponding fee changes for the Sierra County Wellness Center.

The Director of Public Works provided background on the amendment to the agreement to change the scope of work to install a modular.

Discussion ensued with the Board

The Board moved to approve Lee moved to approve the Amendment to Sierra County Agreement 2018-017 with Bruce Boyd, Architecture & Planning for changes to the scope of work and corresponding fee changes for the Sierra County Wellness Center.

APPROVED, Agreement 2019-051. Motion: Adams/Beard/Unanimous Roll Call Vote: 5/0

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- 9.B. Services agreement for fire and EMS services for Verdi and Long Valley with Truckee Meadows Fire Protection District of Washoe County.

The Director of Public Works provided brief background on the agreement which agreement should be signed off by Washoe County by the next meeting.

11. CLERK-RECORDER - Heather Foster

- 11.A. Second reading and adoption of an ordinance amending Appendix I to Chapter 2.06 of the Sierra County Code pertaining to the Conflict of Interest Code for Sierra County.

The Board moved to waive the second reading and adopt the ordinance amending Appendix I to Chapter 2.06 of the Sierra County Code pertaining to the Conflict of Interest Code for Sierra County.

ADOPTED, Ordinance No. 1088. Motion: Dryden/Huebner/Unanimous Roll Call Vote: 5/0

12. BOARD OF SUPERVISORS

- 12.A. Discussion/action with respect for a building permit fee waiver involving installation of an emergency backup generator at the Pike City Fire House. (SUPERVISOR ADAMS)

Supervisor Adams provided background on the request to waive the building permit fees for the installation of an emergency backup generator at the Pike City Fire House and suggested having the overall issue of waiving fees referred to the Finance Committee.

Following brief discussion regarding certain fees associated with the building permit fees that cannot be waived including the solid waste fees, the Board moved to waive the base county building permit fees.

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

- 12.B. Resolution approving increase in the Director of Health and Social Services salary. (CLERK OF THE BOARD)

The Board moved to adopt the resolution approving an increase in the Director of Health and Social Services salary.

ADOPTED, Resolution 2019-091. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

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- 12.C. Discussion/direction regarding participating in the 2020 Census New Construction Program. (CLERK OF THE BOARD)

Following brief discussion and by consensus, the Board directed staff to review the program and determine whether to participate.

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

At 9:47 a.m. Chair Roen convened as the County Board of Supervisors and County Service Area joint meeting.

- 13.A. Minutes from the County Service Area Board of Directors meeting held on March 5, 2019.

The Board moved to approve the minutes from the County Service Area Board of Directors meeting held on March 5, 2019.

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

- 13.B. Discussion/direction/adoption of a resolution setting the County Service Area Preliminary Budget for Fiscal Year 2019-2020.

In response to Supervisor Dryden's inquiry regarding County Service Area (CSA) 5 funds that are allocated to the Loyalton Library, the Auditor explained that CSA 4 doesn't have enough available funding and it's not uncommon for one CSA to help another.

Supervisor Adams commented on how the CSA's are arranged and the general fund sometimes subsidizing some of the CSA's and further suggested a workshop to discuss combining the CSA's into one.

The Board moved to adopt the resolution setting the County Service Area Preliminary Budget for Fiscal Year 2019-2020 and direct staff to hold a workshop on combining the CSA's.

ADOPTED, CSA Resolution 2019-008. Motion: Adams/Dryden/Unanimous Roll Call Vote: 5/0

- 13.C. Discussion/direction/adoption of a resolution setting the County and Special Revenue Funds Preliminary Budget for Fiscal Year 2019-2020.

The Auditor provided background on the resolution setting the County and Special Revenue Funds Preliminary Budget for Fiscal Year 2019-2020.

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The Board moved to adopt the resolution setting the County and Special Revenue Funds Preliminary Budget for Fiscal Year 2019-2020.

ADOPTED, Resolution 2019-092. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

13.D. Permission to hire Substance Use Disorder Program Manager.

The Director of Behavioral Health provided background on the requirements of the Substance Use Disorder Program Manager and the need for the position.

The Board moved to authorize the hiring of a Substance Use Disorder Program Manager.

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

At 10:05 a.m. Chair Roen adjourned the joint meeting of the Board of Supervisors and County Service Area Board of Directors and reconvened as the Board of Supervisors.

14. TIMED ITEMS

14.A. 10:00AM SOLID WASTE APPEALS

14.A.i. Appeal of Solid Waste Assessment Fees for 2018-2019 filed by Mr. James Howatt for APN 008-090-020-0.

The Clerk commented that the Appellant, James Howatt is not in attendance and entered the following exhibit into the record:

Exhibit B – Email from James W. Howatt dated May 31, 2019 regarding Solid Waste Fee Assessment Appeal – APN 008-090-020 – 1 page

The Solid Waste Fee Administrator made her presentation to the Board on Mr. Howatt's appeal of the solid waste assessment fee and entered the following exhibits into the record:

Exhibit 1 - Sierra County Resolution 2018-078 pertaining to solid waste fees for the 2018/2019 Fiscal Year – 4 pages

Exhibit 2 - Portion of Sierra County Code, Chapter 8.04 – Solid Waste Services – 08.04.010 Definition of Solid Waste Services – highlighted definitions “Residential” and “Single family residential” - 4 pages

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- Exhibit 3 - 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 4 - Summary of Monthly Residential Waste Generation April – December 2017 and January – March 2018- 1 page
- Exhibit 5 - MSL listing for 8 Old Chimney Road, Sierra City, CA 96125 – 9 pages

Board questioning ensued.

The Director of Planning commented on Exhibit B and the notice of violation issued by the building department which was due to substantial improvements that had been made to the structure and was well beyond what was approved in 2008. The Director further requested entering the following exhibit into the record:

- Exhibit 6 - Emails between Brandon Pangman, Sierra County Assistant Planning Director, and James Howatt dated June 3, 2019, May 31, 2019 and May 30, 2019 regarding 8 Old Chimney Road, Sierra City – APN 008-090-020 – with attached Notice of Violation dated May 29, 2019 – 10 pages

The Board made a motion of intent to deny the Solid Waste Assessment Fees for 2018-2019 filed by Mr. James Howatt for APN 008-090-020-0 and directed County Counsel to bring back a resolution with findings.

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

- 14.A.ii. Appeal of Solid Waste Assessment Fees for 2017-2018 filed by Mr. Wayne DeLisle for APN 006-130-024-0 and 006-130-025-0.

Mr. Wayne DeLisle, Appellant made his presentation to the Board in regards to his appeals of the Solid Waste Assessment Fees.

The Solid Waste Fee Administrator made her presentation on the appeals of Solid Waste Assessment Fees on two parcels located in Pike that are improved with a single family structure and entered into the record the following exhibits:

- Exhibit 1 - Sierra County Resolution 2017-087 pertaining to solid waste fees for the 2017/2018 Fiscal Year – 4 pages
- Exhibit 2 - Portion of Sierra County Code, Chapter 8.04 – Solid Waste Services – 08.04.010 Definition of Solid Waste Services –

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highlighted definitions “Residential” and “Single family residential” - 4 pages

Exhibit 3 - 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 4 - Summary of Monthly Residential Waste Generation April – December 2017 and January – March 2018- 1 page

Discussion ensued between Mr. DeLisle and the Solid Waste Fee Administrator.

Following discussion, the Board made a motion of intent to deny the appeal of Solid Waste Assessment Fees filed by Mr. Wayne DeLisle for APN 006-130-024-0 Pike City Road and 006-130-025-0 Pike Short Cut Road and directed County Counsel to return with a resolution making findings.

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

14.A.iii. Appeal of Solid Waste Assessment Fees for 2018-2019 filed by Mr. Wayne DeLisle for APN 006-130-024-0 and 006-130-025-0.

Mr. Wayne DeLisle, Appellant made his presentation to the Board in regards to his appeals of the Solid Waste Assessment Fees.

The Solid Waste Fee Administrator made her presentation on the appeals of Solid Waste Assessment Fees on two parcels located in Pike that are improved with a single family structure and entered into the record the following exhibits:

Exhibit 1 - Sierra County Resolution 2018-078 pertaining to solid waste fees for the 2018/2019 Fiscal Year – 4 pages

Exhibit 2 - Portion of Sierra County Code, Chapter 8.04 – Solid Waste Services – 08.04.010 Definition of Solid Waste Services – highlighted definitions “Residential” and “Single family residential” - 4 pages

Exhibit 3 - 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

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Exhibit 4 - Summary of Monthly Residential Waste Generation April – December 2017 and January – March 2018- 1 page

Discussion ensued between Mr. DeLisle and the Solid Waste Fee administrator.

Following discussion, the Board made a motion of intent to deny the appeal of Solid Waste Assessment Fees filed by Mr. Wayne DeLisle for APN 006-130-024-0 Pike City Road and 006-130-025-0 Pike Short Cut Road and directed County Counsel to return with a resolution making findings.

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

14.B. 11:30 AM SECOND AMENDMENT SANCTUARY COUNTY

Resolution declaring Sierra County to be a Second Amendment Sanctuary County. (SUPERVISOR BEARD)

Supervisor Beard introduced the item and commented on the suggested changes to the proposed resolution at the last meeting and also suggested striking portions of the current proposed resolution. Supervisor Beard further read the resolution as amended.

In response to Chair Roen's inquiry, Deputy County Counsel clarified that the resolution can be adopted as amended as they are only striking portions of the language.

Public comments were received by Sig Ostrom, in opposition; Don McKechnie, in opposition; Scott Matheson, in opposition; Nordis Ostrom, in opposition; Liz Fisher, in opposition; Sharon Lane on behalf of herself, Mike Warner and John Klingelhofer, in opposition; and Ron Tucker, in favor.

The Sheriff requested Supervisor Beard pull the resolution before taking this to a vote as there are some additional issues with the language and he is concerned if it fails they won't be able to bring this back.

Additional public comments were received by Gunnar Ellsmore, in opposition and Andy White, in favor.

Considerable discussion ensued with the Board.

The Board moved to adopt the resolution declaring Sierra County to be a Second Amendment Sanctuary County as amended.

FAILED. Motion: Beard/Huebner/Failed Roll Call Vote: 2/3 (Supervisors Adams, Huebner and Dryden NO)

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16. CORRESPONDENCE LOG

16.A. Application for Alcoholic Beverage License submitted by Sierra Village Markets, LLC.

No action taken.

ADJOURN

At 1:00 p.m., with no further business, Chair Roen adjourned the meeting.

PAUL ROEN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD