



**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

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Paul Roen, Chair, District 3

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Jim Beard, Vice-Chair, District 4

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Sharon Dryden, District 5

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on August 20, 2019 at the Loyalton Social Hall, Loyalton City Park, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by the Auditor/Treasurer/Tax Collector
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

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APPROVAL OF THE CONSENT AGENDA

At the request of the Clerk, Item 10.O. was pulled from the Consent Agenda.

10.O. Minutes from the regular meeting held on July 9, 2019. (CLERK-RECORDED)

The Board moved to approve the Consent Agenda as amended.

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

10. CONSENT AGENDA

10.A. Professional Services Agreement between Kings View Corporation and Sierra County Behavioral Health for Telepsychiatry services. (BEHAVIORAL HEALTH)

APPROVED, Agreement 2019-093

10.B. Rescind Agreement 2019-077 and approve professional services agreement between Maureen Bauman Consulting LLC and Sierra County to provide program oversight at the request of the Behavioral Health Clinical and Administrative Directors. (BEHAVIORAL HEALTH)

APPROVED, Agreement 2019-094

10.C. Resolution approving the California Department of Public Health (CDPH) Agreement No. 19-10190, Women, Infants, and Children (WIC) Nutritional Program, and authorizing the Director of Public Health, or designee, to sign the standard agreement and all invoices to secure funds. (PUBLIC HEALTH)

ADOPTED, Resolution 2019-118

APPROVED, Agreement 2019-095

10.D. Agreement between The Regents of the University of California, on behalf of its Davis campus UC Davis Continuing and Professional Education and Sierra County for ten (10) units of training. (SOCIAL SERVICES)

APPROVED, Agreement 2019-096

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- 10.E. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Tschopp Mutual Water Company, applicant and Glen Cornell, landowner for consideration of a Conditional Use Permit to allow the installation of a small chlorination system and replacement of the existing holding tank. The project site, identified as APN 008-230-008, is located at 521 Main Street Sierra City. (PLANNING)

APPROVED, Agreement 2019-097

- 10.F. Authorization for Director of Transportation to formalize a request to Plumas County Road Department to accomplish 2017 storm damage repairs to approximately 7 storm damage sites, on 4 different roads, in the north area of Sierra County near LaPorte.
- 10.G. Resolution authorizing Auditor to implement changes to the Fiscal Year 2019-2020 preliminary budget in order to affirm authorization for the financial commitment to County Service Area 5, Zone 5A for the Sierra Brooks Water System Improvement Project -Phase II. (PUBLIC WORKS)

ADOPTED, Resolution 2019-119

- 10.H. Amendment to Agreement 2009-044 with Sauers Engineering to extend contract term for the engineering services contract for the Sierra Brooks Water System Improvement Project Phase 2. (PUBLIC WORKS)

APPROVED, Agreement 2019-098

- 10.I. Authorize payment of Invoice Number 64673 to Intermountain Disposal for tipping fees for waste that has been diverted to Delleker Transfer Station. (PUBLIC WORKS)
- 10.J. Authorize payment in an amount not to exceed \$12,000.00 to Ceselini Construction, Inc. for storm damage repairs to the Downieville Community Hall. (PUBLIC WORKS)
- 10.K. Authorization to pay Invoice 17970520 in the amount of \$13,395.14 from Western Nevada Supply for culvert and couplings associated with the Perazzo Meadows Watershed Restoration & Erosion Control Project (Phase 1). (PUBLIC WORKS)
- 10.L. Approval of an amended Memorandum of Understanding (MOU) with Special District Risk Management Authority (SDRMA). (AUDITOR)

APPROVED, Agreement 2019-102

ADOPTED, Resolution 2019-098A

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10.M. Agreement for services by the East Sierra Valley Chamber of Commerce for promotion of Sierra County during the 2019-2020 Fiscal Year. (CLERK OF THE BOARD)

APPROVED, Agreement 2019-099

10.N. Agreement for services by the Sierra County Chamber of Commerce for promotion of Sierra County during the 2019-2020 Fiscal Year. (CLERK OF THE BOARD)

APPROVED, Agreement 2019-100

APPROVAL OF THE REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:07 a.m. Chair Roen opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams reported on the RCRC meeting he attended.

Supervisor Dryden reported on the Area Agency on Aging Governing Board; the Local Transportation Commission will meet on Wednesday at 10:00 a.m.; bids for the Loyalton Mobile Home Park are due on Friday; the Lassen Plumas Sierra Community Action Agency; and the Library Ad Hoc Committee.

Chair Roen reported that he will be attending the NoRTEC meeting on Wednesday so he is unable to attend the Local Transportation Commission meeting.

Supervisor Adams reported there will be a meeting on industrial hemp at 2:00 p.m. today in Loyalton.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Director of Behavioral Health provided an update on the first stakeholder meeting for the Mental Health Service Act and the veteran services program.

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The Director of Health and Social Services reported on the recruitment efforts for a full-time Environmental Health Director and also an Environmental Health Specialist in the event they are unable to recruit someone for the Environmental Health Director position. The Director also reported on the Family Fun Fest.

5. FOREST SERVICE UPDATE

Sierraville District Ranger Quentin Youngblood reported on various projects going on in the district.

6. AUDITOR / TREASURER-TAX COLLECTOR - VAN MADDOX

- 6.A. Discussion/authorization to waive the FMLA requirement in Sierra County Code Section 3.090.020 pertaining to the qualifications for use of catastrophic leave by an employee.

The Auditor provided background on the request and the Personnel Director's recommendation to waive the FMLA requirement for use of catastrophic leave for the current case and bring back an amendment to the County Code.

The Board moved to authorize waiving the FMLA requirement in Sierra County in Sierra County Code Section 3.090.020 pertaining to the qualifications for use of catastrophic leave by an employee.

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

7. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

- 7.A. Resolution updating solid waste transfer station policy and gate fees in light of the closure of the Loyalton Landfill.

The Director of Public Works provided background on the proposed resolution updating the solid waste transfer station policy and gate fees.

Discussion ensued with the Board.

The Board moved to adopt the resolution updating solid waste transfer station policy and gate fees in light of the closure of the Loyalton Landfill.

ADOPTED, Resolution 2019-120.

- 7.B. Discussion/direction on final draft of "Master Stewardship Agreement" between the US Forest Service (USDA) and Sierra County and authorization to send to the Regional Forester.

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The Director of Public Works reviewed the changes to the draft agreement which does not address the issue regarding the Secured Rural Schools funding and also needs some technical edits.

Brief discussion ensued.

The Board moved to approve the Master Stewardship Agreement between the US Forest Service (USDA) and Sierra County as amended to include the technical edits and language regarding the traditional 25% forest receipts if acceptable by the US Forest Service.

APPROVED, Agreement 2019-101. Motion: Adams/Dryden/Unanimous Roll Call Vote: 5/0

8. BOARD OF SUPERVISORS

8.A. Discussion/direction regarding letter from Michael Welbourn expressing concerns over FEMA violations on certain properties located within the City of Loyalton. (CLERK OF THE BOARD)

The Director of Planning commented on how the floodplain management program is administered in the County and the City of Loyalton having to discharge the same obligations as the County. If a city or county fails to do so FEMA will put the program on ice so flood insurance would be canceled and/or unavailable to those living within the jurisdiction. The Director further clarified that this burden for regulatory oversight falls on the City of Loyalton; Mr. Welbourn has a serious case and his recourse is to deal with the floodplain administrator for the City of Loyalton.

Mr. Welbourn expressed his concerns regarding the redirection of a stream bed on the east side of his property which not only threatens his home but also additional homes and believes the County is the regulatory agency with respect to this issue.

Deputy County Counsel clarified that the California Government Code makes it clear that a city is not subordinate to the county which it lies and has to undertake much of the same work as the county for its own residents. Deputy County Counsel further clarified that based on the information in the letter and what's been discussed, for all intents and purposes the Board does not have authority to force the City to carry out their duties and the City would be liable for damages if they were aware of the problem and failed to remedy it, especially if they had permitted the building.

In response to Chair Roen's inquiry, Mr. Welbourn indicated that he was informed by Brooks Mitchell, Loyalton City Councilmember, that this was not the City's problem.

Supervisor Adams commented on Mr. Welbourn's alternatives to act including taking this issue to civil court or to the Grand Jury.

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County Counsel concurred that a private citizen always has the right to take something like this to court as well as to the Grand Jury.

The Director continued to comment on the building permit process when a property is within a floodplain and offered to draft a letter requesting the City explain their building permit and code enforcement process, who the floodplain administrator is, and to provide a copy of the City's policy.

Joy Markum, Loyalton City Councilmember indicated that this issue is on the City's agenda for discussion tonight.

Chair Roen suggested the County wait to do anything until after the City's meeting.

Discussion ensued with the Board.

No action taken.

9. TIMED ITEMS

9.A. 10:00AM ALLIANCE FOR WORKFORCE DEVELOPMENT, INC

Presentation by the Alliance for Workforce Development, Inc. on business and job seeker services provided to Sierra County for Fiscal Year 2018-2019.

Ms. Valerie Bourque, Business Services Representative introduced Luis Moreno, Assistant Executive Director and reviewed the services provided over the 2018-2019 year.

Mr. Moreno provided an update on expanding their services in Sierra County.

In response to the Director of Planning's inquiry, Mr. Moreno explained that they have experienced a staffing shortage in Sierraville and they currently have a Tuesday/Thursday schedule.

Discussion ensued with the Board.

9.B. 10:30AM COUNTY BOARD OF SUPERVISORS AND COUNTY SERVICE AREAS JOINT MEETING

Board of Supervisors to convene as the County Service Area (CSA) Board of Directors and to hold joint meetings as both the County Board of Supervisors and the CSA Board of Directors.

At 10:30 a.m. Chair Roen convened the joint meeting of the County Board of Supervisors and County Service Area Board of Directors.

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- 9.B.i. Conduct public hearing on setting Appropriation Limits for the 2019-2020 Fiscal Year for the County Service Areas 2, 3 and 5A (Sierra Brooks Water).

The Auditor briefly reviewed the appropriation limits for the County Service Areas 2, 3 and 5A.

At 10:31 a.m. Chair Roen opened and closed the public hearing with no persons addressing the Board.

- 9.B.ii. Conduct public hearing on setting Appropriation Limits for the 2019-2020 Fiscal Year for the County of Sierra.

At 10:32 a.m. Chair Roen opened and closed the public hearing with no persons addressing the Board.

- 9.B.iii. Conduct public hearing and direction to staff on the 2019-2020 Final Budget for the County Service Areas 1, 2, 3, 4, 5, 5A (Sierra Brooks Water).

The Auditor briefly explained that all of the County Service Area budgets with the exception of Sierra Brooks Water are reflective of their annual commitments and CSA 2 is the only service area with some excess. Sierra Brooks Water reflects everything from the normal operations of the water system to the building of the new system including the bond fund, etc.

At 10:34 a.m. Chair Roen opened and closed the public hearing with no persons addressing the Board.

- 9.B.iv. Conduct public hearing and direction to staff on the 2019-2020 Final Budget for the County of Sierra.

The Auditor briefly reviewed what was approved for the preliminary budget and the recommendations made by the Finance Committee.

Supervisor Adams reviewed the items the Finance Committee is not recommending to be funded including painting the Planning Department, a Code Enforcement officer, reclassifying the Plant Manager position in Health and Human Services until after a parity study is done, and three new positions in Health and Human Services.

Supervisor Adams further commented on the Finance Committee recommending \$32,000 for a parity study, moving a contractor position in Health and Human Services (Medical Officer) to an employee, and increasing the Peer Support positions from 80% to 100%.

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The Auditor also clarified that the Finance Committee is recommending two new road worker positions.

At 10:40 a.m. Chair Roen opened the public hearing.

The Director of Behavioral Health requested the Board consider the Peer Support position in Downieville as there are currently 15 clients in Downieville that are being served by the Peer Support positions in Loyalton.

Supervisor Adams expressed concerns with the agency growing while other county departments have reduced over the years.

The Director of Health and Social Services requested the Board consider the reclassification of the Plant Manager position as the position is working out of class and this would promote the current employee into a new job description that fits more along the lines of what the employee is actually doing. The Director also advocated for getting a parity study done.

Chair Roen suggested the Board review the requests and bring them back to the next meeting for a decision.

By consensus, the Board directed staff to add the Finance Committee's recommendations to the final budget.

9.B.v. Resolution authorizing payment to Mary and Michael Peterson for back lease payments under Agreement 89-035 for the Alleghany Parking Lot located adjacent to Main Street, Alleghany, and discussion and direction to staff regarding the future use of the parking lot.

The Director of Planning provided background on the lease agreement which is an active agreement in the amount of \$100 per year and hasn't been paid in several years. The Director continued to explain that the current property owners are willing to continue the relationship with the County.

Discussion ensued regarding the use of the parking lot.

The Board moved to authorize payment to Mary and Michael Peterson for back lease payments under Agreement 89-035 for the Alleghany Parking Lot located adjacent to Main Street, Alleghany and direct staff to work with County Counsel on a revised lease agreement.

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

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- 9.B.vi. Resolution authorizing a change in the date of the County Service Area 5 of the County of Sierra Assessment District No. 2015-01 Limited Obligation Improvement.

Following a briefly explanation by Bryan Davey, Deputy Director of Transportation, the Board moved to adopt the resolution authorizing a change in the date of the County Service Area 5 of the County of Sierra Assessment District No. 2015-01 Limited Obligation Improvement.

ADOPTED, Resolution 2019-012. Motion: Adams/Beard/Unanimous Roll Call Vote: 5/0

- 9.B.vii. Approval of Water and Waste System Grant Agreement between County Service Area 5 of the County of Sierra and the United States Department of Agriculture, Rural Utilities Service; adoption of loan resolution authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving and/or extending its water delivery system facility to serve an area lawfully within its jurisdiction; and discussion regarding the status of the contract and notice to proceed for the Sierra Brooks Water Improvements Project – Phase II.

Bryan Davey, Deputy Director of Transportation briefly reviewed the proposed resolution authorizing and approving USDA Rural Development Utilities Program Application for Federal Assistance along with the loan and grant amounts available for the project.

The Director of Public Works distributed and reviewed in detail a number of documents pertaining to the timing of the Sierra Brooks Water Improvements project, the available funding from the USDA, and the proposed project cost savings.

Considerable discussion ensued.

Following considerable discussion, Supervisor Dryden suggested a ground breaking ceremony and sending a joint letter from the Water Committee and herself as the District 5 Supervisor informing the residents that the County has issued the notice to proceed and to anticipate bills for the water service fee.

The Board moved to approve the Water and Waste System Grant Agreement between County Service Area 5 of the County of Sierra and the United States Department of Agriculture, Rural Utilities Service.

APPROVED, CSA Agreement 2019-013. Motion: Dryden/Beard/Unanimous Roll Call Vote: 5/0

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The Board moved to adopt the loan resolution authorizing and providing for the incurrence of indebtedness for the purpose of providing a portion of the cost of acquiring, constructing, enlarging, improving and/or extending its water delivery system facility to serve an area lawfully within its jurisdiction.

ADOPTED, CSA Resolution 2019-013. Motion: Dryden/Beard/Unanimous Roll Call Vote: 5/0

At 11:44 a.m. Chair Roen adjourned the joint meeting as the County Board of Supervisors and County Service Area Board of Directors and reconvened as the County Board of Supervisors.

- 8.B. Discussion/direction regarding authorizing the Sierra Valley Resource Conservation District to review proposed conservation easements in Sierra County and make recommendations to the Board of Supervisors. (CHAIR ROEN)

Dave Goicoechea, Chairman, Sierra Valley Resource Conservation (RCD) commented on the RCD Board's support to provide information to agricultural landowners and the RCD's willingness to take on an informational exchange only as the RCD does not have any oversight of these easements.

In response to Chair Roen's inquiry, Deputy County Counsel clarified that the County doesn't have the ability to interfere in any of the conservation easement contracts or require the RCD approve or insert themselves in the process. However, the County does have interest in any property that is subject to the Williamson Act and if it is determined by the County that the new use under these easements are not in compliance or do not meet the requirements of the Williamson Act then there is a substantial detriment to the property owner as they would have to be removed from the Williamson Act. Deputy County Counsel further recommended making this information available to the public who are considering entering into conservation easement contracts.

Shelton Douthit, Executive Director of the Feather River Land Trust, clarified that during a conservation easement transaction they obtain a title report and review Williamson Act contracts.

In response to Mr. Douthit's inquiry, Deputy County Counsel explained that the property owner has an obligation to notify the County of the new use as the County has a duty to look into making sure the property still complies with the Williamson Act.

Considerable discussion ensued with the Board.

Following discussion and by consensus, the Board directed County Counsel to review the potential issues with conservation easements and Williamson Act contracts.

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9.C. 11:00 A.M. STATE WATERMASTER SERVICE STATEMENT

Discussion/direction regarding the State Department of Water Resources 2019-2020 Fiscal Year Statement for State Watermaster Service for the Middle Fork Feather River Watermaster Service Area, Plumas and Sierra Counties.

Rick Roberti, Last Chance Creek Water District President and water user commented on the continual changes with DWR, the increase in fees over the last ten years and the need to become their own watermaster.

Chair Roen commented on Senator Dahle's office working to provide information on how to opt out.

Discussion ensued with the Board.

Following discussion and by consensus, the Board referred this issue to the Water Resources Committee.

11. CORRESPONDENCE LOG

11.A. Letter from the State Board of Forestry and Fire Protection regarding the County's authorized designee to review less than three-acre conversion exemptions pursuant to Section 1104.1 of Title 14 of the California Code of Regulations.

No action taken.

11.B. Application for Alcoholic Beverage License submitted by The Drifter's Table.

No action taken.

ADJOURN

At 12:28 p.m., with no further business, Chair Roen adjourned the meeting.

PAUL ROEN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD