



**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 December 4, 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.

PLEDGE OF ALLEGIANCE: Led by Supervisor Huebner

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
Vickie Clark, Director of Health and Social Services

December 4, 2018

APPROVAL OF CONSENT AGENDA

The Board moved to approve the Consent Agenda.

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

11. CONSENT AGENDA

11.A. Governing Board Resolution naming authorizing agents for State Homeland Security Grant Fiscal Year 2018. (OES)

ADOPTED, Resolution 2018-135

11.B. Approval of Board of Supervisors Travel Reimbursement for Peter Huebner, October 2018. (AUDITOR)

11.C. Addendum to Master Agreement for Funding Firewise Community Projects to be Undertaken by the Sierra County Firesafe and Watershed Council, Agreement No. 2012-111, to provide Sierra County residents on the west side of the County with access to a dump trailer for hauling green waste from their property. (SUPERVISOR ROEN)

APPROVED, Agreement 2018-121

11.D. Resolution of appreciation for Jim Branham, Executive Officer for the Sierra Nevada Conservancy, upon his retirement. (BOARD OF SUPERVISORS)

11.E. Certified statement of the results of the canvass for the November 6, 2018 Statewide General Election. (ELECTIONS)

11.F. Resolution approving contract for HAVA (Help America Vote Act) Section 251 Polling Place Accessibility Training Program Grant Funds. (ELECTIONS)

ADOPTED, Resolution 2018-136

APPROVED, Agreement 2018-122

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

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

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REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:03 a.m. Chair Schlefstein opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams reported that the last RCRC meeting of the year is to be held on December 5, 2018.

Supervisor Roen reported on the LAFCo hearing held last week regarding the Sierra County Fire Protection District No. 1 annexation.

Chair Schlefstein reported on the first aid course that he and Supervisor Beard attended and thanked the Director of Health and Social Services for making this happen.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Director of Health and Social Services reported on the approval of funding to help pilot a home visitation initiative program in Sierra County through CalWorks.

Chief Technology Officer Jeremy Miller reported on starting his position yesterday and getting situated.

5. FOREST SERVICE UPDATE

North Yuba District Biologist Marilyn Tierney provided an update on various matters going on in the district.

6. PUBLIC WORKS/TRANSPORTATION - Tim Beals

6.A. Approval of Agreement for Snow Grooming Services with Sierra Snowcats, Inc. for snow grooming services.

Comments were received by the Director of Transportation and the Assistant Director of Transportation Bryan Davey with respect to negotiating the contract with Sierra Snowcats, Inc. for snow grooming services.

The Board moved to approve the agreement for Snow Grooming Services with Sierra Snowcats, Inc. for snow grooming services.

APPROVED, Agreement 2018-123. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

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- 6.B. Authorization to commission the preparation of a historic resources report and National Register application for the historic county vault (Public Works Office).

The Director of Public works provided background on the historic concrete vault located in the County Public Works building which he believes has great historic significance to it and would like to commence the preparation of the application for placing the structure in the National Register.

The Board moved to authorize staff to commission the preparation of a historic resources report and National Register application for the historic county vault (Public Works Office).

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

- 6.C. Discussion/direction to staff regarding request to vacate an unnamed alley, at the request of Rafael Gonzalez on behalf of Los Dos Hermanos, CP, as depicted in Book 15, Page 5 of Assessor's Parcel Maps and as shown on attached Exhibit A to the resolution.

The Director of Public Works provided background on the request to vacate an unnamed alley by Rafeal Gonzalez on behalf of Los Dos Hermanos, CP.

Discussion ensued with the Board.

By consensus, the Board directed staff to move forward with the process to vacate the unnamed alley.

- 6.D. Discussion/direction to staff on formal communication with the Secretary for Agriculture and Secretary of the Interior and USFS Chief on County's continued position regarding fire severity, fire prevention, and biomass removal and disposal.

Supervisor Roen briefly introduced the item.

Chair Schlefstein requested adding state public lands to the County's resolution proclaiming a local emergency due to the mismanagement with respect to fuels reduction of the state wildlife area that borders the Sierra Brooks community.

The Director of Planning provided background on the Board of Supervisors 2014 resolution proclaiming a local emergency.

Comments were received by Congressman LaMalfa's representative Shane Starr.

Discussion ensued with the Board.

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Following discussion and by consensus, the Board directed staff to 1) draft a new resolution updating the 2014 proclamation, 2) draft a letter to the State Department of Fish and Wildlife regarding the wildlife areas within the county, and 3) seek and secure funding in order to begin analysis and implementation of fire protection protocols for the communities in the county.

9. TIMED ITEMS

9.A. 10:00AM PUBLIC HEARING - VACATE OREGON CREEK ROAD

Conduct Public Hearing and provide direction to staff with regard to resolution of intent to vacate Oregon Creek Road (#295) in its entirety.

The Director of Transportation provided background on the history of the prior proposal to abandon a portion of Oregon Creek Road.

Jim Buckbee, Acting Fire Chief, Pike Fire Department presented a PowerPoint to familiarize the Board and public on Oregon Creek Road.

In response to Supervisor Adams inquiry, Mr. Buckbee clarified that the road is not passable from Zumalt's property to the Kate Hardy Mine and is the area that should be abandoned.

The Director continued to provide an overview of the vacation proceeding which is based on the situation, facts, goals, and policies of today. The Director further requested the Board, upon conclusion of the hearing, to hold a discussion on their position with respect to moving forward and to either close the hearing and make a decision or continue the public hearing to a future date and time and allow staff to review comments received and bring back a formal recommendation.

By consensus, the Board determined to leave the public hearing open and continue the public hearing to a future date and time.

At 10:25 a.m. Chair Schlefstein opened the public hearing.

Public comments were received by the following:

Stephen Glover, Kate Hardy Mine, in opposition to abandoning the portion of the road from the Kate Hardy Mine to Mountain House Road and offered to maintain and care for this section of the road on an ongoing annual basis so the County would not have any expense in the maintenance of the road.

Gary Navo, in opposition to the abandonment proposed back in the 1980's as he would like to keep access to his cabin.

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John Reader, Reader Ranch, in opposition to the abandonment of the road from Alleghany Ridge Road to the floating bridge due to the significant impact on their cattle allotment within the county.

Roland Robertson, Pike, in opposition to abandoning the road from Ridge Road to the Oregon Creek bridge (floating bridge) due to fire access.

Eric Sweet, Sierra Pacific Industries Tahoe District Manager, in opposition of vacating the road from Ridge Road down to the intersection of Miller Ranch Road due to the significant impacts in costs of hauling logs to their mill along with limiting access for emergency response and escape for those working at mines or for the timber industry in the area.

Joanna Zumalt-McGarry, owner Daisy Lode Mine, in opposition to vacating the entirety of the road as it would limit access to those who own property and mining claims along emergency services, propane services, etc. Ms. Zumalt-McGarry suggested modifying the abandonment to the original proposal to abandon the road from the gate of the Daisy Lode Mine to the Kate Hardy Mine gate.

Steven Zumalt, in favor of the County only abandoning the section between his property and the Kate Hardy Mine as the road is not passable.

Donna Hayes, Goodyears Bar, in favor of abandoning the section of the road between Zumalt's property and the Kate Hardy Mine.

Jonathan Zumalt, in favor of abandoning the section of the road between the Zumalt and Kate Hardy Mine properties as it's not cost effective to reopen this section of the road.

Rae Bell Arbogast, first responder, in favor of the original resolution passed in 1986.

Fred Langdon, Reader Ranch, in opposition to the abandonment of the road due to the impacts to their cattle allotments.

In response to Supervisor Adams' inquiries, the Director explained in order to avoid liability, if the county has an interest in maintaining the through nature of the Oregon Creek Road and closing a segment, there would need to be a formal closure that the Board would adopt which would close that segment of road and allow gates to be erected.

Supervisor Adams expressed wanting to provide the taxpayers of the county with protection over a potential lawsuit on a poorly maintained road, but also not give up the road. He is in favor of closing the road but maintaining the right of the county.

Discussion ensued with the Board.

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Following discussion, the Board continued the public hearing to February 5, 2019 at 10:00 a.m. in Downieville and no further notice will be made.

7. BOARD OF SUPERVISORS

- 7.A. Discussion/direction regarding request from the Downieville Fire Protection District to create a committee to address the District's funding deficit and its ability to provide basic Emergency Medical Services. (SUPERVISORS ADAMS AND HUEBNER)

Supervisor Adams provided background on when the county tried to extricate itself from the day-to-day delivery of ambulance services on the western side of the county due to significant insurance issues and the Downieville Fire Department having expressed an interest in operating this service back in 1995. Supervisor Adams further suggested the Board create a committee with the Auditor to meet the Downieville Fire Department to agree on the cost analysis benefit of this to make the agency whole.

Supervisor Huebner commented that Sierra City is also involved in this as they receive services from the Downieville Fire Protection District.

Frank Lang, Downieville Fire Protection District, read an opening statement to the Board regarding the District's fiscal problems in maintaining basic emergency medical services (EMS) to Supervisorial District One and District Two.

Supervisor Adams suggested a committee consisting of two members of the Board, the Auditor, members of the public and the Downieville Fire Protection District.

Considerable discussion ensued.

Following discussion, Chair Schlefstein appointed Supervisors Adams and Huebner to serve on an ad hoc committee to address emergency medical services on the west side of the county and to include the Auditor, Director of Transportation and OES Coordinator Lee Brown.

- 7.B. Discussion/direction regarding the dates of the Board of Supervisors meetings to be held in January 2019. (CLERK OF THE BOARD)

The Board moved to change the January 2019 Board of Supervisors meeting dates to January 8, 2019 in Downieville and January 22, 2019 in Loyalton.

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

- 7.C. Designation of the 2019 Rural Counties' Environmental Services Joint Powers Authority (ESJPA) Delegate and Alternates. (CLERK OF THE BOARD)

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The Board moved to appoint Supervisor Adams as the ESJPA Delegate and Supervisor Huebner and the Director of Planning Tim Beals as the ESJPA Alternates.

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

7.D. Appointment to the Sierra Valley Resource Conservation District. (CLERK OF THE BOARD)

The Board moved to appoint Rick Roberti to the Sierra Valley Resource Conservation District.

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

8. COUNTY SERVICE AREA BOARD OF DIRECTORS

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

At 11:44 a.m. Chair Schlefstein recessed the Regular Board meeting and reconvened as the County Service Area Board of Directors.

At 11:52 a.m. Chair Schlefstein adjourned as the County Service Area Board of Directors and reconvened as the Board of Supervisors.

At 11:53 a.m. Chair Schlefstein stepped down from the Board.

10. CLOSED SESSION

10.A. Conference with labor negotiators pursuant to Government Code section 54957.6, Margaret Long Negotiator, all bargaining units.

The Board met in closed session from 12:02 p.m. to 12:35 p.m. Deputy County Counsel reported that with respect to Item 10.A. direction was given to staff.

12. CORRESPONDENCE LOG

12.A. Letter from the Federal Emergency Management Agency (FEMA) regarding revised Flood Insurance Study (FIS) materials and Flood Insurance Rate Map (FIRM) panels for Sierra County and Incorporated Areas prepared by the Department of Homeland Security's Federal Emergency Management Agency (FEMA).

No action taken.

ADJOURN

At 12:35 p.m., with no further business, Vice-Chair Roen adjourned the meeting.

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PAUL ROEN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD