

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

<b>MEETING DATE:</b> October 5, 2021	<b>TYPE OF AGENDA ITEM:</b> <input checked="" type="checkbox"/> Regular <input type="checkbox"/> Timed <input type="checkbox"/> Consent
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<b>DEPARTMENT:</b> Auditor <b>APPROVING PARTY:</b> Van A. Maddox <b>PHONE NUMBER:</b> 530-289-3286
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**AGENDA ITEM:** Discussion/direction regarding remaining Title III funding and possible adoption of a resolution of intent to allocate Title III funds for expanding water reserves to Wayman Pond for fighting fires.

**SUPPORTIVE DOCUMENTS ATTACHED:**  Memo  Resolution  Agreement  Other

**BACKGROUND INFORMATION:**

**FUNDING SOURCE:**  
**GENERAL FUND IMPACT:** No General Fund Impact  
**OTHER FUND:**  
**AMOUNT:** \$0 N/A

**ARE ADDITIONAL PERSONNEL REQUIRED?**  
  
 Yes, -- --  
 No

**IS THIS ITEM ALLOCATED IN THE BUDGET?**  Yes  No  
  
**IS A BUDGET TRANSFER REQUIRED?**  Yes  No

**SPACE BELOW FOR CLERK'S USE**

<p><b>BOARD ACTION:</b></p> <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 2021- _____ Agreement 2021- _____ Ordinance _____ Vote: Ayes: Noes: Abstain: Absent: <input type="checkbox"/> By Consensus
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**COMMENTS:**

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CLERK TO THE BOARD

\_\_\_\_\_  
DATE

**BOARD OF SUPERVISORS, COUNTY OF SIERRA, STATE OF CALIFORNIA**

**IN THE MATTER OF DECLARING INTENT  
TO ALLOCATE TITLE III FUNDS FOR  
EXPANDING WATER RESERVES FOR FIGHTING FIRES**

**RESOLUTION 2021-**

**WHEREAS**, The Sierra County Board of Supervisors has Title III allocation from the reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000; and,

**WHEREAS**, Section 300 of HR1424 provides specific procedures for the Board of Supervisors to follow in considering an allocation of Title III funds; and,

**WHEREAS**, the Sierra County Board of Supervisors has proposed use of Title III funds in the total amount of \$\_\_\_\_\_ to Pliocene Ridge Community Services District for costs for cleaning the Wayman Pond reservoir that has historically been used for fire suppression to remove silt and debris in order to increase protection of people and property, including adjacent federal lands, around the communities of Sierra County in response to the current proclamation of local emergency due to wildfire danger severity as proclaimed in Board Resolution 2014-066.

**NOW THEREFORE BE IT RESOLVED** that the Board of Supervisors of the County of Sierra declares its intent to allocate \$\_\_\_\_\_ in Title III funds from the "Reauthorization of the Secure Rural Schools and Community Self Determination Act of 2000" (PL 110-343) as described above and directs the County Auditor to perform the following actions:

- 1) Publish a legal notice advising the public that comments will be received by the Board of Supervisors on a proposed allocation of funds for the specified purpose for a period not to be less than 45 days as required by Section 302 of HR1424; and,
- 2) Submit the proposal to the Sierra County Resource Advisory Committee as required by Section 302 of HR1424; and
- 3) Prepare and present for approval of this Board of Supervisors after a 45 day comment period, a resolution approving the funding of Title III funds for the stated purpose.

**ADOPTED** by the Board of Supervisors of the County of Sierra on the 5<sup>st</sup> day of October, 2021 by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

COUNTY OF SIERRA

\_\_\_\_\_  
LEE ADDAMS  
CHAIRMAN, BOARD OF SUPERVISORS

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
HEATHER FOSTER  
CLERK OF THE BOARD

\_\_\_\_\_  
DAVID PRENTICE  
DEPUTY COUNTY COUNSEL



## Pliocene Ridge Community Services District

100 Pike City Road  
Pike City, CA 95960

[plioceneridge.org](http://plioceneridge.org)

[plioceneridge@gmail.com](mailto:plioceneridge@gmail.com)

September 26, 2021

Sierra County Board of Supervisors  
PO Drawer D  
Downieville, CA 95936

Re: Wayman Dam project in Pike City/Title III fund allocation request

Dear Supervisors:

At a special meeting held on Friday September 24<sup>th</sup>, the Pliocene Ridge CSD board of directors appointed me as the district's representative for the Wayman Dam Project. William "Bill" Adasiewicz of Pike City has been spearheading this project since 2015. Following is a summary of the project followed by a concern that I am hoping you can help resolve.

- The Wayman Dam or Pond is situated on Federal Land within the community of Pike City. It was built in the 1860s and has been used since that time by some (not all) residents of Pike. The Wayman Ranch Pipeline Association has a special use permit from the Forest Service to utilize the dam. The association is a group of three property owners: William Adasiewicz, Daniel Guyer and Rayette Ringle.
- Currently the pond holds an estimated 6,000 to 10,000 gallons of water. Bill estimates that if the pond is dredged out the capacity can be increased to a minimum of 600,000 gallons and possibly much more. Several years ago, the pipeline association installed a fire hydrant that is fed by the pond and is readily available on Pike City Road. This year, they replaced 1,200 feet of cement pipe with PVC pipeline attached to that hydrant.
- The workplan for the proposed project includes the installation of a standpipe for drafting that will be accessible to large trucks (water tenders/firetrucks).
- According to Bill, the Forest Service has requested document after document over the years. All document requests have been met.
- The Forest Service has conducted a biological survey and the required archeological survey. (It sounds like the project is "shovel ready" but to-date there is no permit.)
- The original estimate for the work is now five years old, it was for up to \$40,000. It is unknown exactly how much material can be safely removed from the pond and that will have a direct impact on how much the project costs. The more material removed, the better, as it will represent additional water storage capacity. An updated estimate has been requested, but probably won't be ready in time for the October 5<sup>th</sup> BOS meeting.
- Pliocene Ridge CSD provided a letter of support for the project to the Forest Service in 2015, but to-date, no matching funds for the project have been set-aside or solicited by Pliocene Ridge CSD.

**Now, to bring up the concern:** at the special meeting held last Friday, a member of the public opined that it would be a misuse of public funds to fund the Wayman Dam Project. In her opinion the benefit to the Wayman Ranch Pipeline association members would be an illegal gift of public funds for private gain.

The majority of the attendees at the meeting felt that the public benefit of a minimum of 600,000 gallons of water readily available to fight fire within the community of Pike outweighs the potential private benefit to the Pipeline Association members.

My understanding is that the water recharge rate of the pond is more than adequate to meet the water needs of the association members. Increasing the capacity of the reservoir will not impact the amount of water use allowed under the State issued water right held by Daniel Guyer.

It could be argued that the project would increase the amount of water available to the pipeline association members in the event of a severe drought. Based on my understanding this would not meet the definition of a “measurable and material benefit” as defined by the Fair Political Practices Commission.

I am requesting that you, the Sierra County Board of Supervisors, as the administrators of the Title III funds seek legal council on this issue before any decision is made to allocate money towards the project. Your decision will likewise inform Pliocene Ridge CSD as to the legality of using public funds for the project.

The fact that Daniel Guyer, sits on the Pliocene Ridge CSD Board has created a very uncomfortable position for him. Dan has abstained from all votes regarding the project to-date and has not been directly involved in the Wayman Dam Project. After last Friday’s meeting, he is concerned to the point of considering stepping down from the Pliocene Ridge CSD Board. Daniel Guyer has been on the Pliocene Ridge CSD Board since 2007 and we would hate to lose him. I am wondering if there is another agency that could take on this project. As a non-profit corporation can the Firesafe Council receive Title III funds? I would be willing to assist with the administrative side of things, regardless of which agency oversees the project.

I cannot stress enough that the majority of the community members who I have spoken to whole-heartedly support this project. In the event of a catastrophic wildfire, it would greatly enhance the firefighting ability of all responding agencies.

Your time and consideration are appreciated.



Rae Bell Arbogast  
Secretary/Treasurer

## Teia Miller

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**From:** Denise Ruane <gosierra@hughes.net>  
**Sent:** Monday, October 4, 2021 4:45 PM  
**To:** Lee Adams; Peter Huebner; Paul Roen; Terry LeBlanc; Sharon Dryden  
**Cc:** Clerk-Recorder  
**Subject:** Wayman Dam Project  
**Attachments:** BOS\_WaymanDam.docx

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

October 4, 2021

Sierra County Board of Supervisors  
PO Drawer D  
Downieville, CA 94936

Re: Wayman Dam Project

To the Board of Supervisors:

There has been a request for Title III public funding for a local project known as the Wayman Dam Project. There is more than one conflict-of-interest related to the Wayman Dam project:

First, this project has been designed by and was introduced by the would-be beneficiaries of the project, rather than by any fire incident/s or agency or need for increased water reserves. Thankfully, there is no recent record of any agency or organization experiencing an overall lack of water while fighting a fire in the Pike area. The Wayman Dam project was not created by the need for firefighting water reserves, but by the decrease in water supply available to the regular water users due to accumulated silt and a dilapidated system. The Pliocene Ridge Community Services District (PRCSD) did not approach the Wayman Dam Pipeline Association with the project suggesting a need for increased water reserves for firefighting, but the Wayman Dam users/water rights holders created and designed the project, and have approached the PRCSD requesting funding.

Second, as has been pointed out, the PRCSD President is one of the Wayman Dam private water rights holders/Pipeline Associates who stands to benefit personally from the project. This conflict of interest has neither been presented to nor explained to the PRCSD Board.

Third, the PRCSD representative for this project will be paid (the entire PRCSD Board, and indeed our first responders, are 99.9% unpaid volunteers) prevailing wage hourly for all Wayman Dam-related services; there will be no such earnings if the project receives no Title III funding. Personal objectivity in this project presentation cannot be expected under such circumstances. In support of such a statement, as a participant, I can assure the Board of Supervisors that the PRCSD special meeting attendees (as described in the PRCSD letter to the BOS dated September 26th) never discussed dam capacity, nor a possible public benefit of any number of gallons of water, much less did a majority of us express an opinion, one way or another, regarding possible public benefit outweighing the private benefit. Such a conversation simply never occurred.

It is true, however, that a question of illegal gifting of public funds was discussed during said meeting. It is my understanding that publicly funded projects may result in private benefit, but that benefit must be secondary to the public benefit. The public must be the primary beneficiary.

The primary beneficiaries of the Wayman Dam Project would be the pipeline associates/current private water-rights holders/regular users of the reservoir. Their benefit would be primary due to their historically held water-rights and resultant regular use of the pipeline system and water. As stated by one of those water-rights holders during the PRCSO special meeting last week, "We use that water to irrigate our fields." Clearly, private benefits are inherent to the project: rights to private and regular use of what would be an upgraded water system with substantially increased holdings, and any related and/or resultant increases in private property values.

Any public benefit, however, would be incidental by definition - there would need to be a fire incident nearby requiring more water than is currently available - before any public benefit would be recognized from this project. Historically, the Wayman Dam water use has been strictly private.

As a 25-year Pike resident, I question the claim the Wayman Pond reservoir has been used historically for fire suppression in Pike. It would be interesting to see any supporting data. Documentation from the PRCSO suggests the necessary piping and hydrant have only recently been installed, and the standpipe required for drafting to large trucks would be installed as part of the proposed project. Certainly, the pond is not now, nor has it been, accessible for helicopter use. However, over the last 25 years I have witnessed another pond in Pike, which already has necessary clearance for truck and helicopter access, and does not necessitate any public funding for continued use in fire suppression, being used actively during fires at least three and possibly four times. It is therefore disingenuous to imply, as was implied during last week's PRCSO meeting, that Wayman Dam Project completion would be necessary for Pike to have adequate helicopter fire-fighting capabilities. Those capabilities already exist locally in Pike, and a pond other than the Wayman, in fact, has been used actively and historically for fire suppression.

Having personally solicited and disbursed thousands of dollars for the Pike City Volunteer Fire Department, I believe the funds in question would be more effectively spent for equipment - for the "Purchase of capital equipment such as the purchase of a fire engine, a search-and-rescue snowmobile, or other emergency response equipment", or "Expenses of non-disposable personal protective equipment and electronic aids such as GPS devices in anticipation of responding to emergencies" - as specifically described as Title III reimbursable expenses - with guaranteed public benefit.

Thank you for your consideration.

Denise Ruane  
95 Barrango Lane  
Pike, CA 95960