



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

Lee Adams, Vice-Chair, District 1

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Peter W. Huebner, District 2

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Paul Roen, District 3

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Jim Beard, 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 July 21, 2020. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Chair Beard

ROLL CALL

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

Staff: Heather Foster, County Clerk-Recorder
Amanda Uhrhammer, Deputy County Counsel
Van Maddox, Auditor/Treasurer Tax Collector
Tim Beals, Director of Planning/Public Works/Transportation/OES
Lea Salas, Director of Behavioral Health
Vickie Clark, Director of Health and Social Services

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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

9. CONSENT AGENDA

9.A. Agreement between Relias LLC and Sierra County Mental Health for annual subscription of employee training services. (BEHAVIORAL HEALTH)

APPROVED, Agreement 2020-081

9.B. Professional Services Agreement between Clean & Sober Recovery Services, Inc. and County of Sierra for Substance Abuse Detoxification and Recovery Home Services. (BEHAVIORAL HEALTH)

APPROVED, Agreement 2020-082

9.C. Grant agreement for County Medical Services Program (CMSP) COVID-19 Emergency Response Grant (CERG) Program funding between County Medical Services Program Governing Board and Sierra County Public Health. (PUBLIC HEALTH)

APPROVED, Agreement 2020-083

9.D. Renewal of contract for Airespring; managed redundant phone connectivity. (INFORMATION SYSTEMS)

APPROVED, Agreement 2020-084

9.E. Renewal of SmartNet contract for maintenance and support on Cisco networking and phone equipment. (INFORMATION SYSTEMS)

9.F. Resolution authorizing amendment to 2020/2021 Solid Waste Budget and authorizes the Cycle 2M Micro Grant Application under the California Carpet Stewardship Program to establish a carpet recycling site at the Loyaltan Transfer Station. (PUBLIC WORKS)

ADOPTED, Resolution 2020-081

9.G. Authorize payment of Invoice Number 198133 to Intermountain Disposal for tipping fees for waste that has been diverted to Delleker Transfer Station. (PUBLIC WORKS)

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- 9.H. Professional Services Agreement with Avalex, Inc. for Solid Waste Consulting Services for Fiscal Year 2020/2021. (PUBLIC WORKS)

APPROVED, Agreement 2020-085

- 9.I. Professional Services Agreement with Avalex, Inc. to prepare documentation necessary to support a request for closure to the Central Valley Regional Water Quality Control Board for the Alleghany Maintenance Facility Leaking Underground Fuel Tank Site (LUFT). (PUBLIC WORKS)

APPROVED, Agreement 2020-086

- 9.J. Minutes from the regular meeting held on May 19, 2020. (CLERK)
- 9.K. Minutes from the regular meeting held on June 2, 2020. (CLERK)
- 9.L. Minutes from the regular meeting held on July 7, 2020. (CLERK)

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

REGULAR AGENDA

PUBLIC COMMENT OPPORTUNITY

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

COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Huebner reported on the Northern Sierra Air Quality Board's health advisory regarding the smoke from the fire in Lassen County and having attended the Sierra City Fire District and Sierra Valley Resource Conservation District meetings.

DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Director of Behavioral Services provided a report on the status of the Wellness Center building.

Judi Behlke, Personnel Analyst reported on county staffing; upcoming COVID-19 and defensive driver trainings; and working on the COVID-19 addendum to the Illness Injury Prevention Plan.

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In response to Supervisor Adams' inquiry, Mrs. Behlke explained the COVID-19 training will cover navigating the Cal OSHA website, the IIPP COVID-19 addendum requirement, employee training, CDC guidelines, etc.

FOREST SERVICE UPDATE

Sierraville District Ranger Quentin Youngblood provided update on Forest Service activities in the district including the office remaining closed; dispersed camping in the area; high fire danger; and recent timber sales.

Yuba River District Ranger Lon Henderson provided an update on Forest Service activities in the district including the status of the Chapman and Sierra campgrounds; the clearing project on Depot Hill; the Yuba project and recommending people stay off the 09 Road due to logging operations; and the Aspen restoration project.

Supervisor Adams complemented the Hotshot crew for the work on Depot Hill.

In response to Supervisor Huebner's inquiries, Ranger Henderson explained they are not opening the Chapman Campground due to scheduled work to the campground.

Beckworth Acting District Ranger Stephanie Cappetto provided an update on the on the district's COVID response and the 4 stages for reopening the district; recreation activity on the district; placement of signs regarding face coverings on trails; and fire preparedness.

Supervisor Dryden commented on receiving complaints regarding conditions of campgrounds around the lakes basin area and expressed her appreciation to Acting Ranger Cappetto for mentioning that they are working with the concessionaires to get up to speed and clean up the sites.

PERSONNEL DIRECTOR- MARGARET LONG

6.A. Resolution approving the Sierra County Alcohol and Drug Free Workplace Policy.

Deputy County Counsel provided background on the policy, which has been revised to remove any applicability pertaining to FTA.

Supervisor Huebner expressed concerns regarding the proposed policy, County Counsel and the Personnel Director.

The Director of Transportation commented on the policy and expressed concerns regarding errors in the policy and that none of his recommended changes have been made.

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The Director continued to review in detail his recommended changes and questions pertaining to the proposed policy.

Supervisor Adams expressed concerns with the communications concerning this policy and recommended vetting the policy through the Department Managers before it comes back to the Board for approval.

By consensus, the Board tabled this item and directed staff to bring it forward at a future meeting.

- 6.B. Second reading and adoption of an ordinance repealing Chapter 3.12 of Sierra County Code pertaining to Drug and Alcohol Nonuse and Testing.

This item was pulled from the agenda.

7. BOARD OF SUPERVISORS

- 7.A. Second reading and adoption of an ordinance amending Section 5.20.020 of the Sierra County Code to increase Sierra County's Transient Occupancy Tax rate from 10 to 12.5 percent, subject to approval of two-thirds of the electors voting on the tax measure at the November 3, 2020 General Election. (CLERK OF THE BOARD)

Supervisor Adams provided background on the proposed Ordinance increasing the transient occupancy tax (TOT) by 2.5%, which would be dedicated to emergency medical services, fire or rescue. Supervisor Adams further clarified that by adding the measure to the ballot the Board is not raising the tax only offering the question to the electorate.

The Board moved to waive the second reading and adopt the ordinance amending Section 5.20.020 of the Sierra County Code to increase Sierra County's Transient Occupancy Tax rate from 10 to 12.5 percent, subject to approval of two-thirds of the electors voting on the tax measure at the November 3, 2020 General Election.

ADOPTED, Ordinance-1092. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.B. Resolution ordering an election for the submission to the voters an increase in the Sierra County Transient Occupancy Tax from 10% to 12.5% at the next regularly scheduled election to be held on November 3, 2020 - Presidential General Election. (CLERK OF THE BOARD)

The Board moved to adopt the resolution ordering an election for the submission to the voters an increase in the Sierra County Transient Occupancy Tax from 10% to 12.5% at the next regularly scheduled election to be held on November 3, 2020 - Presidential General Election.

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ADOPTED, Resolution 2020-082. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 7.C. CONTINUED COVID-19 PUBLIC HEALTH EMERGENCY UPDATE: Report from Sierra County Public Health, County Office of Emergency Services, County Department Managers, Forest Service Representatives, and other local agencies on recent developments relating developments to the COVID-19 Public Health Emergency and possible action/direction to staff. (CLERK OF THE BOARD)

The Director of Health and Social Services reported on the state positivity rate, testing, hospitalization and ICU levels, backing down counties on the state watch list, and the new guidance for K-12 schools opening.

The Director of Health continued to report that Sierra County's schools will be able to open as the County is not on the state watch list; however, facial coverings are required for grades 3 through 12, physical distancing is required between teachers and students, and the schools must have a rigorous distance-learning plan in place in the event they have to shut down.

Supervisor Adams commented that there are currently 40 counties on the watch list.

The Director of Health continued to report on the number of positive cases in Plumas and Nevada County and continued testing in Sierra County.

The Director of OES reported on special events and the receipt of PPE through the Sierra Business Council to provide relief to business in the County that have approved plans for the next 45 days.

Supervisor Dryden expressed appreciation to the Sierra Business Counsel for their contribution and recommended making restaurants and inns a priority when determining the distribution of the PPE.

The Director of OES continued to report on gatherings in the County and people not following proper protocols for face coverings and social distancing; the increase of visitors to the area; and the Finance Committee meeting held on July 7, 2020 regarding COVID-19 funding opportunities to the County and continuing the discussion to August 4, 2020 to determine the allocation of funds for COVID-19 costs incurred.

The Director of Health reported on a recent meeting with the Personnel Department regarding policies that address the new Cal OSHA requirements for employers to protect their employees.

The Auditor commented on upcoming COVID-19 trainings.

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The Director expressed the need for consistent guidelines for all of County departments.

Supervisor Adams questioned if the Board would consider putting signs back up on the Highway asking visitors to social distance from the communities, particularly in Downieville, and also indicated he would be in support of the County Health Officer's suggestion to assess fines but only if there was a consensus between the DA, Sheriff and Health Department.

Supervisor Adams further requested the Director of Transportation to place the signs back up on Depot Hill and in Downieville.

Following discussion and by consensus, the Board authorized each Board member to direct the placement of signs in their communities, as they deem necessary.

8. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

8.A. Discussion and direction regarding special events in light of COVID-19.

The Director of Public Works provided background on the Board's prior action to suspend the issuance of permits up until July 7th and questioned whether the Board wants to continue the moratorium. The Director further suggested continuing the suspension of permits for 60 days and review the issue again in October.

Supervisor Dryden concurred with the recommendation to continue the moratorium.

The Board moved to suspend the issuance of encroachment permits for special events until October 1, 2020 and any requests for reconsideration must come before the Board.

At the request of Supervisor Roen, the maker amended the motion to include authorization for the Director to bring this matter back before the Board if anything changes.

The Director of Health reminded the Board that in order to stay in line with the Governor's orders, the County should not be entertaining any special events or social gatherings at this time.

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

8.B. Resolution adopting findings and authorizing appointment of retired annuitant to a temporary position.

The Director of Public Works provided background on difficulty of filling the solid waste attendant positions at the transfer stations. The Director further commented on

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having one applicant for the position who is a former county employee and is hopeful the Board will find that this individual meets the threshold to work 960 hours per year.

The Board moved to adopt the resolution adopting findings and authorizing appointment of retired annuitant to a temporary position.

ADOPTED, Resolution 2020-083. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

8.C. Resolution rescinding Resolution 2019-120 and updating solid waste transfer station gate fees in light of the updated per cubic yard fee.

The Director of Public Works provided background on the reduction in gate fees as a result of the Board's previous action to reduce the solid waste fee to \$18.38 per cubic yard.

The Board moved to adopt the resolution rescinding Resolution 2019-120 and updating the solid waste transfer station gate fees in light of the updated per cubic yard fee.

ADOPTED, Resolution 2020-084. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

8.D. Resolution amending Resolution 2016-094, approving solid waste assessment fees for building permits.

The Director of Public Works briefly explained this is the same as the previous item and reflects the change in the fee due to the reduction in the solid waste fee.

The Board moved to adopt the resolution amending Resolution 2016-094, approving solid waste assessment fees for building permits.

Supervisor Dryden expressed frustration as a former contractor with respect to the building permit process with respect to the solid waste fees and not being able to access the transfer stations during the week and having to request a refund.

The Director commented that this should be referred to the Solid Waste Committee to discuss alternative mechanisms for contractors.

ADOPTED, Resolution 2020-085. Roen/Huebner/Unanimous Roll Call Vote: 5/0

8.E. Consideration of request from LegendEraLLC for an exception to the terms and conditions, Section (2)(B) of Sierra County Resolution 87-062 regarding hours of operation related to transportation permits for Restricted County Highways.

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The Director of Public Works provided background on Resolution 87-062, which pertains to timber operations through communities and sets the hours of operation, number of trips per day, advance notice and a public hearing before the Board of Supervisors. The Director continued to comment on the current application to haul timber through Main Street in Downieville and recommended the Board authorize the request for an exception to the required public hearing.

Supervisor Adams clarified that the request is to be able to bring empty trucks through the community as early as 5:30 a.m. and expressed his support of approving the request with the condition that it could be revoked should there be an uproar in the community.

The Board moved to authorize the request from LegendEraLLC for an exception to the terms and conditions, Section (2)(B) of Sierra County Resolution 87-062 regarding hours of operation related to transportation permits for Restricted County Highways, with the caveat that the Board may be revoke the request in the event there are complaints received from the community.

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

- 8.F. Discussion and direction regarding a concept of developing a charge for State, Local Government, and Federal Campground spaces in campgrounds not concession operated to cover various county service costs.

The Director of Public Works provided background on the Forest Service and NID having taken the position that they are exempt from taxes including the transient occupancy tax (TOT) imposed on campgrounds, unless a campground is operated by a concessionaire, and the significant loss of TOT revenue to the County.

The Director further commented on an opportunity to avoid the issue of a tax by imposing a government service fee wherein an assessment report would be prepared and would assign a portion/fraction of the cost to the County for the public services invested in those campsites.

Discussion ensued with the Board regarding whether pursuing this would be worth it to the County and having County Counsel perform a risk assessment in the event the fee was challenged.

In response to Supervisor Adams' inquiry, the Director clarified that the fees currently charged by the National Forest to occupants of a campsite are part of what comes back to the County as part of the 25% receipts formula.

Supervisor Adams expressed concerns with making the Forest Service pay twice and suggested leaving the Forest Service out of the discussion and focus on NID.

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Supervisor Adams further commented on whether this would even be worth the chase based on the camping capacity at Jackson Meadows.

Considerable discussion ensued with the Board.

Following further discussion and by consensus, the Board referred this matter to the Finance Committee to determine whether this would be worth the chase.

ADJOURN

At 11:15 a.m., with no further business, Chair Beard adjourned the meeting.

JIM BEARD, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD