



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

**Lee Adams, Chair, District 1**

P.O. Box 1 - Downieville, CA 95936 - 530-289-3506 - [supervisor1@sierracounty.ca.gov](mailto:supervisor1@sierracounty.ca.gov)

**Peter W. Huebner, Vice-Chair, District 2**

P.O. Box 349 - Sierra City, CA 96125 - 530-862-1004 - [supervisor2@sierracounty.ca.gov](mailto:supervisor2@sierracounty.ca.gov)

**Paul Roen, District 3**

P.O. Box 43 - Calpine, CA - 209-479-2770 - [supervisor3@sierracounty.ca.gov](mailto:supervisor3@sierracounty.ca.gov)

**Jim Beard, District 4**

P.O. Box 1140 - Loyalton, CA 96118 - 530-414-8126 - [jbeard@sierracounty.ca.gov](mailto:jbeard@sierracounty.ca.gov)

**Scott A. Schlefstein, District 5**

P.O. Box 192 - Loyalton, CA 96118 - 530-993-4900 - [supervisor5@sierracounty.ca.gov](mailto:supervisor5@sierracounty.ca.gov)

The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on June 21, 2016 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA. This meeting was recorded for posting on the Board of Supervisors' website at [www.sierracounty.ca.gov](http://www.sierracounty.ca.gov).

**PLEDGE OF ALLEGIANCE:** Led by Supervisor Beard

**ROLL CALL**

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

**Staff:** Heather Foster, County Clerk-Recorder  
Christian Curtis, Deputy County Counsel  
Van Maddox, Auditor/Treasurer Tax-Collector  
Tim Beals, Director of Planning and Transportation  
Darden Bynum, Director of Health and Human Services  
Tim Standley, Sheriff-Coroner

June 21, 2016

## **APPROVAL OF CONSENT AGENDA**

The Board moved to approve the Consent Agenda.

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

### **15. CONSENT AGENDA**

15.A. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Betty Brau (Trustee of the Thomas and Betty Vilas Revocable Trust), Landowner and Dennis McCreary, Applicant: Consideration of a Parcel Merger and Boundary Line Adjustment to bring multiple lots into compliance with County ordinances and to remove lot lines where structures have been constructed over property lines. The project site, identified as APN 003-101-007, is located at 205,209,301 & 305 Main Street, Downieville (known as Tommy's parking lot, Post Office Building and Sierra Hardware Store). (PLANNING)

**APPROVED,** Agreement 2016-054

15.B. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Shannon McDougal, Verizon Wireless, Applicant and Sierra Plumas Joint Unified School District, Landowner: Consideration of special use permit to install a telecommunication facility with corresponding equipment within an area leased from Sierra Plumas Joint Unified School District. The project site, identified as APN 015-080-006, is located at 305 S. Lincoln St. Sierraville. (PLANNING)

**APPROVED,** Agreement 2016-055

15.C. Resolution rescinding Resolution 2016-058 and terminating Agreement 2016-051 and approving agreement for transportation services in Sierra County between County of Sierra and Golden Rays Senior Citizens, Inc. for fiscal year 2017. (PUBLIC WORKS)

**ADOPTED,** Resolution 2016-061

**APPROVED,** Agreement 2016-056

15.D. Resolution rescinding Resolution 2016-059 and terminating Agreement 2016-052 and approving agreement for transportation services in Sierra County between County of Sierra and Incorporated Senior Citizens of Sierra County for fiscal year 2017. (PUBLIC WORKS)

**ADOPTED,** Resolution 2016-062

**APPROVED,** Agreement 2016-057

*June 21, 2016*

- 15.E. Agreement for professional services between Suzanne Nobles and Sierra County. (HEALTH & HUMAN SERVICES)

**APPROVED**, Agreement 2016-058

- 15.F. Agreement for professional services between Community Recovery Resources and the County of Sierra. (BEHAVIORAL HEALTH)

**APPROVED**, Agreement 2016- 059

- 15.G. Agreement for professional services between Oliver Ocskay, Ph.D. and Sierra County. (BEHAVIORAL HEALTH)

**APPROVED**, Agreement 2016-060

- 15.H. Agreement for professional services between Thomas Bittker, MD and Sierra County. (BEHAVIORAL HEALTH)

**APPROVED**, Agreement 2016-061

- 15.I. Agreement for professional services between Progress House, Inc. and Sierra County. (BEHAVIORAL HEALTH)

**APPROVED**, Agreement 2016-063

- 15.J. Agreement for professional services between Ernest Teague and the County of Sierra. (SOCIAL SERVICES)

**APPROVED**, Agreement 2016-064

- 15.K. Lease agreement between Richard and Sharon Elorza and the County of Sierra. (PUBLIC HEALTH)

**APPROVED**, Agreement 2016-065

- 15.L. Certified statement of the results of the canvass for the June 7, 2016 Presidential Primary Election. (ELECTIONS)

- 15.M. Minutes from the regular meeting held on April 19, 2016. (CLERK-RECORDER)

- 15.N. Minutes from the special meeting held on May 18, 2016. (CLERK-RECORDER)

June 21, 2016

## **APPROVAL OF REGULAR AGENDA**

At the request of Supervisor Roen, the Board moved to add the following item to the agenda as the matter came to the County's attention after the close of the agenda.

- 11.E. Authorization of letter in support of the Sierra Valley Resource Conservation District's grant application to the California Department of Wildlife, Proposition 1 Restoration Grant Program for the Carman Watershed Restoration Phase II project.

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

The Board moved to approve the Regular Agenda as amended.

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

Chair Adams briefly commented on Correspondence Item 16.A.

## **REGULAR AGENDA**

### **2. PUBLIC COMMENT OPPORTUNITY**

At 9:05 a.m. Chair Adams opened and closed the public comment opportunity with no persons addressing the Board.

### **3. COMMITTEE REPORTS & ANNOUNCEMENTS**

Supervisor Schlefstein reported on a town hall meeting to be held at 1:00 p.m. on June 22, 2016 at the Senior Center regarding senior needs in the community.

Chair Adams reported he would like the Finance Committee to address the longevity system and bring back a recommendation on how to modify/change the system so it is fair and addresses the concerns with how this issue comes up during elections.

### **4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS**

CHP Lieutenant Tony Richards introduced the new resident CHP Sergeant Don Peterson.

The Sheriff reported on a new corrections communication officer and a search and rescue up by Verdi Peak and Lakes Basin.

Ms. Kathryn Hill, Assistant Director of Behavioral Health thanked the Board for the creation of the position and extended her commitment to the County. Ms. Hill further provided an update to the Board on the anticipated need for a psychiatrist in the Downieville office as Dr. Rubinstein has retired.

## 5. FOREST SERVICE UPDATE

Sierraville District Ranger Quinten Youngblood provided an update on matters going on in the District including fire restrictions; the campgrounds at Jackson Meadows; they are soliciting members for the Sierra County RAC; timber sales; the Calpine Lookout; the WUI (wildland urban interface) project; and the Ox project.

Supervisor Huebner announced that the Gold Lake boat ramp closure has been delayed to August 1<sup>st</sup>.

## 6. HEALTH & HUMAN SERVICES - Darden Bynum

- 6.A. Agreement for professional services between Jane Lee, MFT and Sierra County.

The Auditor briefly expressed concerns with the contract as it is still borderline with respect to being an employee versus a contractor as the County is providing the facilities and equipment. The Auditor added that he wants to make sure the Board understands that any audit findings and penalties are a burden to the general fund. He also understands these are hard positions to fill as employees but there is a substantial risk.

Chair Adams noted there needs to be more discussion between the Auditor, County Counsel and the Director of Health and Human Services to see how best to insulate ourselves from any liability in the future.

The Board moved to approve the agreement for professional services between Jane Lee, MFT and Sierra County.

**APPROVED**, Agreement 2016-065. Motion: Schlefstein/Huebner/Unanimous Roll Call Vote: 5/0

- 6.B. Agreement for professional services between Mary Lowe, MFT and Sierra County.

The Board moved to approve the agreement for professional services between Mary Lowe, MFT and Sierra County.

Chair Adams reiterated the need for further review in order to insulate the County from any liability.

**APPROVED**, Agreement 2016-066. Motion: Schlefstein/Huebner/Unanimous Roll Call Vote: 5/0

**7. PLANNING / BUILDING - Tim Beals**

- 7.A. Letter of support for the Truckee Donner Land Trust's application for funding through the State's Environmental Enhancement and Mitigation Program for a Conservation Easement in Sardine Valley.

The Director of Planning introduced the item, noting this is a request from the property owner who is proposing to file an application for a grant under the State's Environmental Enhancement and Mitigation Program for water conservation and water restoration projects. The only other private land owner is Pam Payen who has no concern with this project.

The Director further explained that the original request for support was to Assemblyman Dahle, however the Assemblyman wanted to make sure if a letter of support was provided that it wasn't inconsistent with the Board's position.

The Board moved to approve the letter of support for the Truckee Donner Land Trust's application for funding through the State's Environmental Enhancement and Mitigation Program for a Conservation Easement in Sardine Valley.

In response to Supervisor Schlefstein's inquiry, the Director explained that this is a combined effort between the private property owners with involvement with the Forest Service to provide a means for water conservation measures and corrections to issues in the meadow area that have been ongoing for a number of years. The actual easement has not been negotiated yet and is a private transaction. This is support for the property owners seeking a conservation easement and provides a mechanism to fund projects identified by both the Forest Service and private property interests to restore some of the water features in the meadow area that are currently at risk.

**APPROVED.** Motion: Huebner/Roen/Majority Roll Call Vote: 4/1 (Supervisor Beard NO)

- 7.B. Discussion/direction to amend the County floodplain management ordinance to relax restrictions on small projects (storage buildings, wood sheds, gazebos, etc).

The Director of Planning introduced the item explaining this is a request to amend the ordinance in order to give more flexibility, discretion and allow for more consistent application of the floodplain ordinance.

Supervisor Schlefstein expressed his appreciation for bringing this before the Board.

The Board moved to direct staff to amend the County floodplain management ordinance to relax restrictions on small projects (storage buildings, wood sheds, gazebos, etc.).

June 21, 2016

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

11.C. Discussion/action to either adopt an ordinance repealing Sierra County Ordinance No. 1071 or adopt a resolution submitting the ordinance to the voters at the November 8, 2016 Presidential General Election as a result of the certificate of results of the examination of the County Referendum Petition on County Ordinance No. 1071. (CLERK OF THE BOARD)

Chair Adams provided brief background on the Board's previous discussion to postpone and bring this item back. Chair Adams added that there are some issues with the ordinance specifically confusion over the access language and the Board is also under limited time if they are going to put this on the November ballot. He believes the safest action is to put an ordinance back on the ballot for consideration and if the Board refers this matter to committee again he would like the Board to give the committee specific directions regarding what they want the committee to look at with respect to changes to the ordinance.

Supervisor Schlefstein noted Measure A came back with a pretty significant percentage of voters voting NO on commercial cultivation, and would suggest including this language into a new ordinance along with addressing the property size, access, plant numbers, etc.

Deputy County Counsel noted Ordinance 1071 didn't address commercial grows it only dealt with medical growing, if there is any appetite to add this he would suggest doing so as a separate ordinance.

Supervisor Schlefstein noted there were some elements of the ordinance that had less of a medical essence to it and was more collective and he believes this should be addressed in a modified ordinance. He doesn't believe the current ordinance should be sent to the voters rather it should be worked on a bit more.

The Board moved to waive the first reading of an ordinance repealing Sierra County Ordinance No. 1071.

Discussion ensued pertaining repealing Ordinance 1071 and the previous Ordinance 1055 staying in effect; submitting a modified ordinance to the fall ballot being the safest route in order to avoid litigation and/or a special election; and referring this back to committee.

The Director of Planning suggested the Board be decisive and clear if their motion includes referring this back to the same committee with respect to assigning appropriate staff and providing clarity on the content of the ordinance with respect to it not being about commercial grows, dispensaries, cooperatives or collections; rather, this is specifically regarding personal medical marijuana use cultivation.

*June 21, 2016*

The Director added there also needs to be clarity on the expectation of timeframes if the Board intends on placing the ordinance on the November ballot; what the Board expects with respect to looking at plant numbers or square footage consistent with state law; what legal occupancy is; the number of scripts; and make sure any confusion over a definition within the ordinance is resolved.

Chair Adams indicated he feels committed to staying involved with this issue. He further questioned if the Board prefers to go with the square footage requirement or plant count and whether they should stay at two acres for outside grows or consider allowing limited grows, less than 100 square feet, on small parcels.

Chair Adams continued to express concerns with protecting the economy in areas of the County that have good tourism and would prefer not to turn every house into a compound with high fences in the front. He hopes the Board can come up with a system that will allow some parcels with less than two acres to have some plants outside and also require it to be grown on a part of the property so there are no huge fences on the street side of the property; he doesn't want to see perimeter fences in the front of a house as he doesn't want to ruin the ambiance of the community.

Supervisor Huebner concurred with Chair Adams' suggestions with respect to smaller parcels and would suggest possibly allowing two plants outside if a parcel is less than two acres. He also supports the fencing restriction as well.

Supervisor Schlefstein indicated he is also in support of two or three plants grown where it is not visible.

Ms. Belle Sandwith, Sierra Brooks explained that in a year and a half this will be resolved with the state. The County has a \$350,000 shortfall and would request the Board repeal Ordinance 1071 and stick with Ordinance 1055 until 2018 and move on to other issues that money could be better spent on in the County.

Chair Adams indicated that Ms. Sandwith's comment pertaining to the state taking control couldn't be less correct as land use on this issue is a local government issue and there is no state standard. Nothing magical is going to happen in 12 months; this is a local preemptive issue and there is no state control of this.

Ms. Sandwith continued to express confusion over what happened in past meetings.

Deputy County Counsel recommended at a minimum a revised ordinance to clarify what is in state law so we don't have a conflict what is in code and in state law.

Mr. Tom Rowson, Sierra Brooks noted he saw a whole lot of talking over each other during last committee meetings, rather than finding a compromise. He believes 72 plants is too many and would like an ad hoc committee consisting of both

*June 21, 2016*

representatives of the growers and the community to further discuss medical marijuana grows.

Chair Adams questioned if the Board can create an ad hoc committee.

Deputy County Counsel indicated he doesn't believe it is wise to refer this to an ad hoc committee as it could look like the Board is circumventing the Brown Act.

Supervisor Roen suggested in the event they cannot come to an agreement to also give the committee direction to bring a cleaned up version of Ordinance 1071 back to the Board to submit to the voters in November.

Unknown, Pike noting this issue is important to her and her community as she is growing medical marijuana.

Ms. Pam Saporta, Pike agrees that the perimeter fences are unsightly but believes this could be about zoning rather than singling people out because of it being marijuana; she would like to see this handled in a consistent matter throughout the County. Ms. Saporta added that she also has a number of members willing to meet with the committee. With respect to the upcoming law regarding tier 1 commercial growing, this could be applied to personal growing of medical marijuana where the County could use plant count and square footage and she would ask the Board to consider this in a future ordinance.

Mr. James Linderborg, Gale's Orchard read a letter on behalf of Sarah Grew requesting the Board rescind Ordinance 1071 and work with an ad hoc committee to develop a reasonable, sensible, and enforceable ordinance and create a new pathway to permit collective gardens and gardens above a determined size. She believes it may be too late to get anything new on the November ballot and this is not in their best interest. Mr. Linderborg continued to note this email sums up where the Sierra County Growers Association stands.

Ms. Laura Donaldson, Pike indicated she realizes this is difficult for all and appreciates what the Board is doing. She also agrees we should have an ad hoc committee. She can't speak from everyone, but to go from a 72 plant count to a 10 x 10 square footage requirement was very shocking for them and they have always wanted to compromise. Ms. Donaldson continued to refer to commercial and cottage cultivation.

The Director questioned clarification on the cottage cultivation.

Ms. Donaldson indicated that the state is still figuring out the MMRSA licensing and there are more farmers that have between 12 and 25 plants and are the backbone of medical marijuana, so the California Growers Association is trying to protect the small growers which are under SB 420, which is the collective model where they are caregivers.

June 21, 2016

Chair Adams indicated what he has heard so far is to stay with the standing committee and the committee should limit the discussion to personal grows, liberalize some of the current restrictions to allow very limited grows on smaller parcels, and specifically deal with fencing issues so we don't create another problem for a community.

The Sheriff indicated that he has received many messages and Sierra County as a whole doesn't have the appetite for commercial status at this time. Having said this most of the individuals he spoke to don't have an issue with their neighbors having small grows for themselves only, and he believes this is what we need to focus on and go forward.

The Clerk restated the motion to waive the first reading of an ordinance repealing Ordinance 1071 and to also direct the Natural Resources, Planning, and Building Standing Committee to address a new ordinance.

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

The Board announced that the next meeting on the issue of medicinal marijuana will be held on June 29<sup>th</sup> at 10:00 a.m. in the Board Chambers in Downieville.

9.B. Update and direction to staff on the Sierra Pacific Industries property at Loyalton.

The Director of Planning noted he has attempted to communicate with the University of California and he received a response yesterday that things are continuing to move forward in a positive direction. The Director added that he is also trying to collect letters of support.

## **9. PUBLIC WORKS/TRANSPORTATION - TIM BEALS**

9.A. Resolution approving proposed solid waste budget for fiscal year 2016/2017.

The Director of Public Works reviewed in detail a budget handout which outlines three parcel fee options. The Director continued to explain that the solid waste budget is upside down due to: 1) writing off \$27,000 in delinquent taxes from the Mobile Home Park; 2) the additional requirements by the State Regional Board to install passive methane vents at the landfill property and a pilot study to show the passive vents will work; and 3) not receiving the reimbursement from the Carroll's due to the Loyalton Hotel Fire which is approximately \$41,000.

Deputy County Counsel clarified that the settlement agreement allowed for a judgment to be filed but the County cannot collect interest until after 18 months.

*June 21, 2016*

The Director continued to explain they also had to increase the payments going to the closure fund due to the shortened life of the landfill in order to satisfy the state. As of March 1, 2016 the state had calculated a closure fee which increased our closure payment to \$139,575 over what was budgeted. The Director added that in March of 2018 the state will look to the waste generated from January 2017 to October 2017, so these costs will go down. In theory if the landfill is closed by July 1, 2017 this limits the waste to 6 months and we would have access to a full year budget in 2017/2018.

The Director further suggested delaying the adoption of the budget for a few days in order to give him and Mr. Morgan time meet with the state to see what options the County might have.

The Director continued to explain that operations budget has not changed, what has changed is the impacts due to the result of methane, the Loyaltan Hotel Fire and the Loyaltan Mobile Home Park which has left a cash deficit of over \$200,000. The Board can either reduce services or increase the solid waste fee. They may also have the opportunity to push some of the costs of the compliance order off to the next fiscal year.

The Auditor cautioned not pushing the state too far since we are coming up on the closing of the landfill and the state has been so unwilling to allow us to spend anything out of the closure fund; we don't want repercussions of the state holding the money.

Chair Adams noted our biggest issue is not creating a budget, but the solid waste fee which has to be adopted by the July 1st.

The Director noted he is trying to make every effort to avoid an increase in the solid waste fee; on the other hand there is no way to absorb the losses in revenue.

Supervisor Schlefstein indicated he is willing to attend a special meeting in order to allow the Director to make the effort to get the state to understand our situation.

Considerable discussion ensued regarding whether to continue this item to a special meeting and allow the Director to address the state or adopt the fee increase today.

Mr. James Linderborg, Gale's Orchard suggested closing the landfill one day a week rather than increasing the fee.

It was further stated that closing one day doesn't save enough.

The Director continued to review the budget in detail and the proposed options.

Brief discussion ensued pertaining to whether the fee/costs will go down when the landfill closes.

June 21, 2016

Following further discussion, the Board moved to adopt the resolution approving the proposed solid waste budget for fiscal year 2016/2017 – Budget Option A \$1,132,641 and authorized the Auditor to transfer \$139,575 from the RWQCB trust fund to the closure/post closure fund.

**ADOPTED**, Resolution 2016-063. Motion: Schlefstein/Huebner/Majority Roll Call Vote; 4/1 (Supervisor Beard NO)

**8. ASSESSOR / SOLID WASTE ADMINISTRATOR - Laura A. Marshall**

8.A. Resolution pertaining to Solid Waste Fees for the fiscal year 2016/2017.

Following discussion regarding an increase in the solid waste fee, the Board tabled this item until later in the meeting.

At the request of Chair Adams and by consensus the Board deferred the issues regarding the national forest lands and payment for solid waste disposal; solid waste fees as they relate to mining claims; the Nevada Irrigation District as the concessionaire at Jackson Meadows Reservoir; gate fees; and the trailer park to the Solid Waste Committee.

**13. TIMED ITEMS**

**13.A. 11:30AM EMERGENCY COMMUNICATIONS**

Presentation by Mike Beckstrand, California Office of Emergency Services, on emergency communications and the Mobile Interoperability Gateway Unit (MIGU).

Mr. Mike Beckstrand presented a PowerPoint to the Board on the communication resources available to the County during a disaster.

Following the presentation a brief question and answer period ensued with the Board.

The Board took the noon recess from 12:16 p.m. to 1:38 p.m. and reconvened with all members present.

**Item 8.A. continued from earlier in the meeting**

Chair Adams referred to the revised draft resolution with the stated \$420.84 per year fee.

Deputy County Counsel indicated an updated copy of the resolution has been distributed to all of the Board members and is available to the public.

June 21, 2016

The Board moved to adopt the resolution pertaining to Solid Waste Fees for the fiscal year 2016/2017 - \$420.84 per year (per each residential unit on the property), and nonresidential users at the rate of \$23.38 per loose cubic yard.

**ADOPTED**, Resolution 2016-064. Motion: Roen/Huebner/Majority Roll Call Vote: 4/1 (Supervisor Beard NO)

## **11. BOARD OF SUPERVISORS**

11.A. Contract between Prentice, Long & Epperson, P.C. and the County of Sierra for county counsel services. (CHAIR ADAMS)

Chair Adams expressed his appreciation to Mr. Rob Schulman for his services in this process and also Jim Curtis and Christian Curtis for their service to Sierra County.

The Board moved to approve contract the between Prentice, Long & Epperson, P.C. and the County of Sierra for county counsel services.

**APPROVED**, Agreement 2016-067. Motion: Beard/Huebner/Unanimous Roll Call Vote: 4/0

11.B. Discussion/action regarding the transition in the office of county counsel. (CHAIR ADAMS)

Following brief discussion, the Board moved to approve the minute order outlined in the memo previously transmitted to the Board.

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

## **10. COUNTY BOARD OF SUPERVISORS AND COUNTY SERVICE AREAS JOINT MEETING**

Board of Supervisors to convene as Board of Directors for County Service Area (CSA) 1,2,3,4,5, and 4A5A (Sierra Brooks Water) and to hold joint meetings as both the County Board of Supervisors and the CSA Board of Directors.

At 1:45 p.m., Chair Adams recessed the Regular Board meeting and reconvened the joint meeting as both the County Board of Supervisors and the CSA Board of Directors.

10.A. Resolution setting the County and Special Revenue Funds Preliminary Budget for fiscal year 2016/2017.

The Auditor introduced the item noting this is basically the same as last year's budget, however there are two things to be aware of in this budget: 1) a contingency in the amount of \$49,900, and 2) it includes taking back dividend from Trindel, which he

June 21, 2016

would have normally used to offset a deficit in workers comp, in order to balance the preliminary budget.

In response to Supervisor Huebner's inquiry, the Auditor clarified the amount from Trindel is \$129,000 to the general fund.

Chair Adams added that if the Secure Rural Schools funding is not reauthorized this is what we'll have to do, however if it is reauthorized then we will see a greater balance.

The Board moved to adopt the resolution setting the County and Special Revenue Funds Preliminary Budget for fiscal year 2016/2017.

**ADOPTED**, Resolution 2016-065. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

10.B. Resolution setting the County Service Area Preliminary Budget for fiscal year 2016/2017.

The Board moved to adopt the resolution setting the County Service Area Preliminary Budget for fiscal year 2016/2017.

**ADOPTED**, Resolution 2016-002. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

At 1:49 p.m., Chair Adams adjourned the joint meeting as both the County Board of Supervisors and the CSA Board of Directors and reconvened as the County Board of Supervisors with all members present.

9.C. Resolution authorizing use of Title III funding in an amount not to exceed \$29,792 to reimburse Sierra County Road Department for work done in conjunction with the California Conservation Corps on Ridge Road which involved clearing/landscaping within the County right of way which is within 200 feet of most homes, and will "increase the protection of people and property from wildfires" and project adjacent national forest system lands (Section 302(a)(1) H.R.1424-145).

The Board moved authorizing use of Title III funding in an amount not to exceed \$29,792 to reimburse Sierra County Road Department for work done in conjunction with the California Conservation Corps on Ridge Road which involved clearing/landscaping within the County right of way which is within 200 feet of most homes, and will "increase the protection of people and property from wildfires" and project adjacent national forest system lands (Section 302(a)(1) H.R.1424-145).

**ADOPTED**, Resolution 2016-066. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

June 21, 2016

- 9.D. Agreement for professional services with Avalex, Inc. for Solid Waste Consulting Services for fiscal year 2016/2017.

The Board moved to approve the agreement for professional services with Avalex, Inc. for Solid Waste Consulting Services for fiscal year 2016/2017.

**APPROVED**, Agreement 2016-068. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

- 9.E. Agreement for professional services with Avalex, Inc. for continued monitoring and reporting services at the Alleghany Maintenance Facility Leaking Underground Fuel Tank Site through fiscal year 2017.

Supervisor Huebner stepped down from the meeting.

In response to Supervisor Schlefstein's inquiry, the Director of Public Works explained this is a continuation from year to year and this is probably the final year as we have reached the ceiling of funding with the Underground Tank Fund.

The Director added that an appeal will be filed in the next week, however if this fails we will have to make some tough decisions pertaining to continued monitoring of that site. Once we have reached the ceiling with funding from the Underground Tank Fund we will stop monitoring the site unless additional funding becomes available.

The Director added it might be a good idea to have a Board member go with him to Sacramento to meet with the tank fund manager.

Chair Adams suggested including Assemblyman Dahle or Senator Gaines in this discussion.

In response to Supervisor Beard, the Director provided background on the underground tank that leaked for years into an underground tunnel on the Sixteen to One Mine property. The Director continued to note that they have since found a second tank and feels this expands the scope to open a new claim. If we don't get additional funding or a new claim we are on our last or second to last year to have the monitoring paid for.

The Board moved to approve the agreement for professional services with Avalex, Inc. for continued monitoring and reporting services at the Alleghany Maintenance Facility Leaking Underground Fuel Tank Site through fiscal year 2017.

**APPROVED**, Agreement 2016-069. Motion: Beard/Roen/Unanimous Roll Call Vote: 4/0/1 (Supervisor Huebner ABSENT)

June 21, 2016

- 9.F. Update and direction to staff on the current fire-defensible space project underway at Sierra Brooks by the California Conservation Corps.

The Director of Public Works provided a brief update on the project fire-defensible space project.

Supervisor Schlefstein indicated he has received a lot of positive feedback on the project.

Ms. Victoria Fisher also provided background on the project noting she is very pleased with the work.

- 9.G. Sierra Brooks Water System-status report of water system project; review of appraisal update for the County's acquisition and conveyance involving State Fish and Wildlife; and, discussion and direction on proposed water ordinance amendments to relax and reflect clarity on water conservation rules to be enforced at Sierra Brooks.

The Director of Public Works referred to a packet of material he previously emailed to the Board, noting Ordinance 1061 was an urgency ordinance that implemented the Governor's proclamation on the drought and Ordinance 969 is the base ordinance with respect to the Sierra Brooks Water System. The language in Ordinance 1061 limits the restrictions to 2015 and the suggestion is to take the language in the existing ordinance and make it available by Board order anytime there is a gubernatorial declaration of a drought so it is not exclusive to any specific year and allows the Board to restrict water use when necessary.

The Director continued to explain the second set of changes is with respect to Ordinance 969 as there are some concerns over what proper watering is under Phase 2 of the ordinance. There is no language with respect to watering gardens, using power washers, washing vehicles, or the ability to water plants from a hose with a shutoff nozzle. The intent of the ordinance was to address sprinklers, irrigation systems and uses that have a tendency to consume a great deal of water. What he is requesting the Board to authorize is language that expands the definition of Phase 2 and makes it clear that washing your vehicle and plants is permissible so long as you have a shutoff nozzle and power washing so long as the power washer is properly functioning.

The Director continued to note the question has come up with respect to how watering gardens applies to separate lots. He believes the consensus of the water committee is to allow that use.

The Director further referred to page 11 of the packet of material which represents the update of the property appraisal required by the State Department of Fish and Wildlife to complete the County's obligation under the land swap with the state, noting the comps and values have not changed. The Director added that once this is approved by the Wildlife Conservation Board he will begin reopening discussions on the

June 21, 2016

reworking of the water ordinance dealing with the rules and regulations and coming up with a fee structure for the metered water. If all goes well this should be completed by next year.

The Board moved to direct staff to move forward with proposed water ordinance amendments to relax and reflect clarity on water conservation rules to be enforced at Sierra Brooks.

**APPROVED.** Motion: Schlefstein/Beard/Unanimous Roll Call Vote: 4/0/1 (Supervisor Huebner ABSENT)

11.D. Appointment to the Area 4 Agency on Aging Advisory Council. (CLERK OF THE BOARD)

The Board moved to appoint Richard DeVore to the Area 4 Agency on Aging Advisory Council.

**APPROVED.** Motion: Schlefstein/Beard/Unanimous Roll Call Vote: 4/0/1 (Supervisor Huebner ABSENT)

11.E. Authorization of letter in support of the Sierra Valley Resource Conservation District's grant application to the California Department of Wildlife, Proposition 1 Restoration Grant Program for the Carman Watershed Restoration Phase II project.

Ms. Victoria Fisher, Sierra Valley Resource Conservation District explained this is the Carmen Watershed Restoration Phase II project and they have completed the previous phase last year. They are looking to restore three of the meadows in the Carmen Creek watershed. This would also tie in the streams in the area and help with underground water storage and remove sediment from the roads. Ms. Fisher further apologized for the last minute request however applications are due Friday and she believes this is an important project.

Chair Adams read the draft letter of support into the record.

The Board moved to approve the letter of support of the Sierra Valley Resource Conservation District's grant application to the California Department of Wildlife, Proposition 1 Restoration Grant Program for the Carman Watershed Restoration Phase II project.

**APPROVED.** Motion: Roen/Schlefstein/Unanimous Roll Call Vote: 4/0/1 (Supervisor Huebner ABSENT)

June 21, 2016

**12. COUNTY COUNSEL - James A. Curtis**

12.A. Renewal and amendment of contract for Public Defender Services with J. Lon Cooper.

Deputy County Counsel introduced the item, noting the Public Defender is requesting an increase in the number of hours.

The Auditor explained he spoke to Courts who indicated there is an increase in case load so the extra 10 hours does not appear to be unreasonable.

The Board moved to approve the renewal and amendment of contract for Public Defender Services with J. Lon Cooper.

**APPROVED**, Agreement 2016-070. Motion: Roen/Schlefstein/Unanimous Roll Call Vote: 4/0/1 (Supervisor Huebner ABSENT)

**14. CLOSED SESSION**

14.A. Closed session pursuant to Govt. Code 54956.9(a) to discuss the following litigation: Morning Glory Gold Mines, et al v. County, et al, Sierra County Superior Court Case No. 7553.

The Board met in closed session 2:39 p.m. to 2:57 p.m. Deputy County Counsel reported that the Board met with Counsel on the litigation and no action was taken and nothing further to report.

**16. CORRESPONDENCE LOG**

16.A. Letter from James LaPlante, regarding the continued service from the Plumas County Public Health Agency to veterans within Sierra County.

**ADJOURN**

At 2:58 p.m., with no further business, Chair Adams adjourned the meeting.

---

LEE ADAMS, CHAIR  
BOARD OF SUPERVISORS

ATTEST:

---

HEATHER FOSTER  
CLERK OF THE BOARD