



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

**Lee Adams, Chair, District 1**

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The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on July 5, 2016 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](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  
David Prentice, County Counsel  
Van Maddox, Auditor/Treasurer Tax-Collector  
Tim Beals, Director of Planning and Transportation  
Darden Bynum, Director of Health and Human Services

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## **APPROVAL OF CONSENT AGENDA**

The Board moved to approve the Consent Agenda.

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

### **10. CONSENT AGENDA**

10.A. Resolution approving an amendment of agreement between the California Department of Public Health and Sierra County for the Women, Infants, and Children's Program (WIC) and authorizing Darden Bynum, Director to sign documents related to this amendment. (PUBLIC HEALTH)

**ADOPTED,** Resolution 2016-069

**APPROVED,** Agreement 2016-071

10.B. Agreement for professional services between Celia Sutton-Pado, M.D. and Sierra County. (PUBLIC HEALTH)

**APPROVED,** Agreement 2016-072

10.C. Agreement for professional services between M. Susan Haun and Sierra County. (PUBLIC HEALTH)

**APPROVED,** Agreement 2016-073

10.D. Amendment to Agreement 2015-110 for professional services between the California Department of Social Services (CDSS) and Sierra County. (SOCIAL SERVICES)

**APPROVED,** Agreement 2016-074

10.E. Agreement for professional services between Yolo Community Care Continuum and Sierra County. (BEHAVIORAL HEALTH)

**APPROVED,** Agreement 2016-075

10.F. Agreement for professional services between Sierra County Office of Education and Sierra County. (BEHAVIORAL HEALTH)

**APPROVED,** Agreement 2016-076

10.G. Agreement for professional services between Willow Glen Care Center and Sierra County. (BEHAVIORAL HEALTH)

**APPROVED,** Agreement 2016-077

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- 10.H. Resolution approving a Radio Communications agreement for Oregon Peak repeater site and authorizing Tim Standley, Sheriff to sign documents related to this agreement. (SHERIFF)

**ADOPTED**, Resolution 2016-070

**APPROVED**, Agreement 2016-078

- 10.I. Resolution approving Program Supplement Agreement No. N 026 Rev. 1 to Administering Agency-State Agreement Federal Aid Projects No. 03-5913R, BRLO-5913(055) Jim Crow Road Bridge Replacement. (PUBLIC WORKS)

**ADOPTED**, Resolution 2016-071

**APPROVED**, Agreement 2016-079

- 10.J. Governing Body Resolution naming authorizing agents for Sierra County for the Homeland Security Grant Program (SHSG). (OES)

**ADOPTED**, Resolution 2016-072

- 10.K. Governing Body Resolution naming authorizing agents for Sierra County for the Emergency Management Performance Grant (EMPG). (OES)

**ADOPTED**, Resolution 2016-073

- 10.L. Approval of staffing change prior to the final budget. (AUDITOR)
- 10.M. Minutes from the regular meeting held on May 17, 2016. (CLERK-RECORDER)
- 10.N. Minutes from the special meeting held on June 23, 2016. (CLERK-RECORDER)

#### **APPROVAL OF REGULAR AGENDA**

At the request of the Director of Transportation, Regular Agenda Item 7.A. was pulled from the agenda and continued to the July 19, 2016 meeting.

- 7.A. Resolution authorizing acceptance and approval of Agreement for Grant of Right of Way and Road Maintenance for Squirrel Hollow.

The Board moved to approve the Regular Agenda as amended.

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

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## **REGULAR AGENDA**

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

At 9:03 a.m. Chair Adams opened the public comment opportunity.

Ms. Cherry Simi, President of the Downieville Improvement Group (DIG) provided an update on the 2015 Brewfest project (gazebo at the Gold Rush Park), noting they are planning a dedication later in the year which will be a community event.

Ms. Simi also provided an update on the 2016 Brewfest to be held on August 13<sup>th</sup> including having sold over 500 tickets; there are 23 brewing companies, one hard cider company, and a number of food vendors attending; the website has received 33,000 hits; 2000 people are interested on their Facebook Event Page; they have been contacted by Tom Dalldorf, Editor of the Celebrator Magazine who wants to do a feature article on Downieville and the Brewfest; Mike the Wine Guy wants to do a live radio broadcast; music will be provided by Bob Mora and the 3<sup>rd</sup> Degree Blues; additional parking will be available through the school district; and shuttles will be set up to pick up people from Gold Lake to Indian Valley.

Ms. Simi further invited the Board to be security for the event.

Chair Adams commented on the event and what a huge success it has become.

At 9:10 a.m. Chair Adams closed the public comment opportunity with no further persons addressing the Board.

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

- RCRC June 22, 2016 Board meeting highlights. (CHAIR ADAMS)

Supervisor Huebner reported on the sale of the Western Sierra Residential Center and the end of the project.

Supervisor Roen reported on the clean-up event in Sierraville, noting it was a very successful event.

Chair Adams reported on the Natural Resources, Planning & Building Standing Committee meeting held last week, noting the committee hopes to hold one more committee meeting and have a draft rewrite of the ordinance by the July 19, 2016 Board meeting and a finished product by the August 2, 2016 Board meeting in order for the ordinance to be ready for the fall ballot.

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

The Sheriff reported on the 4<sup>th</sup> of July weekend, noting there weren't many issues other than minor parking problems.

The Director of Health and Human Services reported on upcoming audits for the department.

**5. FOREST SERVICE UPDATE**

Yuba River District Ranger Karen Hayden introduced Joe Griffin, Acting Fire Management Officer, noting the District is hoping to have the vacancy announcement posted soon and fill this position permanently. Ranger Hayden continued to provide an update on other positions that have been filled and are vacant within the District along with various other matters going on in the District.

Chair Adams thanked the agency for their presence in the Downieville 4<sup>th</sup> of July parade yesterday.

**6. COUNTY COUNSEL - David Prentice**

6.A. Introduction of new County Counsel; David Prentice, Prentice Long & Epperson LLP.

Chair Adams introduced Sierra County's new County Counsel David Prentice with Prentice, Long & Epperson.

Mr. Prentice indicated he is looking to create a County Counsel department and he believes their firm can enhance the services for the County. Mr. Prentice added that he will be the Department Head, his partner Margaret Long as Assistant County Counsel will oversee all of the CPS work and supervise Deputy County Counsel Sofie Myer, Joe Larmour who is their expert on marijuana legislation will also be doing all of the Board of Equalization and Planning Department work, and his partner Jason Epperson will head up the litigation team. Mr. Prentice reiterated that he wants to give the Department Heads and the Board a true County Counsel department to work with.

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## 7. PUBLIC WORKS / TRANSPORTATION - Tim Beals

- 7.B. Resolution authorizing County Director of Transportation to make application for grant funding under the "California Department of Resources, Recycling, and Recovery (CalRecycle)-Farm and Ranch Solid Waste Clean-Up and Abatement Grant Program for 2016-2017" for the Hallelujah Junction-Evans Ranch Wildlife Management Areas in cooperation with California Department of Fish and Wildlife which is proposing to abate a legacy series of illegal dumps on the wildlife area properties.

The Director of Public Works introduced the item, explaining this is a request to proceed with a grant application that will exclusively benefit the California Department of Fish and Wildlife for the Hallelujah Junction Evans Ranch Wildlife Management Area. The Director continued to explain that there are some legacy dumps in the area that they are trying to clean up. They had intended to bring the material to Loyalton; however, the County is trying to avoid this by hiring trucks to have the waste taken to Lockwood. The County would be the grant applicant and would pass through the funds to the contractor and it will benefit the Department of Fish and Game.

Supervisor Roen expressed frustration with the County going out of its way to help the state when we can't get them to come to the table.

Chair Adams commented that no good deed goes unpunished, and requested the Director make sure there isn't anything that comes back on the County.

The Director clarified that he has informed the state that there will be a need for an agreement prior to the grant award that outlines the roles and indemnification so the County is not exposed to any liability.

The Board moved to adopt the resolution authorizing County Director of Transportation to make application for grant funding under the "California Department of Resources, Recycling, and Recovery (CalRecycle)-Farm and Ranch Solid Waste Clean-Up and Abatement Grant Program for 2016-2017" for the Hallelujah Junction-Evans Ranch Wildlife Management Areas in cooperation with California Department of Fish and Wildlife which is proposing to abate a legacy series of illegal dumps on the wildlife area properties.

**ADOPTED**, Resolution 2016-074. Motion: Roen/Huebner/Majority Roll Call Vote: 4/1 (Supervisor Beard NO)

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- 7.C. Discussion/direction to staff regarding status of the Loyaltan Mobile Estates Mobilehome Park located within the incorporated area and unincorporated areas of the County as follows: 1) Authorization to submit letter on behalf of the Board of Supervisors to the State of California, Department of Housing and Community Development-Division of Codes and Standards expressing concern over status of State issued permit to operate (#46-0009-MP) subsequent to the issuance by the State of a "Notice of Suspension" dated December 31, 2015; 2) Tax sale of property and status of delinquencies affecting property; and 3) Enforcement status.

The Director of Public Works introduced the item, noting the County is in limbo until the permit status gets resolved by the state and the County is being accused of lack of compliance and enforcement. The Director added the state is taking the position that the notice of suspension gives the County the ability to move forward. He believes the state needs to revoke the permit before the County can do anything. The County only has land use jurisdiction but does not have jurisdiction to enforce the Mobile Home Parks Act.

Supervisor Roen indicated that he spoke to a representative in Assemblyman Dahle's office who conveyed to him that there is no relinquishment of the permit, only the suspension notice and then it goes to the County.

The Auditor concurred with Supervisor Roen's statements, noting this is also what he has heard.

The Director continue to explain that we now have a property without an owner, a person who has self-appointed himself as the park manager and is charging people for rent and for waste disposal which he is not supposed to be doing now that the park is under a suspense category. The park manager has also retained an attorney which puts a bit of kink in our ability to deal directly with him.

The Director added that at the end of the day this is a violation of the zoning code as he is operating without a permit which is required by the county use permit. With respect to the mini storage located on the property it is a separate business and has a separate entitlement. This issue is further complicated by the fact that part of the property is divided by the City limit and the County, there are improvements on the property that are not authorized, etc. He also understands that the City has contacted Assemblyman Dahle's office with respect to the sewer and water lien placed on the property and how they can collect this.

The Auditor indicated his office has had this property up for sale four different times and what he has heard from potential buyers is once they put a business plan together they determine the property isn't worth buying as it's not viable. The Auditor added he believes the property needs to be raw land in order to sell it and get it back into the tax role.

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Supervisor Beard noted he is still receiving phone calls/complaints regarding people having extension cords running across the property and avoiding health code compliance and is there anything the County can do to enforce these issues.

The Director explained the County has the ability to go in and conduct inspections and issue a notice of order with respect to health and safety issues. However, we have to be prepared to follow through with conducting hearings and removing people from the property if they don't come into compliance. At the end of the day this is a very serious human issue.

Supervisor Beard further questioned if it was determined that there is an immediate danger and safety risk, could this be demanded to be corrected immediately.

The Director indicated they can, however the structural and safety issues found in these homes is so significant that it will be almost impossible for them to comply.

Discussion ensued regarding obtaining further clarification from the state on the suspension of the permit.

Following discussion, Chair Adams recommended referring this issue to either a standing or ad hoc committee to work with staff and come up with a game plan.

County Counsel addressed the suspension of the permit by the state, noting the state sees the liabilities with oversight of the park so they suspend the permit and step away. If the state doesn't revoke the permit, they don't have any liability for the revocation or the relocation of the residents. He has heard the issue of an attorney entering the scene, so his recommendation is to have this agenda item for closed session - potential litigation.

By consensus, the Board directed adding a closed session item to the July 19, 2016 Board meeting.

Following further discussion, Chair Adams referred this matter to an ad hoc committee consisting of Supervisors Beard and Schlefstein and also recommended having this matter as a closed session item on future agendas until it is resolved.

## **9. BOARD OF SUPERVISORS**

- 9.A. Discussion/action regarding letter of support for USDA grant application of the Pike City Volunteer Fire Department. (CHAIR ADAMS)

Following a brief introduction by Chair Adams, the Board moved to approve the letter of support for USDA grant application of the Pike City Volunteer Fire Department.

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

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- 9.B. Second reading and adoption of an ordinance repealing Sierra County Ordinance No. 1071. (CLERK OF THE BOARD)

The Board moved to waive the second reading and adopt the ordinance repealing Sierra County Ordinance No. 1071.

**ADOPTED**, Ordinance No. 1073. Motion: Huebner/Roen/Unanimous Roll Call Vote: 5/0

- 9.C. Resolution denying Joseph Arata's solid waste appeal of June 7, 2016, APN 009-142-001-0. (CLERK OF THE BOARD)

The Board moved to adopt the resolution denying Joseph Arata's solid waste appeal of June 7, 2016, APN 009-142-001-0.

**ADOPTED**, Resolution 2016-075. Motion: Schlefstein/Roen/Unanimous Roll Call Vote: 5/0

## **8. PLANNING / BUILDING - Tim Beals**

- 8.A. Discussion/direction to staff on subdivision and zoning proposals before Reno City Council at Long Valley entitled Traintown Project (441 acres and 1300 new lots) and Heinz Ranch project (proposing 3800 new lots).

The Director of Planning provided background on the proposals before the Reno City Council, noting the City of Reno has indicated there is no legal requirement for them to respond with Sierra County and he hasn't been able to receive any response from the City of Reno or the Planning Department staff regarding this project. The Director added that the primary issue is the impacts the proposals will have across the state line with respect to traffic, law enforcement, etc. and the County is not at the table or being involved.

The Director further requested the authority to submit a letter immediately to the City of Reno, Washoe County and to both the Reno City Council and Reno City Planning Commission asking them to delay any decisions in order to allow for the counties to talk.

Discussion ensued regarding the issues that will go along with the proposed projects.

In response to Supervisor Schlefstein's inquiry, the Director indicated he would draft and send the letter today as the meeting is tomorrow.

Supervisor Schlefstein recommend not telling the state of Nevada to delay the project, rather just express our concerns and request to be at the table.

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The Board moved to authorize the Director to draft and submit a letter that includes whatever is in the best interest of Sierra County.

The Director clarified that if the public meeting scheduled for tomorrow is with the Reno City Planning Commission he will lighten up on the delay issue as there will be another opportunity to address the City of Reno.

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

**11. CORRESPONDENCE LOG**

11.A. Application for Alcoholic Beverage License submitted by Cassandra Shannon Martinetti.

No action taken.

**ADJOURN**

At 10:32 a.m., with no further business, Chair Adams adjourned the meeting.

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LEE ADAMS, CHAIR  
BOARD OF SUPERVISORS

ATTEST:

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HEATHER FOSTER  
CLERK OF THE BOARD