



**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, Chair, District 3

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Jim Beard, Vice-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 April 2, 2019 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 Beard

ROLL CALL

Present: Lee Adams, Supervisor, District #1
Peter W. Huebner, Supervisor, District #2
Paul Roen, Supervisor, Chair, District #3
Jim Beard, Supervisor, Vice-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 and Transportation
Lea Salas, Director of Behavioral Health
Vickie Clark, Director of Health and Social Services
Jeff Bosworth, Chief Probation Officer

April 2, 2019

APPROVAL OF CONSENT AGENDA

At the request of the Clerk, Item 13.D. was pulled from the Consent Agenda.

13.D. Minutes from the regular meeting held on March 5, 2019. (CLERK-RECORDER)

The Board moved to approve the Consent Agenda as amended.

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

13. CONSENT AGENDA

13.A. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Richard Rogalski, Applicant and Landowner for consideration of a Certificate of Compliance to establish legal status of the property. The project site, identified as APN 023-130-027, is located in the Verdi-Sierra Pines Subdivision Unit No 1, Portion of lot No. 19, Verdi, CA. (PLANNING)

APPROVED, Agreement 2019-023

13.B. Rescission of Agreement 2019-002 and approve agreement with AirMedCare Network Group for Membership Discount for Sierra County Bargaining Unit, unrepresented employees and Special Districts. (AUDITOR)

APPROVED, Agreement 2019-024

13.C. Approval of travel reimbursement for Jim Beard for January and February 2019. (AUDITOR)

13.E. Minutes from the special teleconference meeting held on March 21, 2019. (CLERK-RECORDER)

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

REGULAR AGENDA

2. PUBLIC COMMENT OPPORTUNITY

At 9:02 a.m. Chair Roen opened the public comment opportunity.

April 2, 2019

Mike Galan, EMT and Downieville Fire Protection District Commissioner commented on the new Interim Fire Chief Marty Creel's 24 years of experience in EMS and firefighting.

At 9:06 a.m. Chair Roen closed the public comment opportunity with no further persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Huebner reported on the closing of escrow for the Hill Street Apartments in Loyalton.

Supervisor Adams reported on RCRC's recommendation to hold off until fall on their efforts to include Sierra and Alpine County in Inyo County's ATV trail pilot project due to the political climate.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Sheriff reported on hiring the Executive Assistant to the Sheriff position and the Truckee Police Department offering to donate 15 Axon Body Cameras.

5. FOREST SERVICE UPDATE

No one present from the Forest Service.

6. PROBATION - JEFF BOSWORTH

6.A. Resolution approving annual budget for Juvenile Justice Crime Prevention Act (JJCP) & Juvenile Probation Camp Funding (JPCF).

The Chief Probation Officer provided background on the approval process for the annual Juvenile Justice Juvenile Justice Crime Prevention Act (JJCP) & Juvenile Probation Camp Funding (JPCF) budget.

The Board moved to adopt the resolution approving annual budget for Juvenile Justice Crime Prevention Act (JJCP) & Juvenile Probation Camp Funding (JPCF).

ADOPTED, Resolution 2019-044. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

6.B. Discussion/direction on need for an afterhours Public Defender in certain circumstances involving juveniles 15 and under.

The Chief Probation Officer provided background on the new law effective January 1, 2018 which states that law enforcement is no longer allowed to read Miranda rights or talk to a minor until they have been advised by an attorney. The Chief

April 2, 2019

Probation Officer added that the courts do not believe this is covered under the Public Defender contract with the County as the Public Defender does not become a defense attorney until appointed by the court.

The Chief Probation Officer continued to review options in order for law enforcement to contact an attorney immediately in these situations, including amending the language in the current Public Defender's contract or having a list of attorneys available to call when needed.

Supervisor Adams questioned if the public defender's contract is amended, what happens if the juvenile decides they want a different attorney.

Deputy County Counsel indicated that they would have to get their own attorney and law enforcement couldn't talk to them. Deputy County Counsel added that the contract would have to be amended to include the requirement and that he would have to have someone on call if he's not available.

The Chief Probation Officer indicated that the current Public Defender is willing to do this, however he can't guarantee he would always be available.

Discussion ensued with the Board.

Following discussion and by consensus, the Board directed staff to bring back an amendment to the Public Defender's contract to include this and also create a list of attorney's as backup.

7. BEHAVIORAL HEALTH - LEA SALAS

- 7.A. Resolution increasing the 60% FTE Case Manager I position to 100% FTE Case Manager I position effective immediately due to staffing restrictions.

The Director of Behavioral Health provided background the department having suffered serious loses over the last few weeks due to unforeseen circumstances and the efforts to fill the needs of their clients.

The Board moved to adopt the resolution increasing the 60% FTE Case Manager I position to 100% FTE Case Manager I position effective immediately due to staffing restrictions.

ADOPTED, Resolution 2019-045. Motion: Adams/Beard/Unanimous Roll Call Vote: 5/0

April 2, 2019

8. OFFICE OF EMERGENCY SERVICES (OES) -TIM BEALS

- 8.A. Resolution adopting expenditures under the Fiscal Year 2018 Homeland Security Grant.

The Director of Public Works provided background on the resolution which commits to purchases under the Homeland Security Grant program and has been vetted by the OAEC.

The Board moved to adopt the resolution adopting expenditures under the Fiscal Year 2018 Homeland Security Grant.

ADOPTED, Resolution 2019-046. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 8.B. Resolution rescinding Resolution 2018-090 and adopting a new resolution amending expenditures under the Fiscal Year 2016 Homeland Security Grant.

The Board moved to adopt the resolution rescinding Resolution 2018-090 and adopting a new resolution amending expenditures under the Fiscal Year 2016 Homeland Security Grant.

ADOPTED, Resolution 2019-047. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 8.C. Resolution rescinding Resolution 2018-089 and adopting a new resolution amending expenditures under the Fiscal Year 2017 Homeland Security Grant.

The Board moved to adopt the resolution rescinding Resolution 2018-089 and adopting a new resolution amending expenditures under the Fiscal Year 2017 Homeland Security Grant.

ADOPTED, Resolution 2019-048. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

9. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

- 9.A. Rescind Resolution 2019-040 and adopt replacement resolution approving revised list of road maintenance projects to be funded by SB 1 funds for Fiscal Year 2019-2020.

The Board moved to rescind Resolution 2019-040 and adopt replacement resolution approving revised list of road maintenance projects to be funded by SB 1 funds for Fiscal Year 2019-2020.

April 2, 2019

ADOPTED, Resolution 2019-049. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 9.B. Authorize letter of support for the Sierra Buttes Trail Stewardship (SBTS) Application to the USFS Resource Advisory Committee for Title 2 Funding for a project that will complete trail maintenance on many trails and to construct a new trail segment connecting two existing trails.

The Director of Public Works provided background on the request from the Sierra Buttes Trail Stewardship for a letter in support of their application.

The Board moved to authorize the letter of support for the Sierra Buttes Trail Stewardship (SBTS) Application to the USFS Resource Advisory Committee for Title 2 Funding for a project that will complete trail maintenance on many trails and to construct a new trail segment connecting two existing trails.

APPROVED. Motion: Huebner/Dryden/Majority Roll Call Vote: 3/0/2 (Supervisors Adams and Roen ABSTAIN)

- 9.C. Discussion and adoption of resolution authorizing applications for federal assistance to the Resource Advisory Committee (RAC) on behalf of Sierra County for a project entitled "Sierra Brooks Subdivision-Smithneck Creek Wildlife Management Area Defensible Space Project."

The Director of Public Works provided brief background on the Sierra Brooks Subdivision-Smithneck Creek Wildlife Management Area Defensible Space Project.

The Board moved to adopt the resolution authorizing applications for federal assistance to the Resource Advisory Committee (RAC) on behalf of Sierra County for a project entitled "Sierra Brooks Subdivision-Smithneck Creek Wildlife Management Area Defensible Space Project."

ADOPTED, Resolution 2019-050. Motion: Dryden/Huebner/Unanimous Roll Call Vote: 5/0

- 9.D. Discussion and adoption of resolution authorizing applications for federal assistance to the Resource Advisory Committee (RAC) on behalf of Sierra County for a project entitled "Sierra Buttes Overlook and Interpretive Sign Project".

The Director of Public Works provided background on the Sierra Buttes Overlook and Interpretive Sign Project.

April 2, 2019

The Board moved to adopt the resolution authorizing applications for federal assistance to the Resource Advisory Committee (RAC) on behalf of Sierra County for a project entitled "Sierra Buttes Overlook and Interpretive Sign Project".

ADOPTED, Resolution 2019-051. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 9.E. Discussion and direction on status of proposed vacation of a County road in Sierraville that was the subject of a public hearing on March 19, 2019 pertaining to new information being available to the Board for its consideration.

The Director of Transportation provided background on the public hearing held on March 19, 2019 and the adoption of the resolution approving the vacation of a strip of land behind Los Dos in Sierraville which was made on the basis in part that they had provided mailed notice to the four property owners involved which isn't required by law. The Director further explained that the notices did not go out and subsequently one of the property owners has concerns over the vacation.

Following discussion and by consensus, the Board continued this matter for discussion at the next meeting with the possible rescission of the resolution vacating the strip of land in Sierraville.

12. TIMED ITEMS

12.A. 10:00AM DRUG COURT AWARENESS MONTH

Presentation by Frank J. Lang, NP, JD regarding National Drug Court Month and adoption of resolution declaring May 2019 as "Drug Court Awareness Month" in Sierra County.

The Chief Probation Officer briefly reviewed the County's drug court program.

Frank Lang on behalf the Sierra County Drug Court Team and Presiding Judge Ervin provided background on the County's drug court program which started back in 2003.

The Board moved to adopt the resolution declaring May 2019 as "Drug Court Awareness Month" in Sierra County.

ADOPTED, Resolution 2019-052. Motion: Beard/Huebner/Unanimous Roll Call Vote: 5/0

April 2, 2019

- 9.F. Reschedule public hearing with regard to the proposed termination of maintenance of a portion of Oregon Creek Road, County Road 295, specifically for the portion between the Zumalt property and the Kate Hardy Mine property, in accordance with Section 945.5 California Streets and Highways Code.

The Board moved to reschedule the public hearing with regard to the proposed termination of maintenance of a portion of Oregon Creek Road, County Road 295, specifically for the portion between the Zumalt property and the Kate Hardy Mine property, in accordance with Section 945.5 California Streets and Highways Code to May 7, 2019 at 10:00 a.m. in Downieville.

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

10. BOARD OF SUPERVISORS

- 10.B. Discussion/adoption of resolution dedicating the Downieville Community Tennis courts in the name of Mary Piggott Johnsen. (SUPERVISOR ADAMS)

Supervisor Adams provided background on the request to dedicate the Downieville Community Tennis courts in the name of Mary Piggott Johnsen.

The Board moved to adopt the resolution dedicating the Downieville Community Tennis courts in the name of Mary Piggott Johnsen.

ADOPTED, Resolution 2019-053. Motion: Huebner/Beard/Unanimous Roll Call Vote: 5/0

- 10.C. Appointment to the Cemetery District No. 3. (CLERK OF THE BOARD)

The Board moved to appoint Dean Fischer to the Cemetery District No. 3.

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

- 9.I. Resolution accepting donation of contract services from the Downieville Improvement Group (DIG) on behalf of DIG and on behalf of Kaylon Hall's Senior Project - The Bright Bridge Project.

The Director of Public Works provided brief background on the Bright Bridge Project and the proposed resolution which authorizes the acceptance of the donation within the scope of the project so they can avoid the issues with certain restrictions that apply under the public contracts code.

April 2, 2019

Mike Galan, Downieville Improvement Group member commented on the status of the project and complemented Kaylon Hall for having done a fantastic job putting this project together as her Senior Project.

The Board moved to adopt the resolution accepting donation of contract services from the Downieville Improvement Group (DIG) on behalf of DIG and on behalf of Kaylon Hall's Senior Project - The Bright Bridge Project.

ADOPTED, Resolution 2019-054. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

12.B. 10:30AM PLUMAS-SIERRA AGRICULTURAL COMMISSIONER

Presentation by Tim Gibson, Plumas-Sierra County Agricultural Commissioner on Industrial Hemp.

Tim Gibson, Plumas-Sierra County Agricultural Commissioner made his presentation to the Board regarding industrial hemp which is now regulated under the USDA and also expressed his concerns regarding California's two definitions of an agricultural research institution and the lack of regulations on how testing of the plants will be done.

Discussion ensued with the Board regarding the processing of hemp.

The Sheriff expressed concerns of someone attempting to cultivate marijuana under the guise of industrial hemp. The Sheriff clarified that he is pro hemp as long as it is done right in the county.

Mr. Gibson commented that sampling of the plants would occur and he would direct staff to sample plants that look a little different than the others.

The Sheriff further expressed concerns with the second definition which is overseeing the cultivation of hemp and wants to make sure all potential issues would come to light and the regulations would cover them.

Mr. Gibson clarified that research institutions are exempt from having to obtain permit from the Agricultural Commissioner and he has no jurisdiction over them.

The Director of Planning commented on property owners in the county who are actively researching their rights under the law to cultivate industrial hemp in the county. The Director further questioned if the county's current ordinance that defines cannabis includes hemp and does it preclude industrial hemp cultivation within the county.

Deputy County Counsel responded that she doesn't believe the county's ordinance includes hemp and there is no regulation process in the county for individuals

April 2, 2019

to cultivate hemp. Deputy County Counsel also commented on a number of counties instituting a moratorium on hemp cultivation until the regulations are known.

Considerable discussion ensued with the Board.

No action taken.

- 9.G. Discussion and direction on creation of County Service Area 4-Zone of Benefit for Fire Protection and Emergency Medical Services to serve Long Valley and Verdi including final review of proposed boundaries; establishing budget for assessment engineering report and Prop 218 protest notification; and proposed timetable for implementation.
- 9.H. Status report on proposed fire and medical services agreement with Truckee Meadows Fire Protection District (Nevada) for coverage within eastern Sierra County (Long Valley and Verdi) and direction on level of County involvement in proposed service agreement.

The Director of Planning provided background on the Sierra County Fire Protection District fire service agreement with the City of Loyalton, the draft agreement with the Truckee Meadows Fire District, and the process for the creation of the County Service Area 4-Zone of Benefit for fire protection and emergency medical services to serve Long Valley and Verdi including establishing budget for assessment engineering report and Prop 218 protest vote.

Comments were received by the Auditor regarding funds available in the current Verdi Zone of Benefit and County Service Area 4 to cover the cost of the engineer report.

The Director further reviewed the map outlining the area for the zone of benefit.

Considerable discussion ensued with the Board in regards to the proposed three-year agreement between the Sierra County Fire Protection District No. 1 and Truckee Meadows Fire District; the proposed zone of benefit which includes 112 homes and two businesses; and having the County manage the assessment in order to help the Sierra County Fire Protection District No. 1 negotiate with Truckee Meadows Fire District/Washoe County.

Following discussion, the Director indicated that he is anticipating at next Board meeting the adoption of the resolution creating the process for the assessment formation and authorization to retain an engineer.

April 2, 2019

- 10.A. Discussion/action regarding the Governor's Proclamation of a State of Emergency in California due to increased risk of wildfires. (CHAIR ROEN)

Chair Roen provided background on the Governor's Proclamation and recommended moving forward to obtain authorization to utilize the same rules/reduced restrictions as the 35 project areas within the proclamation in order to implement some work on the ground.

The Director of Planning suggested having the CalFire Unit Chief attend a future meeting in order to address this issue.

Discussion ensued with the Board regarding property owners fire insurance being cancelled.

Following discussion, direction was given to invite the CalFire Unit Chief to a future Board meeting.

11. CLOSED SESSION

- 11.A. Closed session pursuant to Government Code section 54956.9(a) - conference with legal counsel regarding the following litigation: Cox v. Padilla, et al. Case No. 34-2019-80003090.
- 11.B. Closed session pursuant to Government Code section 54956.9(a) - conference with legal counsel regarding the following litigation: Bankruptcy of PG&E, Case No. 19.30088 and 79.30089.

CLOSED SESSION STATEMENT

The Board met in closed session from 12:10 p.m. to 12:19 p.m. Deputy County Counsel reported nothing occurred in closed that requires reporting out and direction was given.

ADJOURN

At 12:20 p.m., with no further business, Chair Roen adjourned the meeting.

PAUL ROEN, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD