



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

Lee Adams, Chair, District 1

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Peter W. Huebner, Vice-Chair, District 2

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Paul Roen, District 3

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Terry LeBlanc, 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 May 4, 2021. This meeting was recorded for posting on the Board of Supervisors' website at www.sierracounty.ca.gov.

PLEDGE OF ALLEGIANCE: Led by Supervisor Dryden

ROLL CALL

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

Staff: Heather Foster, County Clerk-Recorder
David Prentice, County Counsel
Sean Cameron, Deputy County Counsel
Scott McLeran, Assistant 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
Celia Sutton-Pado, County Health Officer

May 4, 2021

APPROVAL OF CONSENT AGENDA

The Board moved to approve the Consent Agenda.

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

11. CONSENT AGENDA

- 11.A. Approval of County Certification of Network Adequacy Data and Documentation Submission. (BEHAVIORAL HEALTH)
- 11.B. Cash Audit report for the quarter ended September 30, 2020. (TREASURER)
- 11.C. Cash Audit report for the quarter ended December 31, 2020. (TREASURER)
- 11.D. Treasurer's investment report and statement of liquidity for the period ending September 30, 2020. (TREASURER)
- 11.E. Treasurer's investment report and statement of liquidity for the period ending December 31, 2020. (TREASURER)
- 11.F. Rescission of Agreement 2020-010 and approval of Cooperative Law Enforcement Annual Operating and Financial Plan USDA Humboldt-Toiyabe National Forest. (SHERIFF)

APPROVED, Agreement 2021-038

- 11.G. Resolution for the 2021 Controlled Substance Annual Operating and Financial Plan Between the Sierra County Sheriff's Office and the USDA, Forest Service Tahoe and Plumas National Forest. (SHERIFF)

ADOPTED, Resolution 2021-060 and **APPROVED,** Agreement 2021-039

- 11.H. Resolution authorizing filing and execution of 2021-2025 grant/award applications and agreements with CalRecycle for the Used Oil Payment Program (OPP). (PUBLIC WORKS)

ADOPTED, Resolution 2021-061

- 11.I. Resolution authorizing the submittal of a regional application for the CalRecycle Beverage Container Recycling City/County Payment Program. (PUBLIC WORKS)

ADOPTED, Resolution 2021-062

May 4, 2021

- 11.J. Lease Agreement with Alliance for Workforce Development for the modular office at the Sierraville School Complex. (PUBLIC WORKS)

APPROVED, Agreement 2021-040

- 11.K. Authorize increase in the amount of \$3,000 related to request for quotes and subsequent construction of concrete pad at Loyaltan Transfer Station in an amount not to exceed \$18,000.00 and authorization for Auditor to pay purchase order upon presentation. (PUBLIC WORKS)
- 11.L. Resolution adopting amended Sierra County Protocols for Maintaining a Safe and Healthy Workplace in Light of COVID-19, Resolution 2021-012. (PERSONNEL)

ADOPTED, Resolution 2021-063

- 11.M. Resolution adopting the necessary updates to the Management of COVID-19 Workplace Contact Tracing Investigations and Staff Notifications, Resolution 2021-019. (PERSONNEL)

ADOPTED, Resolution 2021-064

- 11.N. Modification of Agreement No. 2010-086 and subsequent amendments with Northern California EMS, Inc. to cover future insurance deductibles. (CLERK OF THE BOARD)

APPROVED, Agreement 2021-041

- 11.O. Minutes from the special meeting held on March 25, 2021. (CLERK OF THE BOARD)
- 11.P. Minutes from the regular meeting held on April 20, 2021. (CLERK OF THE BOARD)

APPROVAL OF THE REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

REGULAR AGENDA

May 4, 2021

2. PUBLIC COMMENT OPPORTUNITY

At 9:02 a.m. Chair Adams opened and closed the public comment opportunity with no persons addressing the Board.

3. COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Huebner reported the Solid Waste Committee will meet following the Board of Supervisors meeting to be held on May 18, 2021.

Chair Adams reported on receiving information from RCRC regarding a funding opportunity for broadband strategic planning up to \$100,000 with a required 25% match.

4. DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Director of Health reported on the decision to not accept Tobacco Reduction Program funding from the state; terminating agreement through the CMSP surge grant in the amount of \$75,000; and looking to other counties to continue the County's CUPA contract as Plumas County is no longer able to do so.

The Director of Behavioral Health reported on the fiscal audit for the Alcohol and Drug Program.

Personnel Analyst Judi Behlke reviewed the current staffing report.

The Director of Planning reported on two new nuisance complaints for properties in Sierraville and Downieville; concerns with the progress of the clean-up of the Loyalton Mobile Home Park property; a meeting scheduled this week to discuss evaluating a piece of property in the County to process gold; the final draft of a short-term rental ordinance is to be set for a public hearing before the Planning Commission soon and requires a subsequent public hearing before the Board of Supervisors; the annual coordination meeting with Caltrans held last week; and planning a meeting with Chief Moore (Truckee Meadows Fire Protection District) regarding the agreement for fire protection services.

The Auditor reported on the American Recovery Act (ARA) Funds to the County in the amount of \$582,000, which funds will be similar to the CARES Act funding and will be passed through from the State to the County in two payments.

The Director of OES commented on the ARA funds, and recommended providing a link on the County's website for businesses to secure information regarding loans, grants, etc.

The Director of Health indicated she would add this information to the County's website.

May 4, 2021

5. FOREST SERVICE UPDATE

Yuba River District Ranger Lon Henderson reported on monitoring fire danger as the season develops; prescribed burning; the status of the Greene Acres and North Yuba projects; and the status of campgrounds opening.

In response to Chair Adams' inquiry regarding whether they will burn the piles along Pliocene Ridge Road, Ranger Henderson indicated they would not be burned this year.

Sierraville District Ranger Quentin Youngblood reported on prescribed burning; the Smithneck WUI project; working on two projects with the National Forest Foundation and Cal Fire pertaining to their greenhouse gas program; meeting with Sierra Valley Enterprises regarding their plans to have a small log mill and looking at different ways to support the facility; opening the district's front desk to the public next Thursday and Friday; and the status of campgrounds opening.

7.B. Continued discussion/action to consider the renaming of Sierra County Road S-520, Jim Crow Road to Crow City Road. (CHAIR ADAMS)

Chair Adams provided background on the item which is to consider holding a public hearing in the future to consider the renaming of Sierra County Road S-520, Jim Crow Road to Crow City Road in response to a request from four property owners located on the road.

Supervisor Dryden recommended holding a public hearing to consider the renaming of the road.

Comments were received by Mr. Jim Steinbarth, property owner on Jim Crow Road, in support of changing the name of the road.

The Board moved to direct staff to schedule a public hearing to consider renaming Sierra County Road S-520, Jim Crow Road to Crow City Road.

Mr. Steinbarth commented that there is unanimity of the four property owners on the road with respect to changing the name of the road.

Following discussion, the Board amended the motion to set the public hearing for June 1, 2021, at 10:00 a.m.

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

May 4, 2021

10. TIMED ITEMS

10.A. 10:00AM PUBLIC HEARING - DILTZ NUISANCE PROCEEDING

Conduct public hearing to determine existence of a nuisance as contained in a formal complaint filed with the Sierra County Planning Department in compliance with Chapter 8.20 of the Sierra County Code against Timothy A. Diltz as the property owner for property located at 523 South Lincoln Street, Sierraville, CA, Assessor Parcel Number 015-110-007-000 and possible adoption of resolution establishing findings and ordering abatement should the Board determine a nuisance exists.

Assistant County Counsel commented on the notice of hearing mailed to Mr. Diltz which was returned as undeliverable and the County Code requiring ten-day notice of the hearing. Assistant County Counsel added that Mr. Diltz has signed a waiver to the noticing requirements and has expressed a desire to move forward.

In response to Assistant County Counsel's request to clarify the record, Mr. Diltz agreed to waiving notice of the hearing and expressed his intent to move forward with the hearing today.

The Director of Planning requested the record developed during the previous hearing be entered into the record along with the additional information provided to the Board for today's hearing.

The Director continued to provide background on the long history of seeking remedies to the worsening conditions of the subject property owned by Mr. Diltz. The Director added that the County is now at a point where the property is in such a condition that it can be defined as blight, is an eyesore to the community and the public, and is compromising public health and safety.

The Director continued to refer to the adjacent property owner's complaint and requested, following the public hearing, the Board hold a discussion on options available to abate the nuisance if the Board determines that a nuisance exists.

Comments were received by Mr. Timothy Diltz, property owner, expressing his agreement with the Director's statements with respect to the property being a nuisance. Mr. Diltz also commented that he has been working on cleaning the property but needs more time to finish.

Comments were received by Shirly Holstrom, complainant, expressing concerns that no one will purchase their property with Mr. Diltz living next door.

At 10:17 a.m. Chair Adams closed the public hearing with no further persons addressing the Board.

May 4, 2021

Assistant County Counsel clarified that pursuant to the County Code, if the Board determines a nuisance exists, the Board can order the abatement of the nuisance and if the abatement is not completed by the property owner within a specified period, the Board has the authority to order the cost of the abatement be recoverable and subject to a levied assessment by the Tax Collector.

The Board moved to adopt the resolution establishing findings, determining the existence of a nuisance and ordering abatement within 30 days of the date of the hearing.

In response to Supervisor Dryden's inquiry, Assistant County Counsel clarified that the proposed resolution has a mechanism that allows Mr. Diltz a minimum of 30 days to abate with the potential of an additional 30 days if Mr. Diltz is making substantial progress, upon authorization by the Planning Director.

The Clerk restated the exhibits entered into the record:

- Exhibit 1 – April 6, 2021 Record of Proceedings with attachments and March 2, 2021 Record of Proceedings with attachments
- Exhibit 2 – May 4, 2021 Record of Proceedings with attachments
- Exhibit A – Email dated March 20, 2021, from Cal and Karen Linde
- Exhibit B – Email dated March 18, 2021, from James Porter
- Exhibit C – Letter dated March 20, 2021, from the Sierra County Fire Protection District No. 1
- Exhibit D – Email dated April 3, 2021, from James Porter
- Exhibit E – Letter from Milton and Shirley Holstrom
- Exhibit F – Email dated April 5, 2021, from Debbie Hogan
- Exhibit G – Email dated April 22, 2021, from Christina Tennison

ADOPTED, Resolution 2021-065. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

6. AUDITOR / TREASURER-TAX COLLECTOR - VAN MADDOX

- 6.A. Resolution adopting the current policy regarding employee health insurance coverage period.

May 4, 2021

Following a brief overview of the item by the Auditor, the Board moved to adopt the resolution adopting the current policy regarding employee health insurance coverage period.

ADOPTED, Resolution 2021-066. Motion: Huebner/Roen/Unanimous Roll Call Vote: 5/0

7. BOARD OF SUPERVISORS

- 7.A. 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 reported on COVID cases statewide and within the County, vaccination rates, increases in hospitalization, testing, and vaccinations.

Discussion ensued with the Board.

The Director continued to report that the County is the third highest in the state with respect to the percentage of fully vaccinated individuals in the County.

The County Health Officer commented on the approval of the Pfizer vaccine for ages 12 and older.

The Director continued to report she has not received any requests to approve a special event, and they were denied the request for generators in the expansion grant, but the remaining requests were approved.

The County Health Officer indicated she will be sending out updates/clarification on CDPH's additional update on masking and encouraged vaccinations to eliminate COVID variants.

Chair Adams commented on the Department Managers' recent discussion and consensus to have the Board consider reopening the front doors of the building, with increased signage pertaining to masks, social distancing, and capacity limits, and to continue to comply with Cal/OSHA's requirements.

In response to Supervisor Dryden's inquiry, Chair Adams clarified that the court offices did not contest to the opening of the courthouse doors.

The Board moved to reopen the doors of the courthouse building to the public with proper signage pertaining to the requirement of masks, social distancing, and capacity limits and to continue to comply with Cal/OSHA's requirements.

May 4, 2021

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

7.C. Appointments to the Behavioral Health Advisory Board. (CLERK OF THE BOARD)

The Board moved to appoint Rebecca Kinkead and Bryan Funk to the Behavioral Health Advisory Board.

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

8. COUNTY COUNSEL - DAVID PRENTICE

- 8.A. Discussion/direction regarding changes to Chapter 8.50 of the Sierra County Code - Sierra Brooks Water System Regulations, to allow for delinquent water use charges to be added to the user's annual tax bill.

Deputy County Counsel Sean Cameron explained staff has indicated there are issues with properties not paying their water bill and one of the solutions they suggested would be to make changes to the County Code to allow for delinquent water use charges to be added to the user's annual tax bill, which is allowed under the State Water Code.

The Director of Public Works commented on the suggested amendment which will provide the authority to impose liens and requested before starting a process to impose a lien, they give those persons who may be confused about the new fee an opportunity to bring their accounts current.

Deputy County Counsel Cameron clarified that a lien does not have much teeth to it, so what they are recommending is adding the delinquent charges to the annual tax bill.

Discussion ensued regarding the process of adding the charges to the annual tax bill.

Following discussion and by consensus, the Board directed staff to move forward with drafting an ordinance amending to Chapter 8.50 of the Sierra County Code - Sierra Brooks Water System Regulations, to allow for delinquent water use charges to be added to the user's annual tax bill.

9. PUBLIC WORKS/TRANSPORTATION - TIM BEALS

- 9.A. Presentation of bids and adoption of resolution for award of Public Works Contract to Judd Buick Construction, Inc. for the 2017 Storm Damage Repair at Jim Crow Road, FEMA Project Number PA-09-CA-4301-DR-CA P.A., ID 091 99091-00.

May 4, 2021

Following an overview by the Director of Public Works of the bids received, the Board moved to adopt the resolution for award of Public Works Contract to Judd Buick Construction, Inc. for the 2017 Storm Damage Repair at Jim Crow Road, FEMA Project Number PA-09-CA-4301-DR-CA P.A., ID 091 99091-00.

ADOPTED, Resolution 2021-067 and **APPROVED**, Agreement 2021-042. Motion: Huebner/Roen/Unanimous Roll Call Vote: 5/0

- 9.B. Presentation of bids and adoption of resolution for award of Public Works Contract to Judd Buick Construction, Inc. for the 2017 Storm Damage project RD-490 Brandy City Roads Sites 1 & 2 FEMA-4308-DR-CA P.A. ID 091-99091-00.

The Board moved to adopt the resolution for award of Public Works Contract to Judd Buick Construction, Inc. for the 2017 Storm Damage project RD-490 Brandy City Roads Sites 1 & 2 FEMA-4308-DR-CA P.A. ID 091-99091-00.

ADOPTED, Resolution 2021-068 and **APPROVED**, Agreement 2021-043. Motion: Huebner/Roen/Unanimous Roll Call Vote: 5/0

- 9.C. Presentation of bids and adoption of resolution for award of Public Works Contract to Hat Creek Construction & Materials, Inc. for the 2017 Storm Damage Rehabilitation at Long Valley Road, FEMA Project Number PA-09-CA-4301-PW 00138.

The Board moved to adopt the resolution for award of Public Works Contract to Hat Creek Construction & Materials, Inc. for the 2017 Storm Damage Rehabilitation at Long Valley Road, FEMA Project Number PA-09-CA-4301-PW 00138.

ADOPTED, Resolution 2021-069 and **APPROVED**, Agreement 2021-044. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

- 9.D. Presentation of bids and adoption of resolution for award of Public Works Contract to Peter Schack Construction Engineering for the 2017 Storm Damage Rehabilitation at Old Tollbridge Road, FEMA Project Number PA-09-CA-4308-DR-CA P.A. ID 091 99091-00.

The Board moved to adopt the resolution for award of Public Works Contract to Peter Schack Construction Engineering for the 2017 Storm Damage Rehabilitation at Old Tollbridge Road, FEMA Project Number PA-09-CA-4308-DR-CA P.A. ID 091 99091-00.

ADOPTED, Resolution 2021-070 and **APPROVED**, Agreement 2021-045. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

May 4, 2021

- 9.E. Professional Services Agreement with MGE Engineering for preparation of 2021 Federal Lands Access Program (FLAP) applications for Smithneck Road (rehabilitation and bicycle trail) and Gold Lake Highway and Lakes Basin roads (rehabilitation and improvements).

The Director of Public Works provided background on the Smithneck Road (rehabilitation and bicycle trail) and Gold Lake Highway and Lakes Basin roads (rehabilitation and improvements) projects which were not funded in 2018. They have received new commitments from Caltrans and the Forest Service to put forward a greater effort and support of the two projects, the deadline for the applications is coming up and they want to get MGE Engineering moving on the preparation of the applications.

Discussion ensued regarding amending the Smithneck Road rehabilitation and bike path project application to focus on the rehabilitation and incorporate the bike path into the lane, rather than having an independent bike trail as it is less expensive.

The Board moved to approve the Professional Services Agreement with MGE Engineering for preparation of 2021 Federal Lands Access Program (FLAP) applications for Smithneck Road (rehabilitation and bicycle trail) and Gold Lake Highway and Lakes Basin roads (rehabilitation and improvements).

Supervisor Huebner expressed the need to focus on other road priorities rather than Sierra Brooks.

APPROVED, Agreement 2021-046. Motion: Roen/LeBlanc/Unanimous Roll Call Vote: 5/0

- 9.F. Continued discussion and update on wildland fire treatment grants and engagement of services of Forester for grant writing purposes.

At the request of the Director of Public Works, this item was continued to the next meeting.

- 9.G. Resolution authorizing acquisition of Sierraville School from the Sierra-Plumas Joint Unified School District.

Supervisor Roen provided background on the meeting held between County staff and the Schools Facilities Committee and the agreed upon price of \$41,400, which was part of the rents paid by Verizon tower that are in the Capital Improvement Fund so this will not have an impact to the general fund.

In response to Supervisor Huebner's inquiry, Supervisor Roen clarified that the \$41,400 cannot be taken out of the \$200,000 Prop 68 grant funds but it can be used as a match to enhance the grant.

May 4, 2021

Supervisor Dryden expressed her support of selling the building as schools do not run community centers.

The Director of Public Works commented on the agreed upon price which is being submitted to State Parks not only as the match and to show the acquisition of the property as part of the scope of the project.

The Board moved to adopt the resolution authorizing acquisition of the Sierraville School from the Sierra-Plumas Joint Unified School District.

ADOPTED, Resolution 2021-071. Motion: Roen/Huebner/Unanimous Roll Call Vote: 5/0

ADJOURN

At 11:43 a.m., with no further business, Chair Adams adjourned the meeting.

LEE ADAMS, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK OF THE BOARD