

STATE OF CALIFORNIA, COUNTY OF SIERRA

BOARD OF SUPERVISORS

*** MINUTES ***

CONTINUED REGULAR MEETING

The Sierra County Board of Supervisors met in continued regular session commencing at 9:00 a.m. on June 15, 2010 in the Loyalton Social Hall, in the Loyalton City Park, Loyalton, CA.

PLEDGE OF ALLEGIANCE: Led by Supervisor Goicoechea

ROLL CALL

Present: Lee Adams, Supervisor, District #1
Peter W. Huebner, Supervisor, District #2
Dave Goicoechea, Supervisor, District #4
Pat Whitley, Supervisor, District #5
Bill Nunes, Chair, District #3

Staff: Heather Foster, County Clerk-Recorder
Jim Curtis, County Counsel
Van Maddox, Auditor
Tim Beals, Director of Planning and Transportation
Carol Roberts, Director of Health and Human Services

APPROVAL OF CONSENT AGENDA

At the request of Supervisor Adams, Consent Item L was moved the Regular Agenda as Item 1-L.

- L. Resolution accepting the lowest bid and authorizing the Director of Human Services to purchase two (2) Double Face LED Signs subject to a form of agreement to be approved by County Counsel. (HUMAN SERVICES)

The Board moved to approve the Consent Agenda as amended.

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

CONSENT AGENDA

- A. Amendment to Agreement 2007-156 with California CAD Solutions, Inc. (INFORMATION SYSTEMS)

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APPROVED, Agreement 2010-074

- B. Amendment to extend the expiration date on Agreement 2003-124, Refuse Collection License Agreement between Sierra County and Intermountain Disposal, Inc. (SOLID WASTE FEE ADMINISTRATOR)

APPROVED, Agreement 2010-075

- C. Amendment to extend the expiration date on Agreement 2003-125, Refuse Collection License Agreement between Sierra County and Wardway Enterprises. (SOLID WASTE FEE ADMINISTRATOR)

APPROVED, Agreement 2010-076

- D. Treasurer's Investment Report and Statement of Liquidity for: January 31, 2010, February 28, 2010, March 31, 2010 and April 30, 2010. (TREASURER-TAX COLLECTOR)
- E. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Kathryn Landreth, Applicant, and The Nature Conservancy, Landowner: Consideration of a Zone Amendment from General Forest (GF) to Timberland Production Zone (TPZ) to facilitate fish, wildlife, and watershed management. The project sites, identified as APN's 019-050-007, 019-060-005, and 019-050-006, are located in the Independence Lake area of Sierra County. (PLANNING)

APPROVED, Agreement 2010-077

- F. Resolution rescinding Resolution 2010-095, regarding the filing of 2010-2015 CalRecycle Used Oil Payment Program Applications, due to wording changes and requirements from CalRecycle. (PUBLIC WORKS)

ADOPTED, Resolution 2010-111

- G. Resolution authorizing the filing and execution of applications and agreements with CalRecycle for the Used Oil Payment Program (OPP). (PUBLIC WORKS)

ADOPTED, Resolution 2010-112

- H. Agreement with John Chiang, Controller of the State of California, for service to prepare the Annual Road Report. (PUBLIC WORKS)

APPROVED, Agreement 2010-078

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- I. Professional services agreement between Ernest Teague and Sierra County Human Services for educational services for Fiscal Year 2010/2011. (SOCIAL SERVICES)

APPROVED, Agreement 2010-079

- J. Professional services agreement between Kenneth Cutler, MD and Sierra County Health Department to serve as Health Officer for Fiscal Year 2010/2011. (HEALTH SERVICES)

APPROVED, Agreement 2010-080

- K. Professional services agreement between Oliver Ocskay, Ph.D. and Sierra County Mental Health and Sierra County Social Services for psychological services for Fiscal Year 2010/2011. (MENTAL HEALTH/SOCIAL SERVICES)

APPROVED, Agreement 2010-081

- M. Lease agreement for office space for Fiscal Year 2010/2011 between Richard and Sharon Elorza and Sierra County Human Services. (HUMAN SERVICES)

APPROVED, Agreement 2010-082

- N. Sublease agreement for office space in Loyalton between Superior Court of California in and for the County of Sierra and Sierra County Human Services. (HUMAN SERVICES/SUPERIOR COURT)

APPROVED, Agreement 2010-083

- O. Memorandum of understanding between the Sierra County Mental Health Agency and the Sierra County Office of Education for Children's Mental Health Services. (MENTAL HEALTH)

APPROVED, Agreement 2010-084

- P. Application for District Attorney/Victim Witness Grant for Fiscal Year 2010/2011 and authorizing Larry Allen, District Attorney to execute necessary application for securing of grant funds. (VICTIM WITNESS)

ADOPTED, Resolution 2010-113

APPROVED, Agreement 2010-085

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- Q. Resolution reinstating the collection of an additional one dollar (\$1.00) fee for filing every instrument, paper or notice required or permitted by law to be recorded establishing the days of operation of the County Recorder pursuant to Government Code Section 27361.4(b). (CLERK-RECORDER)

ADOPTED, Resolution 2010-114

- R. Resolution of appreciation for Dave Paulus, State Traffic Officer, upon his retirement after ten years of service as Downieville resident post CHP Officer. (SUPERVISOR ADAMS)

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

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

9:05 A.M. – PUBLIC COMMENT OPPORTUNITY

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

COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams reported on the Courthouse project in Downieville noting that he attended the first meeting with the Administrative Office of the Courts and Court staff noting he was please with what he heard and the routine they have in place. Supervisor Adams further reported on the ceremonially opening of the Regional Courthouse in Portola and RCRC will meet next Thursday in Alturas.

Supervisor Whitley reported that the Health and Social Services Committee will meet on June 18th at 2:00 p.m. in Loyalton and there is also a First Five meeting next Friday at 9:30 a.m.

Supervisor Whitley further reported that if anyone goes to the Senior Center they have artists working very hard for the State Fair and are doing a wonderful job in getting the paintings done to represent Sierra County.

Chairman Goicoechea also reported that the Chamber is working closely with the East Chamber on the State Fair and believes this is going to be an Exhibit all can be proud of.

DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

No reports given.

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FOREST SERVICE UPDATE – Update by Sierraville District Ranger on items that may affect the County of Sierra.

Mr. Quentin Youngblood provided an update on the District's program of work and personnel changes within the District.

AUDITOR – Van Maddox

1. Discussion/adoption of a resolution setting the Preliminary Budget for Fiscal Year 2010/2011.

The Auditor addressed the Board explaining that at this point the budget is balanced. The Auditor further reviewed the memo previously distributed to the Board which explains the items that need to be decided by the Board as a whole. The County budget is approximately \$22,348,000 and the format of the budget has changed substantially due to new rules by the State Controller who wanted revenues of that were of like kind moved together so it is easier for the public to see.

Following brief review of the changes in the format of the budget the Auditor explained that the accounting system is failing and the current vendor will no longer maintain the system unless they purchase an upgrade. The Auditor continued to note that an upgrade is just an overlay of what they currently have and is written in a language developed in the 1970's. The Auditor continued to explain there is an opportunity to piggyback onto Health and Human Services accounting system licenses and buy additional modules. To purchase the additional modules and go with a new system will cost approximately \$80,000. Some of this can be paid for out of the trust funds and they can finance this over three years. This is not in the current budget and he is waiting for Board direction.

The Auditor further reviewed the requested categories of staffing changes. The other change to the General Fund is the creation of the Public Works budget as a result of the Road Fund doing non road related projects. This creates a budget that the Road Department can bill to for doing Public Works projects.

The Auditor continued to review the accounting system.

Clarifications were made with respect to the Auditor's memo stating a new department has been added; this is actually a new department budget for Public Works projects. With respect to the Finance Committee meeting minutes the statement that the \$30,000 of the ambulance funding not being committed; this funding is in the budget.

The Auditor further noted that there is still \$111,000 that the Finance Committee didn't have in order to make a recommendation as to where it should go.

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Supervisor Whitley referred to the Finance Committee minutes clarifying that the County Service Area owns the Sierra Brooks Water System. The Auditor responded noting that this is what he recalls, but they are going to clarify this.

Supervisor Adams also requested a correction to the Finance Committee meeting minutes noting that the direction to review who owns the Sierra Brooks Water System was directed to the Auditor and the Director of Public Works.

Ms. Linda Diltz addressed the Board on behalf of Health and Human Services expressing concerns of the Department being short one counselor. Ms. Diltz further requested the Board to help make sure a counselor position is available to the public.

Rayleen McKee addressed the Board also expressing concerns of the Department being short one counselor. Ms. McKee continued to explain how helpful this service has been to her, further requesting the Board to continue these services in the community.

Supervisor Nunes noted that Sierra County is in an envious position as we have been able to balance the budget and have been able to restore some reductions made last year; however, the County continues to be vulnerable since the State has not adopted it's budget yet. Supervisor Nunes continued to address the Congestive Relief funding being a possible issue for the Road Fund; the Secured Rural Schools funding declining; this being the first year the Solid Waste fund has not ended up with a deficit and the County is not raising fees; the funding allocated to County Counsel's outside budget; and \$3,000 allocated for the Sierra Nevada Conservancy's statewide meeting in September.

Supervisor Nunes continued to note that with respect to promotions, the Finance Committee made no recommendations on promotions. Supervisor Nunes continued to explain that the Committee originally received a list of promotions from the Department Managers and following a considerable amount of discussion, the Committee requested the Department Managers break the promotions out into four different categories.

The Auditor requested direction from the Board on the accounting system. With respect to the personnel items, funding is available for this.

The Board moved to approve the allocating \$27,000 to the Auditor's budget for the new MIP accounting system software.

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

Supervisor Whitley expressed the public's concerns of the Board not having a sound system for the public to hear the meetings.

Following brief discussion and by consensus, the Board directed staff to research a sound system for the Board of Supervisors' meetings.

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In response to Supervisor Nunes's inquiry, the Auditor clarified that Health and Human Services' positions that need to be reclassified/reorganized under Merit Systems will be brought back to the Board once the State has finished their evaluation of these positions.

The Board continued to review the requested adjustments to the authorized staffing pattern of the County.

Chairman Goicoechea recommended holding the positions that are filling existing positions until the State adopts its budget. The Auditor explained the Road Fund and accounting positions are positions where someone is filling the position and would have been moved up but have not been able to. The remaining positions under this category don't have an actual body in the position.

Chairman Goicoechea clarified that his recommendation is not for positions where someone is currently in the position.

Supervisor Adams further requested clarification that in each of these instances they are not bringing a new person into county employment, but in fact moving someone into a new title.

The Auditor noted he believes this is the case for most of these positions.

The Director of Transportation explained that the accounting position under the Road Fund has an existing person in the position and he had intended to promote this person into the position that was formally held by an employee who retired. He chose not to do this as he chose to honor the freeze on promotions. It is crucial to him to have this position filled as the employee is performing the work. The second position is a lead man position that will be advertised and there will be a new person brought on board. The other two positions are vacancies the Board has authorized him to fill and could be either a vacancy to fill, or an internal promotion within and filling a vacancy. The Director continued to explain that freezing the positions until the State budget is passed would be difficult if he was just dealing with promotions, but he has to advertise.

Supervisor Adams questioned if the Director could live with just the promotional opportunity without bring additional staff on. The Director responded that he could wait and he has been conservative when filling positions as he is concerned about budget.

The Director of Human Services explained she has four vacant positions, three which have been filled as the basic staffing pattern of the Department and having these positions vacant has put a strain on the system. The Director continued to express concerns of not having adequate Social Worker staff as it is impacting social services and the courts in a negative way. The Director further explained that the Student Assistant Program Coordinator position has been approved twice by the Board and is before the Board again due to the soft hiring freeze. They would very much like to fill this position before school starts. The funding for this position is

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not threatened and is not dependent on the State budget. They could survive holding back until September on the Integrated Case Worker position, but this is putting a strain on the system.

10:00 A.M. – FRIENDS OF INDEPENDENCE LAKE

13. Presentation by Mr. Kenny Osburn and Mr. Robert Haug of the Friends of Independence Lake, regarding goals, concerns and possible solutions pertaining to the management of Independence Lake.

Mr. Robert Haug of the Friends of Independence Lake addressed the Board explaining they are before the Board today to hopefully get some answers. Their goals are to protect their public rights of access to Independence Lake and to promote tourism . They have tried working with the Nature Conservancy and nothing has been settled.

Mr. Haug continued to review a power point presentation explaining that the land surrounding Independence Lake is owned by the Nature Conservancy; the lake is owned by the State of California and is a navigable waterway; the public has had access to the lake for over 50 years; the primary use has been camping, fishing, hiking, motor boating and kayaking; the money spent on this project was California and Federal monies; the Sierra Nevada Conservancy has discussed minimizing the two-stroke motor issue and not banning motor boats on Independence Lake; currently the lake is closed and there is a lock on the gate which crosses a county road; and the laws and regulations that dictate that the public has the right to navigable waterways. Mr. Haug continued to address concerns of road access, motorized boat use and the right to be able to navigate this waterway.

Mr. Haug explained that the Nature Conservancy wants to reroute traffic and create a new campground which will create a walk in only situation and will limit who can access the campgrounds. Mr. Haug further reviewed photos of the entrance gate and the caretaker cabin.

Mr. Kenny Osburn noted they have found some information in the Sierra Sun pertaining to the discovery of a new invasive species, the New England Mudsail in South Lake Tahoe. It was stated in the article that the mudsnails are primarily transported on motor boats, non-motor boats, canoes and kayaks. The Nature Conservancy has claimed that 80% of transport of invasive species was by a trailered boat and this proves that even canoes, kayaks, etc were a problem. Mr. Osburn continued to review fishing in the lake noting he does believe the Lahontan Cutthroat Trout is truly endangered. Mr. Osburn further request the Board to look at the true issues that are going on; is it really the invasive species, the fish or a power issue? They have tried to flex with the Nature Conservancy but they won't work with them.

Mr. Osburn continued to review the proposed route for traffic to the lake, further questioning why the Conservancy is not keeping what they have had for years as it is a graded road, it has water for a washing facility and they can inspect boats. They believe this is over regulation and the public owns the lake. This is someone trying to regulate something that is not theirs. Mr. Osburn continued to question if it is the Conservancy's right to take away motorized

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boating on this lake and to keep the public off of a legal easement road to the lake. They are hoping to find through County Counsel and the Board that the public has access to this road and are begging the Board to come up with a resolution to this.

Supervisor Whitley questioned if this is a Sierra County road. Mr. Osburn responded noting that there is a Sierra County road sign through the caretaker cabin to the damn.

The Director of Transportation noted there is no doubt that Independence Lake Road is a Sierra County road, but he does not have a definitive answer as to where the road ends as the records are not clear. The Director continued to explain there are extensive files that Sierra Pacific Power Company had in previous years and the Conservancy has and they are all public documents. He cannot tell the Board where the jurisdiction ends.

Discussion ensued pertaining to whether this information would have been in the title report when the property was sold.

In response to Supervisor Whitley's inquiry, County Counsel explained that public roads are established in different ways including the public agency purchasing the right of way or from a property owner dedicating the right of way as part of a development process.

The Director clarified that the County does not have a deed for this road. County Counsel responded that he would then suspect that the nature of the road is based on the wide spread public use of the road. The mere fact that there has been a gate on the road is some evidence that the County was acknowledging that it wasn't a through County Road because it is impermissible to gate a county road unless the public agency placed the gate there. County Counsel further addressed the County's Maintained Road System and the Director would have to respond as to what these records show with respect to this issue. County Counsel continued to explain that the issues the Friends of Independence Lake are concerned about are very complicated legal issues and candidly beyond Sierra County's resources to fully address. The State Attorney General is charged with enforcing the rights in the Public Trust Doctrine to use navigable waterways. His response to the Board if requested to jump into this, would be to hire another lawyer.

Ms. Jennifer Johnson, Loyaltan addressed the Board questioning if there is a document showing who put the gate up.

Mr. Haug responded noting that he believes it was Sierra Pacific Power Company.

The Director noted there is a lot of documentation in the file and this is a much bigger picture than just looking at the county road file.

In response to Supervisor Whitley's inquiry, the Director explained that Independence Lake Road has been a County Maintained road since the County has been inventory roads back in the 1940's. This would take an extensive amount of research and time to come to a

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conclusion of what the records show, but in the brief time he has spent looking in the files there is nothing conclusive either way.

Mr. Tom Reed questioned who maintained the section of the road to the damn.

Mr. Haug noted that he did with his own equipment.

Mr. Reed continued to question if the Federal and State government gave funding to the Conservancy to purchase the property. If so, wouldn't the government have acquired the right of way and access. Mr. Reed further requested if anyone has protested the spending of public money on property and then taking it away from the public.

Mr. Osburn continued to express concerns of millions of taxpayer's dollars being spent on property they can't use.

Mr. Matt (unintelligible) addressed County Counsel's comments on widespread public use of the road, noting he believes widespread use has been established and feels this is a closed issue. He believes the Conservancy wants to change the access because they want to close the lake down.

Unknown gentleman addressed the Board expressing concerns of fire dangers on the road into Independence Lake.

Mr. Haug noted he has a legal opinion from the Power Company which basically states "although Independence Lake is surrounded by private property, a public easement exists to allow public access to the lake, the Fish and Game Code and the California Constitution also dictate that public access be allowed to the lake".

Supervisor Whitley commented that she would like to see the Friends of Independence Lake take this to the Attorney General's office.

Following brief discussion and by consensus, the Board requested the Friends of Independence Lake to draft a letter to the Attorney General and bring the letter back to the Board for review.

Mr. Chris Fichtle, Independence Lake Project Manager addressed the matter explaining that the Conservancy intends on opening the property to the public. They just purchased the property and need to get some infrastructure in place. They are changing the public access point and chose this location as it is actually an attractive drive in. They plan on having a landscaper come in to put a parking area in. It will be a walk in point and won't be different in length than the former access point. The reason for not wanting to allow motor boats is the whole aquatic invasive species issue. The Conservancy did have an analysis done on the road access issue and felt that they are on solid ground to be able to limit motorized access to the lake and acknowledge that they don't own the water or land under the lake. The closure of the property is

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for them to get their infrastructure in place, so it is attractive to the public and they will hopefully have a walking campground available next year. The Conservancy believes that it is in the best interest not to allow motorized boats because of the aquatic invasive species.

10:30 A.M. – COUNTY SERVICE AREAS BOARD OF DIRECTORS

14. Meeting of the Sierra County Service Areas Board of Directors.

At 11:04 a.m., Chairman Goicoechea recessed the Regular Board meeting and reconvened as the Board of Directors for County Service Areas.

At 11:20 a.m. Chairman Goicoechea adjourned as the Board of Directors for County Services Areas and reconvened as the County Board of Supervisors with all members present.

Item 1 Continued from earlier in the meeting

County Counsel addressed the Child Protective Services workers noting they do have a real need at the present time to have an experienced staff member to come on Board due to the staff changes over the past few years. This is a very complex area and an area that they sorely need additional highly skilled resources.

In response to Chairman Goicoechea's inquiry, the Director of Human Services clarified that County Counsel is referring to the Social Worker positions.

The Board moved to approve everything on the list except any position that will create a new body coming to work for county government.

Supervisor Adams addressed the Substance Abuse Counselor promotion in the amount of \$10,759 questioning if this increase could be stair stepped over two years as this seems to be quite a jump.

The Director noted she would need to look at the topography to determine if there is an intermediate position available and she is certainly willing to do so. The Director continued to explain that the Drug and Alcohol Counselor vacancy was at the lower level and the person they hired had qualifications that far exceeded the minimum qualifications. In the series of promotions they wanted to bring this person up to the level that their education, certification and experience reflected. The Director further explained that she would be happy to review the topography and bring this back to the Board for further clarification. Otherwise, she wouldn't be making the request if she didn't feel it was justified.

Chairman Goicoechea clarified that the vacant positions in the Road Fund will not be filled.

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The Director of Transportation questioned why the Board is now focusing on three positions in the Road Fund. He is hesitant to go out and advertise and is now limited to hiring within.

In response to Supervisor Adams' inquiry, the Director clarified that it may be his intent to promote internally depending on how individuals do during the interview and if he feels there are people internally that warrant this type of promotion. With respect to the Lead to Road Superintendent promotion, he probably won't fill this position. However, the other two positions may lead to a promotion. He would request that the Board either eliminate their concerns with the Road Department or just put all three of the positions off until September 1st.

Supervisor Adams expressed concerns of putting the Director in a position of hiring people only to lay them off in September.

The Director explained that he believes the revenue issues that were brought out during the Finance Committee meeting don't exist anymore. The Director continued to explain that the Congestive Relief funding got folded into the HUTA funds. He was informed that the trade off with the Governor in order to make the HUTA funds available if the Governor wants to snag them, the counties and the legislator traded off the Congestion Relief funding and rolled them into the HUTA funds.

Following further discussion, the motion was amended to authorize all of the requested adjustments to the authorized staffing pattern of the County.

APPROVED. Motion: Adams/Huebner/Passed Roll Call Vote: 3/2 (Supervisor Nunes and Whitley NO)

The Board moved to adopt the resolution setting the Preliminary Budget for Fiscal Year 2010/2011.

ADOPTED, Resolution 2010-115. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

- 1-L. Resolution accepting the lowest bid and authorizing the Director of Human Services to purchase two (2) Double Face LED Signs subject to a form of agreement to be approved by County Counsel. (HUMAN SERVICES)

Supervisor Adams explained that in this budget climate \$60,000 seems like is a lot for these devises and he just wonders could we not live without these.

Ms. Rhonda Grandi, Emergency Preparedness Coordinator responded explaining that the concept for the signs came from numerous meetings, a lot of exercises and drills relevant to pandemic influenza and other issues. This idea has been recommended many times by State representatives that have attended their drills. Caltrans has advised them that they don't have immediate access to these types of signs. This year the County has a unique opportunity for

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funding to purchase equipment and supplies for entities in the County including the schools and the Sheriff's office. This is 100% Federal funding through the Center of Disease Control and Prevention and there is no cost to the County. Ms. Grandi further explained that this is probably something that they can live without.

Mr. Chris Alexander addressed the Board explaining that Health and Human Services receives a lot of equipment that other agencies use and he believes this is an opportunity that we won't get again.

Supervisor Whitley noted there have been accidents and floods in the County where these signs would have been beneficial.

County Counsel questioned if the grant funding is jeopardized if the signs aren't used for the grant intentions.

Supervisor Adams noted that he appreciates the creativity, but his concern is buying something that is not going to be used a lot; this is nice but not mandatory.

The Director of Human Services noted that out of this funding stream they will be returning approximately \$60,000.

County Counsel noted there is not a contract in the agenda documents and he would suggest making the approval of the contract subject to County Counsel approving the final form of the contract.

The Board moved to adopt the resolution accepting the lowest bid and authorizing the Director of Human Services to purchase two (2) Double Face LED Signs subject to a form of agreement to be approved by County Counsel.

Supervisor Huebner questioned if these signs could be used for speed signs. Mr. Alexander explained that these cannot replace the radar speed signs.

In response to Board inquiry, the Director of Transportation explained there is a provision in the budget to purchase a radar sign for Sierraville. This would not take the place of this sign and they would have to have the consent of Caltrans through an encroachment permit to put this sign up. With respect to liability he doesn't have the information and would have to review the grant assurances. With respect to the Road Department using these signs, they have only used these signs once in 20 years. The Department could consider using them with respect to road construction.

Ms. Liz Fisher, Downieville questioned if the signs could be used for the bike race or parades.

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The Director explained that these signs are limited in space and they wouldn't be able to put much information on them.

FAILED. Motion: Whitley/Huebner/Failed Roll Call Vote: 2/3 (Supervisor Adams, Nunes and Goicoechea NO)

COUNTY COUNSEL – James A. Curtis

2. Second Reading and adoption of an ordinance amending Sections 8.05.010, .020 & .025 of the Sierra County Code pertaining to Solid Waste Fees.

The Board moved to waive the second reading and adopt the ordinance amending Sections 8.05.010, .020 and .025 of the Sierra County Code pertaining to Solid Waste Fees.

ADOPTED, Ordinance 1022. Motion: Adams/Nunes/Unanimous Roll Call Vote: 5/0

PUBLIC WORKS AND TRANSPORTATION – Tim Beals

3. Request for extended leave of absence for an existing employee due to medical issues.

The Director noted that this discussion would be more appropriate under closed session. This item was continued to the July 6, 2010 meeting.

4. Resolution amending approved 2010/2011 Solid Waste Budget.

The Director of Transportation explained that there were a couple of over sites in the preparation of the original budget including the annual rental of the porta-potty's at the transfer stations in the amount of \$5,500 and a \$1,500 omission in the administration budget.

The Board moved to adopt the resolution amending approved 2010/2011 Solid Waste Budget.

ADOPTED, Resolution 2010-116. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 5/0

5. Discussion of repurchase agreement for Solid Waste Caterpillar D-6R.

The Director of Transportation explained that the County is involved in a repurchase program through Caterpillar Equipment which allows the County to take road equipment and finance it over a period of five years with Caterpillar Financial. Within the agreement, Caterpillar agrees to repurchase the equipment and the maintenance cost of this equipment will not exceed an amount outside of normal maintenance per year. This is a guarantee and assurance to the County that if we have lemon or budget issues, Caterpillar is obligated to buy the equipment back from the County. The agreement we have on each piece of equipment has a

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specified date upon which we need to file a notice of intent of repurchase. The cat at the landfill was purchased in 2006 and the final date for the buyback is August 2011. The question to the Board is whether we want to have Caterpillar repurchase this cat. If this is the case, then the County has to fold in the costs of replacing the cat and the ongoing costs of refinancing the purchase. He is leaning towards having them repurchase this equipment and getting a new piece of equipment with the guarantee repurchase over the next five years in the event the landfill closes. Caterpillar has agreed to repurchase this cat for \$35,000. The Director continued to note that he will be bringing back a recommendation on this issue in July.

6. Discussion/direction with regard to renewal letter for Pacific Bell Land Lease, 15 Busch Street in Sierra City, located at the Sierra City Park.

At the request of the Director of Transportation, this item was pulled from the agenda.

7. Agreement with Northern California EMS, Inc. for emergency medical services to Sierra County beginning July 1, 2010.

The Board moved to approve the agreement with Northern California EMS, Inc. for emergency medical services to Sierra County beginning July 1, 2010.

APPROVED, Agreement 010-086. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 5/0

8. Discussion/direction to staff for non-kill removal of honey bees from the Yuba Theatre.

The Director of Transportation explained that there is a swarm of bees at the Yuba Theatre and the Board can hire someone out of the County or the Burrs are willing to do this if the County will hold them harmless.

Following brief discussion, the Board moved to direct County Counsel to prepare volunteer service agreement with the Burrs for the non-kill removal of honey bees from the Yuba Theatre.

APPROVED, Agreement 2010-087. Motion: Adams/Nunes/Unanimous Roll Call Vote: 5/0

9. Discussion and possible adoption of resolution accepting a 504 foot easement connecting Dog Valley Road to Sunrise Creek into the Maintained Mileage System.

The Director of Transportation reviewed a map of the area previously transmitted to the Board explaining that the problem is with the existing County Road, Dog Valley Road and the first few hundred feet crossing the Toiyabe National Forest. In 1989 the County petitioned and obtained easement from Forest Service so homeowners could get financing as they couldn't show direct connections to a public road. The problem is, is that the County has not taken any

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responsibility for maintenance. So, either the General Fund can pay for maintenance of the Road or the County can add the first 300 feet into the County Road System.

The Board moved to adopt the resolution accepting a 504 foot easement connecting Dog Valley Road to Sunrise Creek into the Maintained Mileage System.

ADOPTED, Resolution 2010-117. Lee moved to adopt the resolution/Huebner/unanimous

10. Appointment of a Board of Supervisors representative to the Nor-Cal EMS Board of Directors.

The Board moved to appoint Supervisor Huebner as the representative to the Nor-Cal EMS Board of Directors.

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

The Board moved to appoint Supervisor Adams as an alternate representative to the Nor-Cal EMS Board of Directors.

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

11. Discussion/direction regarding rescinding the appointment made to the Pliocene Ridge Community Services District at the June 1, 2010 meeting due to an additional application received via fax.

County Counsel suggested procedurally that the Board does not need to take any action if the Board wants to leave last appointment stand. If the Board has the desires to change who was appointed then the Board will have to adopt an appropriate resolution.

Following brief discussion, no action was taken on this item.

NOON RECESS

The Board took the noon recess from 1:00 p.m. to 1:15 p.m. and reconvened with all members present.

CLOSED SESSION

15. Closed Session pursuant to Government Code Section 54957.6 to discuss labor negotiations.
16. Closed Session pursuant to Government Code Section 54956.9(b) to discuss the threat of litigation against the County by Mr. Joe Arata.

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17. Closed Session pursuant to Government Code Section 54956.9(a) to discuss the following litigation: High Rural Sierra Alliance v. County of Sierra, Board of Supervisors of Sierra County; Sierra County Superior Court Case No. 7127.
18. Closed Session pursuant to Government Code Section 54956.9(a) to discuss status of the following litigation: Original Sixteen to One Mine, Inc., v Sierra County, Sierra County Superior Court Case # 7068.
19. Closed Session pursuant to Government Code Section 54956.9(a) to discuss the following litigation: Golden Sierra Job Training Agency v. County of Sierra, County of Nevada, etal.; Placer County Superior Court Case No. SCV-25102.

The Board met in closed session from 1:15 p.m. to 3:45 p.m. County Counsel noted that with regards to labor negotiations the Board was brief on going negotiations; with regards to the Golden Sierra Job Training Agency lawsuit, the County received a ruling that should result in the dismissal of the suit; with regards to the Original Sixteen to One Mine, Inc. and the High Sierra Rural Alliance litigations against the County, both have been discussed with the Board and staff has been instructed accordingly in defense of those matters; and with regards to Joe Arata, the Board discussed the threat of litigation and took no action.

12. Resolution adopting findings and disposition regarding solid waste assessment appeal of Mr. Joe Arata.

The Board moved to adopt the resolution adopting findings and disposition regarding solid waste assessment appeal of Mr. Joe Arata.

ADOPTED, Resolution 2010-118. Motion: Adams/Huebner/Passed Roll Call Vote: 4/1
(Supervisor Whitley NO)

CORRESPONDENCE LOG*

***(Items to be discussed or acted upon by the Board shall be identified and placed under the regular agenda)**

- C-1 Letter from Van Maddox, County Auditor, regarding staffing and productivity in his office.

No Action

- C-2 Draft Environmental Document regarding Migratory Game Bird Hunting (Waterfowl, Coots, Moorhens). (Available for public review in the Clerk's Office.)

No Action

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C-3 Area 4 Agency on Aging (A4AA) Annual Single Audit Report for Fiscal Year ending June 30, 2009. (Available for public review in the Clerk's Office.)

No Action

ADJOURN

At 3:47 p.m., with no further business, Chair Goicoechea adjourned the meeting.

DAVE GOICOCHEA, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK TO THE BOARD