

STATE OF CALIFORNIA, COUNTY OF SIERRA

BOARD OF SUPERVISORS

*** MINUTES ***

REGULAR MEETING

The Sierra County Board of Supervisors will meet in regular session commencing at 9:00 a.m. on March 2, 2010 in the Board of Supervisors' Chambers, Courthouse, Downieville, CA.

This meeting is recorded. To listen to the discussion for a particular item, click on the item. Click [*here*](#) to listen to the entire meeting.

PLEDGE OF ALLEGIANCE: Led by Supervisor Adams

ROLL CALL

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

Absent: Pat Whitley, Supervisor, District #5

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

The Board moved to approve the Consent Agenda.

APPROVED. Motion: Huebner/Adams/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

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CONSENT AGENDA

- A. Amendment to Professional Services Agreement No. 2004-163 with Tom Connolly to extend contract termination date. (BUILDING)

APPROVED, Agreement 2010-022

ADOPTED, Resolution 2010-041

- B. Program Supplement Agreement No. 023-N to Administering Agency-State Agreement No 30-5913R relative to Loyalton 4th Street Sidewalk Improvement Project. (PUBLIC WORKS)

APPROVED, Agreement 2010-023

- C. Resolution approving plans and specifications and authorizing solicitation of bids for the Loyalton 4th Street Sidewalk Improvement. (PUBLIC WORKS)

ADOPTED, Resolution 2010-028

- D. Resolution approving Amendment No. 2, to Agreement 2007-028, a MOU between the California Statewide Automated Welfare System (SAWS) Consortium IV (C-IV) and Sierra County as one of the respective migration counties. (SOCIAL SERVICES)

ADOPTED, Resolution 2010-029

APPROVED, Agreement 2010-024

APPROVED, Agreement 2010-025

- E. Resolution supporting the community of Downieville's continued celebration of the Independence Day holiday. (SUPERVISOR ADAMS)

ADOPTED, Resolution 2010-030

- F. Resolution authorizing Auditor to implement changes to the Fiscal Year 2009/2010 Transportation Planning Budget decreasing transportation planning contingencies and increasing transportation planning, correcting a misapplication error. (PUBLIC WORKS)

ADOPTED, Resolution 2010-031

- G. Resolution supporting the Restoration Project for the Little Truckee River. (CHAIR GOICOECHEA)

ADOPTED, Resolution 2010-032

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APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

APPROVED. Motion: Huebner/Adams/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

9:00 A.M. – Call to Order, Pledge of Allegiance, Roll Call, Approval of Consent Agenda, Regular Agenda and Correspondence to be addressed by the Board.

9:05 A.M. – PUBLIC COMMENT OPPORTUNITY

At 9:05 Chairman Goicoechea opened the public comment opportunity.

Mr. Don Russell, Downieville addressed the failure of local government and lack of human kindness as the supervisors from the eastside of the County are not sharing the natural resources from Loyaltown – donuts from Vicki's bakery. The Westsiders have done our bit we have our gold in the Courthouse and hold a seminar every year to teach the Eastsiders how to make chili. The eastside Supervisors should be condemned and he is requesting a censored motion.

At 9:07 a.m. Chairman Goicoechea closed the public comment opportunity with no further persons addressing the Board.

COMMITTEE REPORTS & ANNOUNCEMENTS –

Supervisor Huebner announced that he received a call from Supervisor Whitley who will not be attending the meeting today due to a medical issue.

Supervisor Adams reported that he will defer reporting on the Ad Hoc Committee with respect to County-USFS relations as it is an item on the agenda. Supervisor Adams continued to report on the Solid Waste Committee meeting held March 1, 2010 to review the draft Solid Waste Plan by Avelax noting that the final product is being worked on and the Committee will meet again on March 29, 2010.

In response to Supervisor Nunes's inquiry, Supervisor Adams noted that the Committee did not review the Solid Waste budget during their meeting but plan to address this at the next meeting.

Supervisor Nunes further questioned if the Auditor will have an update on the Solid Waste budget under Regular Agenda Item 19. The Auditor noted that he didn't however the Solid Waste budget looks like it is on target.

Supervisor Nunes further suggested having an analysis on the Solid Waste budget for the afternoon discussion. The Auditor and Director of Public Works noted they would put something together for the Board.

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Chairman Goicoechea reported on the Biomass Committee noting that the co-generation plant was issued a citation based on a complaint within the City of Loyalton; other than this the co-generation plant is up and running.

DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS –

The Director of Health and Human Services provided a brief update on the progression of the SOS program.

The IS Manager reported that the Courthouse now has a cell site with Verizon and as part of the cabling project there will be a phone installed in the lobby for public use.

The Director of Planning reported that he would like the OES Coordinator to make a presentation/update on the NORCAL EMS situation today. The Director further reported that there is a Senate Local Government Committee Hearing tomorrow in Sacramento pertaining to the Williamson Act. The Board may want to consider corresponding directly with the Committee expressing the County's concern for its support of maintaining and prolonging the Williamson Act, Farmland Security Zone Act and the Subvention Program.

Following brief discussion the Board moved to add Item 13A to the Regular Agenda as this information is needed by tomorrow.

- 13A. Resolution supporting the continuation of the Land Conservation Act and the Farmland Security Zone Act, including the Open Space Subvention Program and urging the Senate Local Government Committee to reaffirm the significant value of these programs.

APPROVED. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

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

Mr. Craig Wilson, Acting District Ranger introduced himself and provided a brief update on the District.

2. Request to set public hearing date on March 16, 2010, for consideration of a zone amendment to Section 15.08 of Sierra County Code to add a definition of High Water Line as recommended by the Planning Commission on February 11, 2010, by adoption of Resolution No. 2010-01.

The Board moved to set the public hearing for March 16, 2010 at 10:00 a.m.

APPROVED. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

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3. Resolution authorizing a Certificate of Acceptance on a parcel of land identified as APN 009-121-003 (portion), located at 11 Church Street, Sierra City.

The Board moved to adopt the resolution authorizing a Certificate of Acceptance on a parcel of land identified as APN 009-121-003 (portion), located at 11 Church Street, Sierra City.

ADOPTED, Resolution 2010-033. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

1. Presentation by Tom Quinn, Tahoe National Supervisor on the Motorized Travel Management Plan.

Mr. Tom Quinn provided background on the Motorized Travel Management Plan noting that last year the Regional Office released the Draft EIS (Environmental Impact Statement). During this time they received over than 7000 comments on the EIS. Some of these comments resulted in some fairly subsequent changes to the database. For example, Sierra Pacific Industries (SPI) pointed out that a number of the roads show in the National Forest Transportation System Database were actually on SPI land. They also had PG&E (Pacific Gas and Electric) lands, NID lands and a number of landowner properties showing up in their database as part of the National Forest Transportation System. They also heard primarily from environmental organizations with respect to past NEPA decisions primarily for timber sales that had made decisions to close or open sections of roads. In their database many of these roads were showing as open and so they determined to go back in and remove miles that didn't reflect NEPA decisions that had been made. It was further determined the appropriate thing to do was to prepare a supplemental Draft EIS.

Mr. Dave Smith presented a power point pertaining to the Travel Management Supplemental Draft EIS. Mr. Smith continued to explain that due to the magnitude of changes they felt the need to take this back to the public for an opportunity to comment. They only want comments as it relates to these changes.

Discussion ensued pertaining to the California Highway Vehicle Code governing roads over three miles; the Forest Service having the authority to set the speed limit and types of vehicles on National Forest Service roads; CHP being able to site for excessive speed but not for an ATV being on the road at the same time as other vehicles; and the Regional Forester making the final decision on roads over three miles.

Following the power point presentation Mr. Quinn explained that depending on what comments are received on the Supplemental Draft Environmental Impact Statement, there is an option under the National Environmental Policy Act not to do a Final Environmental Impact Statement. Theoretically, they can go from the Supplemental Draft Environmental Impact Statement and depending on how significant the changes are, they have the option to go directly to a record of decision.

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Mr. Smith continued to answer questions from staff explaining that the total mileage available for motorized use went up approximately 20 miles in the Supplemental Draft from the initial proposal; two of the double black diamond motorcycle trails in the east and west Yuba not being added into the preferred alternative primarily due to impacts to spotted owls; they did not add more open areas, but set up specific areas where they have a high density of open roads and trails to prevent people from cutting across and going through creeks; snowmobile use not being part of this decision; and all maintenance level 3 and above trails will be open for over the snow travel by real vehicles provided they are not a designated snowmobile route.

12. Discussion/direction to ad hoc committee on report and recommendation of BOS ad-hoc committee formed to discuss County-US Forest Service relations. (CHAIR GOICOECHEA)

Chairman Goicoechea continued this item to the March 16, 2010 Board meeting.

10:30 A.M. - MENTAL HEALTH SERVICES ACT

18. Resolution approving the submission of the Mental Health Services (MHSA) Prevention and Early Intervention Component of the Mental Health Services Act Plan and approving the budget within the Component.

Ms. Kara Yegge, MHSA Coordinator addressed the Board reviewing the Prevention and Early Intervention Plan noting that this plan will put a full-time counselor in both schools and will be tasked with a suicide prevention and substance abuse prevention program, so it will dovetail with a program that mimics the Wilderness Challenge Program.

In response to Supervisor Nunes's inquiry, the Director of Health and Human Services explained that the Proposition 63 funding being cut didn't receive support by the voters last year and the only action taken right now is delaying the payments of funds to the counties. This doesn't affect small counties due to the exemption for small counties.

Supervisor Adams expressed concerns of running the State by initiative and that we have a wash in cash for these programs, but the basic county services have to fight for every dime in the general fund.

The Director responded noting that she understands Supervisor Adams point, but at the very least we can be assured that there was a comprehensive needs assessment conducted within the parameters and they are meeting the communities stated needs with these funds.

Supervisor Adams continued to express concerns that there are 41 Health and Human Services employees out of a grand total of 118 employees in the County.

The Board moved to adopt the resolution the submission of the Mental Health Services (MHSA) Prevention and Early Intervention Component of the Mental Health Services Act Plan and approving the budget within the Component.

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ADOPTED, Resolution 2010-035. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

17. Resolution approving the submission of the Mental Health Services Act (MHSA) Capital Facilities Component of the Mental Health Services Act Plan and approving the budget within the Component.

Ms. Yegge reviewed the Capital Facilities and Technical funding stream noting that the first proposal for this program is specifically targeted for purchasing a building that will be renovated and will become a consumer driven, consumer run drop in center and will provide group therapy sessions. Basically consumers wanted a space that they could not have to associate with Mental Health and do pier counseling and have an opportunity to have activities themselves. Ms. Yegge continued to review the clients in the Mental Health programs noting that having these services available helps relieve general stress.

Ms. Linda Diltz, Mental Health Advisory Board Member addressed the Board noting that she feels this is good for the community and feels there are so many things that can be done at this location that would be helpful to the community. They would have an open door policy so no one would have to wait for an appointment.

Mr. Daniel Wently, Mental Health Client addressed the Board expressing his support of having this place so he can continue to be a productive citizen of the County.

Supervisor Adams questioned what happens to the County tax roll with respect to the house that is being purchased.

The Auditor noted that this purchase takes this property off of the County tax rolls.

Supervisor Adams further questioned how many other buildings are owned by Health and Human Services. The Director responded there is only one.

The Board moved to adopt the resolution approving the submission of the Mental Health Services Act (MHSA) Capital Facilities Component of the Mental Health Services Act Plan and approving the budget within the Component.

ADOPTED, Resolution 2010-034. Motion: Huebner/Nunes/Passed Roll Call Vote: 3/1/1 (Supervisor Whitley ABSENT; Supervisor Adams NO)

Department Managers' Reports Continued

County Counsel noted that a brief report would be appropriate however a full discussion would not pursuant to the Brown Act.

Mr. Lee Brown, OES Coordinator reviewed a handout pertaining to background on Nor-Cal EMS and outlining the County's options.

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Chairman Goicoechea noted that he feels it would be beneficial to add this matter to the March 16, 2010 Board meeting for discussion.

The Director of Planning explained that the purpose of today's presentation was to advise the Board of the current findings that Mr. Brown has uncovered attending these meetings realizing that the county will have to face this as a budget issue in the very near future and a functional issue with respect to how the emergency medical system agency interacts with the Western Sierra Medical Clinic and Miners, Eastern Plumas Health Care District and every fire department, special district the City and the County.

4. Resolution in support of the Sustainable Forest Action Coalition (SFAC) and SFAC efforts to effect legislation to promote forest health and protect watershed while sustaining economic vitality to forest communities.

The Director of Planning noted this group started with the Plumas Economic Recovery Committee and issues surrounding legislation supporting fuels reduction streamlining Forest Service projects and private timber land regulations and to deal with the issue of appeals and lawsuits that have stymied the process. The group is forming and is intended to be primarily made of board of supervisor members and staff. There seems to be a wide range of support and interest to form a group similar to the size and nature of RCRC to focus in on the issues surrounding sustainable forest health and fuels reduction programs. The Director further noted that if the Board wants to participate he would request the Board adopt the proposed resolution and the Chair may want to consider over the next few weeks advancing a recommendation for a member of the Board and an alternate to attend meetings.

The Board moved to adopt the resolution in support of the Sustainable Forest Action Coalition (SFAC) and SFAC efforts to effect legislation to promote forest health and protect watershed while sustaining economic vitality to forest communities.

ADOPTED, Resolution 2010-036. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

Supervisor Nunes recommended adding structure to the County's participation.

Discussion ensued pertaining to appointing a Board representative and alternate and reviewing the Board's committee structure before delegating people to this.

The Director commented that they are expecting contact not only Board members but also a contact from each county to attend these meetings.

Supervisor Adams recommended holding some of these meetings locally to help support the local economy.

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5. Discussion/direction to staff on proposed applications to request RAC-Title II funding for qualified projects in the County and sponsored by the County.

The Director explained that there is now a functional Resource Advisory Committee (RAC) and the Committee has two years of Title II funding allocated by this Board that would be available for project applications in the near future. District Ranger Quentin Youngblood and the Information Officer, Anne Westling will be forwarding information about the RAC and proposed projects that will qualify. He believes this is an opportunity for funding for projects that will qualify if the Board has any. The Director continued to note he will propose some projects at the next meeting that he believes will qualify. These are competitive grants and an opportunity for 100% funding.

CLOSED SESSION

15. Closed session pursuant to Government Code Section 54956.9 to consider proposed settlement of contested administrative proceedings relating to Sierra County's protests filed with the California Public Utilities Commission pertaining to the Joint Application of Sierra Pacific Power Company (U 903E) and California Pacific Electric Company, LLC for Transfer of Control of the electrical system in portions of Sierra County – PUC Application 09-10-028.
16. Closed session pursuant to Government Code Section 54956.9 to discuss status of the following litigation: Original Sixteen to One Mine, Inc., v Sierra County, Sierra County Superior Court Case # 7068.

Chairman Goicoechea announced that the Board will go into closed session at 11:30 a.m. Over the past several months the Board has been involved with the co-generation facility and joined Plumas Sierra Rural Electric to protest some of the proposed actions of Nevada Energy and Sierra Pacific Power Company. This now has positive results and what is before the Board is the final settlement agreement.

The Board met in Closed Session from 11:30 a.m. to 11:43 a.m.

NOON RECESS

The Board took the noon recess from 11:45 a.m. to 12:30 p.m. and reconvened with all members present.

10. Discussion/direction regarding the Sustainable Sierra Nevada Initiative. (SUPERVISOR NUNES)

At the request of Supervisor Nunes, the Board moved to adopt the resolution requesting additional time in order to address the Sustainable Sierra Nevada Initiative as proposed by the Sierra Nevada Conservancy.

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ADOPTED, Resolution 2010-037. Motion: Adams/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

Supervisor Adams commented that he would like to not duplicate efforts and try to get everyone on the same page.

Brief discussion ensued pertaining to the necessity of the Board attending these meetings and getting involved.

CLOSED SESSION STATEMENT

County Counsel reported with respect to the administrative proceedings the County is participating in with the California Public Utilities Commission with regards to the CalPeco and Sierra Pacific Power Company sale, the Board has tentatively approved a settlement agreement and the agreement will be made public once it is has been finalized. With regards to the Sixteen to One litigation, he has advised the Board of the status of the case, no action was taken and there is nothing further to report

6. Discussion/direction to staff on County OES budget in relation to the Emergency Management Performance Grant (EMPG).
7. Determination on the next Emergency Management Performance Grant (EMPG) (FY 10-11) application to determine amount of application, due to the 50% match requirement.

Items 6 and 7 were taken at the same time.

The Director noted that the OES function of the County is based on the premise that the EMPG is based on a dollar per dollar match. The OES program is 50% General Fund and 50% EMPG funds. The EMPG component funds the OES program. The County OES budget is around \$75,000 and includes a \$40,000 contribution from the General Fund and a \$40,000 match provided through the EMPG program. This budget is significantly under funded, the Road Department does the accounting and staffing for the OES program and he wants to amend the OES budget to capitalize more on EMPG program. This year the EMPG contract with homeland security is \$80,000 and we will end up turning \$40,000 back to the EMPG program. What he has discovered in the EMPG rules is if there is something in the County budget that qualifies as an OES purchase we can try and tie these purchases into OES and save the General Fund 50% of the purchase. He is going to see if there are any of these purchases and bring them before the Board to transfer the purchase of the fixed asset to OES and to save 50% of purchase price for this year. Next year the EMPG is going up to \$125,000 and our needs are the same as this year so we will be turning back approximately \$80,000. If there is something that the Board is aware of that qualifies as an OES expenditure there is an opportunity for a dollar for dollar match through EMPG grant.

Supervisor Adams questioned if this could be opened up to the local fire departments. The Director responded noting it can, however the grant requires the County to track and be

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responsible for the inventory and there has to be a clear understanding that if it is not under the County's control it has to show in an audit that it is properly tagged.

Mr. Larry DeVita, Sattley addressed the Board noting that on principle he doesn't believe in giving money back to the government. He is curious as to how creative the County can get with some of the definitions as there is a serious hazard fuel problem in the County and the Sierra County Fire Safe and Watershed Council is wrestling with trying to obtain the ability to compact biomass and get it out of the woods and communities. Mr. DeVita further suggested a device that would bail biomass that could be stored on County property sites.

In response to Chairman Goicoechea's inquiry as to whether the Fire Safe Council has the matching funds, Mr. DeVita explained they would get the funding.

The Director noted that if the County goes this way we would need concurrence from State Homeland Security Office.

8. Discussion/direction to staff on item referred by the Board of Supervisors on February 16, 2010 on recommendation from Personnel Committee on continued recognition of the Road Department employee bargaining unit.

The Director of Transportation noted that the Board was previously provided with information pertaining to the Road Department field employees being a separate bargaining unit back in 1982. There has been some information that there was a document that combined the Miscellaneous/Clerical Unit and the Road Department Unit. He is asking for the Road employees in the field, as they have such a unique position, to be separate from the Miscellaneous/Clerical Unit and would ask that the Board reaffirm this.

County Counsel indicated that when this issue came up at the Personnel Committee he was concerned about the origin of the request. As the Board knows he has functionally served as the chief negotiator for the County for the last 12 or so years. State law is clear that public agencies have an obligation to negotiate (meet and confer) with employees with regards to the terms and conditions of employment. The perception of what is, or what is not an appropriate benefit, compensation, rules, etc. are all subject to the meet and confer process. In the time he has done the negotiations the Road and Miscellaneous employees has essentially done so as a consolidated entity. County Counsel continued to note that he believes the recognition of the bargaining units has happened in the last bargaining cycles, further questioning the need for a separate bargaining unit as in his mind the Road employees were never denied the opportunity to address their separate issues. The question as to the structure of how many units a public agency should have is a political issue. He is concerned about focusing units based on funding streams and the morale issue that will come of it. He has tried hard in the past not to bargain for separate wage and benefit packages based on the funding source due to an adverse affect on the employees.

County Counsel continued to explain that this matter came about due to the Road Unit feeling voted out on an issue pertaining to how the County deals with overtime. He believes this

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issue should be considered as part of bargaining process, but the Board is welcome to honor the Director's and the Road Unit's request.

Mr. Billy Epps, Road Maintenance Worker addressed the Board explaining that they want to come to the same negotiating table as everyone else. During the last negotiations 100% of the Road Department voted no on the proposed MOU and they would like an opportunity when one side says it is good for us to continue to negotiate on their own.

Mr. Rick Davis, Operating Engineers Business Agent addressed the Board explaining that he has had this problem in other counties. The Road Department is unique with respect to their hours worked and this has had a negative impact to these employees. He believes the Road Department is different and has issues that the miscellaneous employees don't have. He doesn't have a problem with it, but it is up to the Board. He also understands the Road Department Employees argument with respect to the last MOU not going over well for them.

The Director explained that he checked with other counties who have a separate "trades and crafts unit. He doesn't believe this is politically contentious and is not about being separately funded. The long term morale is at stake and the County has an expectation of these employees; they model their life around the County. When reviewing the differences he can't find another group of employees that match what they do and he doesn't believe this issue has a tie to negotiations.

Mr. Davis noted when negotiating with Plumas County he has everyone at the table at the same time. It's just a different MOU, so this can be done.

Chairman Goicoechea noted he takes pride in the employees who represent the County.

Supervisor Adams noted that he is not sure this is "die on the mountain" issue and is inclined to approve the Director's and Road Department Employees wishes. He understands this is an option not required by law, but also understands that they are not better but are different than the other employees. Unless there is a real reason not to do this, he believes the morale can impact the agency very negatively.

Chairman Goicoechea requested deferring this action as he believes these personnel issues require a focused look.

Supervisor Huebner explained that he was part of the Personnel Committee discussion and doesn't believe this is a huge financial burden to the County and it should be brought back to the Board as a resolution.

The Auditor also noted that he doesn't believe this is a do or die situation. The Auditor continued to explain when there are more units a great deal of time is spent dealing with specialized requests. With respect to costs there is no dollar amount; it is time spent by staff on negotiating. The Auditor further questioned if the Board decides to have a separate unit, if this includes clerical employees or just field employees.

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The Director clarified that this only applies to the field workers.

Discussion ensued regarding deferring this item; having a consolidated negotiation effort and the Road Unit having their own MOU on the back end of the process; taking two weeks to review the information discussed; concerns of the General Fund supporting the Road Fund; and having two units bargaining over the same pot of money.

Following discussion the Director noted that it has never been represented that this is subject to negotiations or subject to a separate funding source. He just wants to have this reaffirmed. This is not a legal issue, it is a policy issue and this is not a negotiable item.

Mr. Epps recommended adding a resolution to the next Board meeting agenda which would give the Board the opportunity to vote for or against it.

By consensus, the Board directed staff to add the resolution to the March 16, 2010 Board meeting.

13. Discussion/direction regarding the Board of Supervisors' Standing Committee members. (CHAIR GOICOECHEA)

Chairman Goicoechea appointed Supervisor Adams as the Chair of the Board of Supervisors' Personnel Committee.

1:30 P.M. – COUNTY BUDGET UPDATE

20. Discussion/direction regarding items recommended by the Personnel Committee on February 5, 2010 for discussion by the full Board:
 - Discussion/direction on the Auditor's office staffing and the adverse audit the County received and its affects on the future revenues of the County. (Referred by the Personnel Committee on February 5, 2010)
 - Discussion/direction regarding the Assessor's office staffing and potential affects on future revenues of the County. (Referred by the Personnel Committee on February 5, 2010)
 - Discussion/direction on promotions withheld over the past two years and vacancies which occur from time to time. (Referred by the Personnel Committee on February 5, 2010)
 - Discussion/direction regarding personnel issues within the Sheriff's Department. (Referred by the Personnel Committee on February 5, 2010)

Chairman Goicoechea recommended carrying over the Personnel items.

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Supervisor Nunes questioned which items will be dealt with and by which Board Committee.

Supervisor Adams commented that he believes these items belong with the Government Committee and would submit to deal with them as the Government Committee. Supervisor Adams further recommended setting a Government Committee meeting for March 15, 2010 at 10:00 a.m. to review all of items listed under Agenda Item 20.

Following brief discussion about the Sheriff's items, the Board also directed adding a place holder on the March 16, 2010 agenda for action on the Government Committee items.

Supervisor Adams noted that the majority of the items on the list have a price tag to them and anyone requesting something will have to bring a funding source to the table or give up something they can live without.

9. Presentation of the June 30, 2009 Sierra County Financial Statements.

The Auditor noted that by law he has filed a copy of the Financial Statement with the Clerk's office. The item that is of most concern was the single audit wherein the outside auditors come in and audit our federal programs and some of our state programs. The issue is we received a second year in a row finding that there is a material weakness in the accounting structure as the County missed \$250,000 in accounts receivables. What the County will see is much more stringent holds to every little accounting standard. So, in the next three years the County will be audited more by outside auditors and more visits from state auditors with the federal funding and some of the state funding being in the balances. In the past he has had the time to deal with budgeting, financial statements, state reporting, etc and in the last few years he has had to do more day to day controllership which leads to his request that was made to the Personnel Committee. The County now has the potential of all outside funding being at risk if the County receives another material weakness. In reality nothing was missing and nothing went wrong it just wasn't booked as last year's revenue when it came in. The Auditor continued to note that he is looking for a way to get back to babysitting a lot more of the financials as he used to. Other than this it is a clean audit and there is nothing surprising in it.

11. Discussion and approval of proposed MOU and resolution approving County participation in the Consumnes-Bear-American-Yuba River. (IRWMP) (CABY). (CHAIR GOICOECHEA)

Chairman Goicoechea reviewed the matter noting that the State has broken up into these recognized watershed areas and Sierra County has been split into two watersheds, the Upper Feather River and the CABY.

The Director of Planning explained that because the County has three primary watersheds we have an integrated regional watershed management planning process occurring simultaneously in the Upper Feather, Truckee and Yuba River Basins. The County has signed on to the Upper Feather River and is proposing to sign on to the Consumnes-Bear-American-Yuba River and is in the process of signing on to the Tahoe Sierra IRWMP. These are three

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separate groups, functions and plans. There is a lot of money that will be funneled through these IRWMP entities that are designed to improve watershed quality and health. As funds become available the Board will be asked to consider if they want to compete in these programs.

Director continued to explain that the Board's Water Committee met with Ms. Katie Burdick, Executive Director of CABY and she is willing to come to the Board to explain their roll and the opportunities that exist.

The Board moved to approve the proposed MOU and adopt the resolution approving County participation in the Consumnes-Bear-American-Yuba River (IRWMP) (CABY).

ADOPTED, Resolution 2010-038; and APPROVED, Agreement 2010-026. Motion: Huebner/Nunes/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

- 13A. Resolution supporting the continuation of the Land Conservation Act and the Farmland Security Zone Act, including the Open Space Subvention Program and urging the Senate Local Government Committee to reaffirm the significant value of these programs.

The Board moved to adopt the resolution supporting the continuation of the Land Conservation Act and the Farmland Security Zone Act, including the Open Space Subvention Program and urging the Senate Local Government Committee to reaffirm the significant value of these programs.

ADOPTED, Resolution 2010-039. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

COUNTY COUNSEL – James A. Curtis

14. Resolution reappointing James Curtis as County Counsel for a term of four years and approving an amendment to Agreement No. 98-131 for County Counsel Services.

County Counsel noted that he is prepared to renew for another term.

The Board moved to adopt the resolution reappointing James Curtis as County Counsel for a term of four years and approving an amendment to Agreement No. 98-131 for County Counsel Services.

ADOPTED, Resolution 2010-040; and APPROVED, Agreement 2010-027. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 4/0/1 (Supervisor Whitley ABSENT)

19. Update on the 2009/2010 County Budget.
21. Discussion/direction to staff on the 2009/2010 and 2010/2011 budgets.

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The Auditor reviewed the budget noting that the sales tax is not as far off as expected; Rural Law Enforcement is still lagging and is does not look like we are going to receive the amount as promised; Fines and Forfeitures is down and appears it will stay down; property taxes are down \$39,000 from what was budgeted; supplemental taxes will be down \$30,000; and expenditures look to be within budget with the exception of the jail. The good news is the County started with a large reserve and did the securitization which will leave us with a roll over in the amount of \$438,559. With the difference of the reduced revenue this year projected into next year he would expect to have a contingency of \$278,000.

The Auditor continued to explain that the Assessor is projecting the tax roll to be \$12 million less then last year which is a \$60,000 reduction in the General Fund. The question becomes what is the State going to do to the County next year. We are still funded a great deal on special funding and this puts a lot of strain on the system.

Supervisor Nunes noted that there is a significant amount of the Sheriff's salaries that are not in the General Fund and one of the County's goals has been to move the Sheriff's salaries back into the General Fund.

The Auditor Van pointed out that with respect to salaries the County has approximately 60% of one probation officer and one deputy coming out of drug grants which means if this funding goes away we will have to find another way to fund these positions.

The Auditor continued to question how the Board would like him to proceed with the next Fiscal Year budget.

Supervisor Adams recommended giving this to the Finance Committee and to give a copy of what the Auditor creates for the Committee to the full Board.

The Director of Planning encouraged the Committee to meet before the Auditor sends out requests for information and would like to have a discussion collectively about budget policy, expectations next year, priorities etc. Second, there are a number of issues he has and needs to know what the proper forum for discussion would be as has a significant amount of Road Fund expenditures that have been incurred on non Road Fund projects. Have also discussed a conflict with County Counsel with respect to representing the Board of Supervisors and the Planning Commission and if this is going to continue the Board needs to address the fact that this is leaving the Planning Commission and staff exposed.

Following further discussion the Board set a Finance Committee meeting for March 23, 2010 at 2:00 p.m. to address some of these issues.

The Director of Health and Human Services noted that she shares the Director's concerns and is unsure as to whether to take them to the Finance or Government Committee. Some of the policies set in this Fiscal Year have had significant ramifications on their ability to do business.

March 2, 2010

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 Board of Supervisors, Madera County, supporting the efforts of the Proposition 218 coalition.

- C-2 Letter from the Department of Forestry and Fire Protection, Office of the State Fire Marshal regarding the required two (2) year inspection of the Sierra County Jail.

RECESS TO CONTINUED REGULAR MEETING TO BE HELD ON MARCH 16, 2010.

At **2:34 p.m.**, with no further business, Chairman Goicoechea adjourned the meeting.

DAVE GOICOECHEA, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER