

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 May 18, 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 C was moved to the Regular Agenda as Item 3-C.

C. Agreement for professional services between Tahoe Adventure Company and Sierra County. (DRUG/ALCOHOL)

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

M. Minutes of the Board of Supervisors' meeting held April 20, 2010. (CLERK-RECORDER)

At the request of Chairman Goicoechea, Correspondence Item C-2 was moved to the Regular Agenda.

C-2 Letter from "The Friends of Independence Lake" regarding public access to Independence Lake.

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The Board moved to approve the Consent Agenda as amended.

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

CONSENT AGENDA

- A. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Rick Simi, Applicant and Cheryl Simi Landowner, for consideration of a special use permit to allow a home based business. The project site, identified as APN 003-071-015, is located at 433 Main Street, Downieville. (PLANNING)

APPROVED, Agreement 2010-052

- B. Agreement for Indemnification and Reimbursement for Extraordinary Costs for Les Meskimen, Applicant and Landowner, for consideration of a zone amendment from Residential One (R-1) Family District to Rural Residential (RR-1) District, to bring the property into compliance with the General Plan, and to allow the historical use of the property. The project site, identified as APN 015-080-009, is located at 230 S. Lincoln Street, Sierraville. (PLANNING)

APPROVED, Agreement 2010-053

- D. Agreement for the inpatient Services between Placer County and Sierra County Mental Health for Fiscal Year 2010/2011 and 2011/2012. (MENTAL HEALTH)

APPROVED, Agreement 2010-054

- E. Resolution approving agreement for Federal Apportionment Exchange Program and State Match Program California Department of Transportation – Non MPO County (X09-5913(044)). (PUBLIC WORKS)

ADOPTED, Resolution 2010-091

APPROVED, Agreement 2010-055

- F. Resolution approving agreement for transportation services in Sierra County between County of Sierra and Incorporated Senior Citizens of Sierra County for Fiscal Year 2011. (PUBLIC WORKS)

ADOPTED, Resolution 2010-092

APPROVED, Agreement 2010-056

- G. Resolution approving agreement for transportation services in Sierra County between County of Sierra and Golden Rays Senior Citizens Inc. for Fiscal Year 2011. (PUBLIC WORKS)

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ADOPTED, Resolution 2010-093

APPROVED, Agreement 2010-057

- H. Professional Services Agreement with James Crippen, Architect, for architectural services including design, inspection and meetings related to the Proposition 40 Project at the Sierra City Community Hall. (PUBLIC WORKS)

APPROVED, Agreement 2010-058

- I. Resolution terminating Sierra County Agreement 2009-136 with All Seasons Weed Control Incorporated. (PUBLIC WORKS)

ADOPTED, Resolution 2010-094

- J. Resolution approving Boating Safety and Enforcement Financial Aid Program contract between Sierra County and the California Department of Boating and Waterways. (SHERIFF-CORONER)

ADOPTED, Resolution 2010-095

APPROVED, Agreement 2010-059

- K. Interlocal Agreement between Sierra County and Placer County, California to provide pathological and other autopsy examinations for unexplained death investigations related to Coroner's cases. (SHERIFF-CORONER)

APPROVED, Agreement 2010-060

- L. Minutes of the Board of Supervisors' meeting held April 6, 2010. (CLERK-RECORDER)

APPROVAL OF REGULAR AGENDA

At the request of Chairman Goicoechea, Regular Agenda Item 2 was pulled from the Agenda.

- 2. Resolution regarding the recommendation of the Health and Human Services Committee to fill vacancies.

The Board moved to approve the Regular Agenda as amended.

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

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9:05 A.M. – PUBLIC COMMENT OPPORTUNITY -

At 9:05 a.m. Chairman Goicoechea opened the Public Comment Opportunity.

Mr. Brooks Mitchell, Loyalton addressed the Board requesting a funding source in the amount \$2,500 for the Transportation program for the senior citizens. The reason they are running low is due to the large amount of transportation trips for medical reasons.

Mr. Mitchell further requested having a projector available to view the Board packet information so citizens can follow along with the Board.

Supervisor Adams commented that everything is posted on the website for review by the public.

Chairman Goicoechea also noted that the Library has a copy available as well.

Mr. Mitchell reiterated that having a projector would be helpful for the citizens to follow along.

Supervisor Whitley clarified that she will be following up on the funding request for the senior citizens.

Mr. Mike Filippini, Loyalton addressed the Board pertaining to the Williamson Act and the letter to the Board from the Governor. Mr. Filippini thanked the Board for taking the action and appeals to the State Representatives. He also appreciates the Board's continued support of the Williamson Act even with the budget shortfalls. This is a valuable protection that needs to remain in place. Mr. Filippini continued to note that there is encouraging news at the state level and he believes the pressure is being felt and hopes the Williamson Act will be reinstated this summer.

Ms. Laurie Marsh with the Sierra County Tobacco Program addressed the Board.

The Loyalton Friday Night Live Club provided a report to the Board on smoke free entrances.

The Loyalton Club Live made a presentation to the Board on their TOTLOT Survey.

COMMITTEE REPORTS & ANNOUNCEMENTS –

No reports given.

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DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS –

The Auditor reported that it appears the County will still have a \$300,000 reserve due to writing down the tax roll due to the Proposition 8 reviews. At this point we are being saved by a good rollover and we are solvent.

Following brief discussion a Finance Committee meeting was scheduled for June 8, 2010 at 10:00 a.m. in Downieville.

The Director of Planning reported on the Gymnasium and Community Center Proposition 40 project for the School and the City of Loyalton noting that the application to the State will be available for signatures tomorrow by the Mayor and the project will then move forward. His assistance in this project has been with the application and his involvement will cease after this. The Director continued to report that the Ad Hoc meeting with the Forest Service will be held on Friday at 10:00 a.m. and they will discuss issues with Forest Service occupancies and the termination and clean up of these occupancies. There will also be a discussion about the bike race, a similar discussion about the Nixon Claim and the Downieville Ranger Station. There is an LTC meeting on Thursday and with respect to the Sierra Brooks Water System there has been some miss information going around and he is preparing a letter for mailing this week to all property owners to reestablish communication that hasn't been in existence for the past six to eight months. The Director continued to address three issues that have come up on further implementation of the improvements to the Sierra Brooks Water System including: 1) the opportunity for more stimulus funding which now seems to be infeasible; 2) difficulty with working with the State Department of Fish and Game as they are concerned with allowing the County to drill a well on Wildlife Management property; and 3) completing working with the Forest Service to deal with the potential locations for the water tank. The Director also reported that there have been a lot of search and rescue calls from motorists getting lost in the area from using MapQuest, GPS, etc. The Road Department will be erecting signs in the County that will recommend a travel advisory that the road is unimproved, it's closed by storms and reliance upon computer based mapping programs is not advised.

The Director continued to report on a number of funding opportunities including a program for arts and culture strategies and development of existing buildings that carries no match and they are looking to complement the effort going into the Yuba Theater; the Assistance to Fire Fighters Grant Program which is an enormous amount of funding available for enhancing response capabilities and equipment; the Kodak American Greenways program which has a definition of a project that fits the trail master planning project the Economic Committee is planning; the Rural Business Opportunity Program that formally funded the Economic Coordinator for the County which has a maximum grant award up to \$250,000 with no match and provides funding for communities to provide sustainable programs and his initial thought was to propose a full-time Economic Coordinator; and an invasive weed program through the National Fish and Wildlife Foundation with a one to one match that can be used for weed abatement programs. The Director continued to note that this information is available on the Sierra Nevada Conservancy's website, www.sierranevadaconservancy.org.

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Chairman Goicoechea encouraged the Director to hold off on the weed abatement contract for the Road Department in order to utilize the grant program available and also encourage him to follow up on this with the Ag Commissioner to see what options are available.

In response to Chairman Goicoechea's inquiry, the Director explained the best thing for the Fire Departments to do is go the Sierra Nevada Conservancy's website which has a tutorial available and will take them step by step through the grant process.

Ms. Julie Osborn, Loyalton has been writing grants for the Sierra County Fire Protection District No. 1 and this is a grant that is based on a community's population and tracking call volumes.

Chairman Goicoechea questioned if Ms. Osborn is working with Mr. Joe Marin, Loyalton Fire Chief on what it would take to meet the requirements to be eligible for some of these grants. Ms. Osborn responded noting that she has spoken with him, but unless the Loyalton Fire Department has a good years worth of tracking call volumes, they can't qualify for the grant.

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

Mr. Quentin Youngblood introduced Mr. Richard Perterka who is part of the Forest Service National Leadership Program and he will be with the District as a Deputy District Ranger for the next few weeks. Mr. Youngblood continued to provide an update to the Board on various projects in the District.

Mr. Brooks Mitchell requested an update on the OHV Travel Management Plan.

Mr. Youngblood responded noting that the Draft EIS came out and there were approximately another 5,000 comments received and they are currently analyzing these comments. He believes another draft will come out in approximately sixty days.

14. Discussion regarding the restoration of Chamber of Commerce funding.
(SUPERVISOR HUEBNER)

Supervisor Huebner noted that the Chamber's budget was cut drastically last year and right now they have no money. He is requesting the Board restore the Chamber's budget to the pre reduction amount of \$52,000. The Chamber needs these funds to advertise their services and the webpage needs updating. Supervisor Huebner continued to address the TOT generated in the County noting that there was a big drop in 2010. The Chamber also did not receive the RAC funding for their visitor booths.

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Supervisor Nunes questioned if the request is for this year or for next year.

Supervisor Huebner noted that this is a request for this year out of contingencies.

County Counsel noted there needs to be clarification as to whether they are amending this year's contract or if this is a request for an advance out of next year's budget.

It was stated that this is a motion to restore the Chamber back to \$52,000 and advance \$20,000 now.

County Counsel continued to note that the Chamber's contract operates on a fiscal year and they need to extend the contract for this fiscal year.

Ms. Kathleen Breed, Sierra County Chamber President noted that the Chamber needs \$15-20,000 now as the webpage is disintegrating and they need to start the process now.

Following brief discussion it was stated that the motion is to move \$20,000 out of contingencies for the Sierra County Chamber of Commerce for the current year and to direct County Counsel to amend the Chamber's current contract.

Mr. Bob Morales, Sierra City addressed the Board clarified that the \$15,000 to \$20,000 is to assist in modernizing the website.

Supervisor Nunes explained that the proposal is to restore the Chamber back to \$52,000 (\$40,000 for the Sierra County Chamber and \$12,000 for the East Chamber) and to advance a portion of the Sierra County Chamber's \$40,000 now and the remainder after July 1st.

In response to Board inquiry, Supervisor Nunes clarified that he spoke with the Eastern Chamber President and they are preparing their budget for \$12,000.

County Counsel noted that he will need the Chamber to provide a revised scope of work and budget to amend the contract for the funding to flow this year. County Counsel further recommended a motion of intent and to bring the amended contract back at the next meeting for approval.

Following further discussion the Board made a motion of intent to restore the Sierra County Chamber of Commerce's funding back to \$52,000 and to amend the Sierra County Chamber of Commerce's contract for this year in order to advance \$20,000 of next years contract.

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

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CONVENE AS BOARD OF DIRECTORS FOR COUNTY SERVICE AREAS

At 10:00 a.m., Chairman Goicoechea recessed the Regular Board meeting and reconvened as the Board of Directors for County Service Areas.

RECONVENE AS COUNTY BOARD OF SUPERVISORS

At 10:12 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.

10:00 A.M. – SENIOR PROJECT PRESENTATION - TEEN CENTER

25. Presentation by Ashley Cabrera, Loyaltan High School Student, on her Senior Project on the Teen Center.

Ms. Ashley Cabrera presented her Senior Project on the Teen Center to the Board.

Following Ms. Cabrera's presentation, Supervisor Nunes congratulated Ms. Cabrera on her project. Supervisor Nunes continued to note that he believes the school is one of our best and strongest assets in the community and appreciates the fact that Ms. Cabrera picked a senior project that she could work with the school and the community together.

Supervisor Whitley concurred noting that children are the strongest community asset and she believes that activities for teens are a must in a small community and commends Ms. Cabrera on her project.

Ms. Cabrera continued to review comments and suggestions she received from students on the success of the teen center.

In response Board inquiry, the Director of Human Services noted that there are no updates at this time on the teen center.

SOCIAL SERVICES – Carol Roberts

1. Update on the Sierra Occupation Services (SOS) Program.

The Director of Human Services provided an update to the Board on the SOS Program noting that as of today the County has 39 people employed through the program. The program has offered an enormous economic relief to the business owners and has put the unemployed back to work. The participants are also getting on the job training are gaining valuable work skills. Following further review the Director thanked the Board for seeing the possibilities in this and creating the opportunity for the employers and the citizens of the County.

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Chairman Goicoechea noted that he appreciates the way the Director has made this happen.

The Director of Planning addressed the Board commending and complementing the Board and the Director of Human Services on the program. He has at least three people employed in the Public Works and Road Department. The Director further acknowledged Ms. Tamara Powers for the work she has done on the program. This represents over 1% of the County population and this is a huge employment opportunity for the County.

Mr. Stan Hardeman, Superintendent, Sierra Plumas Joint Unified School District noted that the School has also benefited from this program.

10:30 A.M. – NATIONAL FOREST COUNTIES AND SCHOOLS COALITION

26. Update from Stan Hardeman, Superintendent, Sierra Plumas Joint Unified School District (SPJUSD) on National Forest Counties and Schools Coalition.

Mr. Stan Hardeman provided a brief update on the National Forest Counties and Schools Coalition noting that the Coalition is trying to establish a national campaign and goal to get a long term 10 year reauthorization of the Secured Rural Schools funding. The cost of this campaign is approximately a half million dollars and they need campaign contributions. The School District's contribution was about \$725. There is a website available for the County to view and send a campaign contribution which would amount to around \$700. Mr. Hardeman continued to express concerns if the School District does not receive this funding as it constitutes approximately one-sixth of the School District's budget. Mr. Hardeman further encouraged the Board to do a campaign contribution as soon as possible.

Supervisor Nunes questioned if the Board has made a contribution to the lobbying effort. The Auditor responded noting that the County did send people back to Washington in the past.

County Counsel noted that the County needs to have a contract for lobbying services in order to make a contribution.

In response to Mr. Hardeman's inquiry, County Counsel explained that under the California Constitution a gift of public funds excludes making any contribution by a public agency unless it is for return of services provided.

The Director of Transportation commented that previously the County participated in the National Forest County School Coalition and the Road Fund paid the dues for the organization; this funding didn't go towards lobbying. Plumas County spear headed the County's efforts and there were a number of people involved and went back to Washington D.C. to lobby for the Secured Rural Schools program. He would like to contact Mr. Hardeman and Mr. Bob Douglas to reestablish the lines of communication in order get these documents in front of the Board and County Counsel to show that this request is for dues to the organization so the County can

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participate in the organization. The lobbying effort is distinctly separate from the operation of the organization.

County Counsel clarified that dues and memberships are paid all of the time and are okay.

3. Discussion/direction regarding a letter from the State of California, Department of Public Health, informing Sierra County Human Services of transfer of regulatory oversight for state small water systems.

Ms. Elizabeth Morgan, Environmental Health addressed the Board explaining that the State has been regulating the small water systems since 1992. The County has received notification that the State was sending some of the water systems back to the counties to regulate. Ms. Morgan continued to explain that a small water system is 5 to 15 connections. The County needs to set up an ordinance that gives the Health Department the regulatory authority to regulate these water systems and set up a fee schedule. Ms. Morgan further reviewed proposed legislation AB 2507 explaining that this legislation requires a new category called a local small water system for those systems that don't meet the definition of the State's small water systems and she would like to include a category for the local small water systems in the County's ordinance.

In response to Board inquiry, Ms. Morgan explained that the State still has oversight of the community water systems. A lot of the smaller water systems in the County are mutual water systems and have financial problems, so the County has been handed a lot of systems that are not easy systems to regulate.

In response to Supervisor Nunes's inquiry as to who would draft the ordinance, Ms. Morgan noted that she will be working with Dr. Cutler and other counties.

- 3-C. Agreement for professional services between Tahoe Adventure Company and Sierra County. (DRUG/ALCOHOL)

Supervisor Adams noted that he wanted to confirm that the insurance matters have reached everyone's satisfaction considering that some of this is high risk activity.

County Counsel explained that the proposed contract is for activities that are probably within the definition of what is characterized as "ultra hazardous activities". Most general liability insurance policies will have exclusions for "ultra hazardous activities" and will require a separate insurance policy above general liability. The proposed contract has no provision for the provider to maintain this type of additional insurance, so it falls back onto the County. So, the fundamental policy question is whether the County should accept the exposure on these types of recreational activities as opposed to having the contractor maintain this as part of the operational costs. The normal business practice is to require the contractor to be fully insured.

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The Auditor explained that under the current liability policy the County is covered for all of this after \$100,000, but it would affect the counties rates if there was a large claim. The County has always bought another policy to cover the first million so it is less likely to hit the County's general policy. The Auditor continued to explain that our policy will not cover sexual abuse between an adult and child, so this would come under the regular insurance. The Auditor further explained that he tried to buy this policy, but it was extremely expensive so he then worked with Health and Human Services to pay into to Trindel to build up funds to cover the deductible. At this point both the broker and CSAC EIA have given the assurance that we are covered at this point, but it is the risk.

The Director of Human Services added that the County is contracting with a new company who has a liability insure policy in place unlike the previous contractor and unlike Project Discovery this company is very safety oriented and has more structured and safer activities. The Director continued to note that she feels much more comfortable than in past years.

County Counsel recommended adding a clause to the proposed contract that the County has the right to review the insurance to determine that it covers all of the contracted activities.

Following further discussion, County Counsel noted that the Director's understanding from the Company is that they maintain appropriate insurance to cover their activities. County Counsel further requested adding a provision in the contract stating "the company shall provide evidence of appropriate insurance coverage for the activities and services provided prior to the inception of the contract".

The Board moved to approve the agreement for professional services between Tahoe Adventure Company and Sierra County as amended.

APPROVED, Agreement 2010-061. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 5/0

11:00 A.M. – QUAGGA MUSSEL

27. Presentation by Craig Threshie, Program Coordinator, Truckee Regional Aquatic Invasive Species Prevention Program, Tahoe Resource Conservation District on Quagga Mussel outbreak affecting freshwater Sierra lakes.

The Director of Planning introduced the item noting that there has been increasing scrutiny in programs being developed to deal with invasive species and the impacts to freshwater lakes. The Director continued to note that in preparation of this presentation he has made contact with the lodge owners of Packer, Sardine and Salmon Lake to attend. They were unable to locate the owners of the Webber Lake Lodge, but he also notified the members of the Fish and Game Commission and the Game Worden, Mr. Bill Miller.

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Mr. Craig Threshie reviewed a power point presentation on the Truckee Regional Aquatic Invasive Species Prevention Program that is trying to address this aquatic species. Mr. Threshie continued to explain that the program is a fairly unique program and they are trying to address this issue at a community level. He believes having local control is very valuable and is one of the best ways to protect our water bodies. Mr. Threshie continued to review the project goals noting that the funding is for this year only and they want to be coordinated in their efforts amongst the counties of Sierra, Placer, Nevada, and the Town of Truckee. Mr. Threshie further reviewed what would happen if the mussels were to infest our water bodies; concerns about aquatic plants, fishes and invertebrates including the Quagga and Zebra Mussels; creating a program that allows fishing and boating to continue while enforcing; areas in California that have infestations; some of the existing laws in place pertinent to transporting the aquatic invasives; inspection programs and implementation plans including education and outreach, regulatory authorities, MOU's, public forums, project implementation, funding strategies, draft strategic plan and baseline AIS (Aquatic Invasive Species) monitoring; the Truckee Region Pilot Program; prevention of the distribution of the aquatic invasives as with the Quagga and Zebra Mussels eradication is virtually impossible and becomes a management issue at that point; local government being crucial; and the need to create a mandatory prevention program to be enforced.

C-2 Letter from "The Friends of Independence Lake" regarding public access to Independence Lake.

Ms. Julie Osborn, member of The Friends of Independence Lake questioned Mr. Threshie about the mussels and how they affect the local fish and flora. Mr. Threshie responded noting that they are filter feeders and can attach themselves to any hard surface, so they filter feed and take the nutrients out of the water that the native species would normally eat. Over time they will change the ability for the native fish to populate the areas where there are infestations. Once the fish leave the area they have found that other invasives will take advantage of this and invasive weeds will come into the area as the eco system changes.

In response to Ms. Osborn's inquiry, Mr. Threshie explained they are also looking for invasive weeds as well as the mussels when doing inspections.

Mr. Kenny Osborn, member of The Friends of Independence Lake explained to the Board there concerns of the purchase of Independence Lake by the Nature Conservancy. Mr. Osborn continued to explain that his vision is to be able do recreation without limitation. The lake consists of 2300 acres and is two miles long and has had public access since 1937 when Sierra Pacific took stewardship of it. They would guess from public records that there are somewhere from 50 to 100 boats that visit this lake every year. Mr. Osborn further distributed a map of the area referring to the area of changes in traffic flow.

Mr. Robert Haug, member of The Friends of Independence Lake reviewed the maps distributed to Board explaining that the main access to the lake has been the Sierra County Road and the proposed plan is to reroute traffic and change the access point to the north end

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approximately within a quarter mile of the lake so people will be restricted to walking in only. Mr. Haug continued to note that they feel their rights as boaters have been violated. Mr. Haug reviewed issues with limited access last summer by NV Energy (Nevada Energy) which was a violation of the California Fish and Game Code Section 5943 which states that any owner of a dam shall allow public access for recreational purposes. Mr. Haug continued to express concerns of how the limited access to the lake affects the tourism for the County noting that they want to support the public's right to use this lake. Mr. Haug further requested clarification from the Board where the County Road ends before they decide to pursue an easement to the water.

Chairman Goicoechea noted that the Board can't answer this question today but will provide direction to staff and County Counsel to investigate this for them.

Mr. Chris Fichtle, Nature Conservancy Independence Lake Project Manager addressed the Board noting that the Nature Conservancy will be opening the lake this year for day use only. They did decide to bring people in on different roads; it will be a walk into the lake shore and they are not going to permit trailered motor boats or electric motor boats to come across the property as they want to reduce the risk of invasive species to the lake. They will allow hand powered watercraft to the Lake and allow people to fish as they always have. They are working with Mr. Threshie on inspections of the hand powered motor crafts before entering the lake. They worked with a law firm on this access issue prior to purchasing the property. Based on the conclusions from the review by the law firm they feel comfortable that they have the right to limit certain access to the lake. With respect to camping, there won't be camping this year as they just took ownership of the property and want to be prepared. They hope to start camping next year and they are always available if anyone has questions or concerns.

In response to County Counsel's inquiry, Mr. Fichtle noted that he is prepared to share the law firm's documentation on this issue.

In response to Supervisor Whitley's inquiry, Mr. Osborn noted that he has contacted Mr. Fichtle and they have agreed to disagree and they want to figure out if there is a way to preserve the Lake and meet in the middle. He believes that the Nature Conservancy has already made up their mind on this matter and wants it to be a natural experience.

Supervisor Adams noted that he appreciates both presentations. With respect to Mr. Threshie's presentation he views the plan being proposed similar to the Country's Terrorism program and if we are going to be truly serious about protecting these waters the inspection is a joke. He is hoping there can be a compromise with this issue wherein the Nature Conservancy can consider different types of access in the future. For example, the Nature Conservancy could provide a boat, so boats are not brought into the lake. If we are going to be serious about this issue we need to start isolating some of these places or we are going to have one big problem.

Mr. Bill Copren, Rep of Feather River Chapter of Trout Unlimited expressed concerns with the AIS and believes the reason the Nature Conservancy purchased this lake was because there is a special fish, the Lahontan Cutthroat Trout. Mr. Copren continued to explain that they

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are working to restore the Little Truckee River as a coldwater/headwater river and they are very concerned with invasive species. Mr. Copren continued to explain that the reason they are hoping to support the Nature Conservancy is to restore the entire watershed and bring back the native fish into the Little Truckee River.

Following further discussion the Board directed staff to investigate the road issue and requested the Nature Conservancy to provide the documentation from their law firm to County Counsel.

NOON RECESS

The Board took the noon recess from 12:30 p.m. to 12:40 p.m. and reconvened with all members present

CLOSED SESSION

21. Closed Session pursuant to Government Code Section 54957.6 to discuss labor negotiations.
22. Closed Session pursuant to Government Code Section 54957 to discuss personnel evaluations for (1) County Counsel; (2) Director of Health and Human Services and (3) Director of Department of Transportation.
24. Closed Session pursuant to Government Code Section 54956.9, pending litigation, Kathryn Kelly v. Larry Allen et al., United States District Court Case #CV-00557-GEB-DAD.

The Board met in Closed Session from 12:40 p.m. to 2:17 p.m.

23. Closed Session pursuant to Government Code Section 54957 to discuss personnel.

The Director of Planning explained that he has employee who is having a procedure and he is authorized to allow 30 days of leave without pay. This person is going to require six weeks of leave and has not been employed with the County long enough to engage the use of benefits or qualify for FMLA. The Director continued to note that he is looking for authorization for a minimum of two weeks.

Following brief discussion the Board moved to authorize up to thirty days of unpaid leave.

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

CLOSED SESSION STATEMENT

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Chairman Goicoechea reported that with regards to the personnel evaluations the Board reviewed certain personnel considerations and the Board has determined to pursue this goal further and work towards an environment where things will run better for the Department Managers and the Board. This will be an ongoing practice of the Board to do this more regularly.

County Counsel reported that with regards to the Kelley litigation the Board has been apprised of the lawsuit and the lawsuit has been assigned out the County's outside insurance counsel, Porter Scott.

AUDITOR – Van Maddox

4. Resolution establishing policy for tracking funding from State and Federal Accounts Receivable.

The Board moved to adopt the resolution establishing policy for tracking funding from State and Federal Accounts Receivable.

Supervisor Adams questioned the statement that "these procedures may be altered by the Auditor" noting that if the Board is adopting something the changes should come back to the Board.

The Auditor explained that the purpose of this request was in they event they need to tweak the form, they don't want to have to bring it back every time they make an adjustment.

ADOPTED, Resolution 2010-096. Motion: Nunes/Whitley/Unanimous Roll Call Vote: 5/0

COUNTY COUNSEL – James A. Curtis

5. Amendment to Agreement 2008-092 and 2009-011 for funding of fire protection services in Verdi, California between the County of Sierra and Sierra Fire Protection District.

County Counsel noted that this has been an annual contract with Sierra Fire Protection District and will provide for automatic annual renewal. They also put a clause in the agreement that if the area is annexed into another district it terminates the automatic renewal.

The Board moved to approve the amendment to Agreement 2008-092 and 2009-011 for funding of fire protection services in Verdi, California between the County of Sierra and Sierra Fire Protection District.

APPROVED, Agreement 2010-062. Motion: Huebner/Nunes/Unanimous Roll Call Vote: 5/0

6. Renewal of contract for Public Defender Services with J. Lon Cooper.

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County Counsel noted that there are no increases in the contract.

Supervisor Adams noted that he would like a review by the Courts and would recommend continuing this item to the next meeting in order to solicit information from the Courts.

The Auditor noted that Mr. Cooper has worked with his office for sometime and they are receiving timely billings and not having the problems they used to have.

Supervisor Whitley moved to approve the renewal of contract for Public Defender Services with J. Lon Cooper.

County Counsel explained that several years ago there were issues with performance obligations and there were several meetings held with the Courts and the Auditor. Since then things have been going well and he doesn't believe there is any harm in continuing this.

The motion failed for lack of a second.

This item was continued to the June 1, 2010 Board meeting.

7. Resolution authorizing filing and execution of 2010-2015 grant applications and agreements with CalRecycle for the Used Oil Payment Program (OPP).

The Board moved to adopt the resolution authorizing filing and execution of 2010-2015 grant applications and agreements with CalRecycle for the Used Oil Payment Program (OPP).

ADOPTED, Resolution 2010-097. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 5/0

8. Annual agreement for weed abatement along County roads and right-of-ways and Sierraville Dearwater Airport and award of contract.

Chairman Goicoechea questioned that in light of information about the pursuit of additional funding received this morning if the Board should hold of on this item.

The Director of Public Works noted he would not recommend delaying the weed abatement program for the County roads this year as this doesn't affect the current year program. The Director continued to explain that the existing weed control agreement was terminated under Consent Agenda Item I as the contractor contacted his department after inspecting the road noting that they only bid on spraying half of the road. He told the contractor to send a letter and they would gladly terminate the contract. What is in front of the Board now will accomplish what was intended to be originally accomplished to begin with.

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The Board moved to approve the annual agreement for weed abatement along County roads and right-of-ways and Sierraville Dearwater Airport and award of contract.

APPROVED, Agreement 2010-063. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 5/0

9. Report from Operational Area Emergency Council meeting of Tuesday, May 11, 2010 and direction to staff on recommendations.

The Director of Public Works noted that there are two items to focus on regarding this meeting. First, was the reallocation/reprioritization of funds under the Homeland Security Grant Program and the changes recommended can be addressed under Regular Agenda Item 12. Second, was the question presented by the Board as to whether the EMCC and the OAEC could be one in the same. The Committee recommended the Board authorize and direct the merging of the EMCC and OAEC which would require a change in the emergency organization in the County Code and a resolution creating the membership of the EMCC.

The Board moved to direct staff to return to the Board with a format for merging the two bodies and spelling out the detail of the membership of the Committee.

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

10. Discussion/direction/approval on the proposed solid waste disposal budget for 2010/2011.

The Director of Public Works reviewed the proposed budget noting that at the May 3, 2010 meeting the Solid Waste Committee he reported to the Committee that he didn't see a need to increase the solid waste fee and this year's budget would mirror last year's budget. The Director continued to note that the proposed budget is reduced over last year's expenditure budget by approximately \$40,000 and with or without a carryover he feels the budget is solvent. The only catch to this budget is during the month of July or August when they are closing out the Rural Development Grant there may be a need to adjust the budget but it should be revenue neutral. There are two budgets before the Board, the Administrative Budget and the Operations Budget. The total combined budget is \$754,696 which is less than last years Operations budget alone. This is a good system and is the most user friendly system he has ever seen.

The Board moved to approve the proposed solid waste disposal budget for 2010/2011.

Supervisor Adams questioned if it would be smarter use the rollover to reimburse the General Fund for the last loan to the solid waste budget and if the solid waste budget needs it back the Board can re-appropriate it.

The Director noted that this question would be better answered at the close of the Fiscal Year when the Auditor has a better idea of what our fiscal position will be.

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

11. Presentation and direction to staff on status of Proposition 40 projects.

The Director of Public Works explained that the application for the City of Loyalton Proposition 40 project will likely be signed tomorrow and be forwarded to the State this week. With respect to the County projects, he has reorganized his office to dedicate a staff member to deliver 16 county projects. The projects will be submitted in three groups for ease of administration. They expect to have the applications filed the first week in June and they have preliminary engineering costs which gives them what they need to submit a realistic budget to the State. The Director further listed the 16 Proposition 40 projects and which group they will fall into.

In response to Supervisor Huebner's inquiry pertaining to the proposition 40 funds originally committed to the Loyalton Pool, the Director explained that the \$280,000 has been dedicated to the Gymnasium/Loyalton Community Center Project.

12. Resolution amending Resolution 2010-068 to amend expenditure amounts for Sheriff Department vehicle and reducing Oregon Peak Repeater as requested by the County Sheriff.

The Sheriff addressed the Board explaining that his number one priority for this funding is to get a large tow vehicle for marine operations and it has to be able to transport prisoners. This is a source of funding outside of the General Fund. The Sheriff continued to explain that he would like use this as an emergency mobile command vehicle that would be available year round. With respect to the Oregon Peak Repeater he is comfortable with current system and agrees that this repeater would be nice when the money is available, but his number one priority is the command vehicle. The Sheriff continued to note that he would like to allocate an extra \$10,000 for the command vehicle for a total of \$55,000 and allocate \$10,000 towards the repeater sight.

Supervisor Nunes questioned if there is anyway to utilize this funding for a patrol vehicle.

The Sheriff noted that this funding could not be used for a patrol vehicle.

The Board moved to adopt the Resolution amending Resolution 2010-068 to amend expenditure amounts for Sheriff Department vehicle and reducing Oregon Peak Repeater as requested by the County Sheriff.

Supervisor Adams questioned if the command vehicle could be used for regular patrol. The Sheriff responded that it can but it has to be slated and available for the purpose it's being funded for.

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The Director of Transportation clarified that this is for the 2008 Homeland Security Grant and this is adding item five to the proposed resolution for the Oregon Peak Repeater for \$10,000 and reducing the command vehicle from \$66,000 to \$56,000. The Director continued to explain that the command vehicle has to be committed to a command incident and they have to be careful that it isn't just used for a patrol vehicle.

The Board amended the motion to adopt the Resolution amending Resolution 2010-068 to amend expenditure amounts for Sheriff Department vehicle and reducing Oregon Peak Repeater as requested by the County Sheriff as amended.

ADOPTED as amended, Resolution 2010-098. Motion: Nunes/Whitley/Unanimous Roll Call Vote: 5/0

13. Discussion/direction regarding a request by Plumas Sierra Rural Electric Cooperative for a power line right-of-way located on County property.

The Director of Planning noted explained that Plumas Sierra Rural Electric Cooperative wants to construct a new poll line across the County's 40 acre parcel.

Supervisor Whitley questioned if this would diminish the value of the property. The Director noted that it would. What he told the Cooperative was that they need to apply for an encroachment permit, but he also informed them that he can't support the application and he would probably deny the permit and they can appeal it. His concern is that this is a new poll line that divides the property and could affect the value and potential development of the property. He believes there is an opportunity to work with this company on this issue.

Supervisor Nunes noted that he would like to know more from Plumas Sierra Rural Electric as to why they want the poll on this particular path of travel.

The Board directed staff to contact Sierra Plumas Rural Electric Cooperative to discuss alternatives.

Mr. Brooks Mitchell questioned if there is a map of the proposed alignment. The Director noted that there is, further providing a copy to Mr. Brooks.

- 13A. Presentation of bids and adoption of resolution awarding contract for the Downie River Wall Flood Repair project.

The Director of Public Works noted that this is a FEMA project located funded as part of the flood damage from three years ago. Feather River Materials was the low bidder in the amount of \$100,093.63.

The Board moved to adopt the resolution awarding the contract for the Downie River Wall Flood Repair project to Feather River Materials in the amount of \$100,093.63.

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ADOPTED, Resolution 2010-099; and APPROVED, Agreement 2010-064. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 5/0

- 13B. Presentation of bids and adoption of resolution awarding contract for the City of Loyalton Sidewalk project.

The Director noted that Granite Construction was the low bidder in the amount of \$69,369.00.

The Board moved to adopt the resolution awarding the contract for the City of Loyalton Sidewalk project to Granite Construction in the amount of 69,369.00.

ADOPTED, Resolution 2010-100; and APPROVED, Agreement 2010-065. Motion: Nunes/Huebner/Unanimous Roll Call Vote: 5/0

15. Report and recommendations on Economic Development Committee meeting held May 12, 2010. (SUPERVISOR HUEBNER/CHAIR GOICOECHEA)

The Director of Public Works reported that there was a discussion about vacancies on the Committee and whether to reduce the size of the Committee. The Committee felt the size was appropriate, but wants to make sure the Board properly interviews applicants and makes sure they appoint people who are willing to show up to meetings and engage in the Committee. The Director noted that Mr. Greg Marks with Assemblyman Logue's office was present at the meeting and discussed the Caltrans signing and also presented a potential project involving a mining interest originating out of the Nevada County area. The Director continued to note that the Committee also discussed the Tahoe Pyramid Bike Trail; the Scenic Byway Project; Geotourism; the Loyalton banking situation; a presentation on the School District Bond Measure; and growing food locally and promoting the local economy.

18. Appointment of Bill Adamson to the Business and Economic Development Committee. (CHAIR GOICOECHEA)

The Board moved to appoint Bill Adamson to the Business and Economic Development Committee.

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

16. Appointment of Christa Ketchum to the Sierra County Children and Families Commission as a representative from the Early Childhood Educator category. (CHAIR GOICOECHEA)

The Board moved to appoint Christa Ketchum to the Sierra County Children and Families Commission as a representative from the Early Childhood Educator category.

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

17. Appointments to the Sierra County Local Child Care Council (LPC). (CHAIR GOICOECHEA)

The Board moved to appoint Monique Koch to the Sierra County Local Child Care Council as the Child Care Provider representative.

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

The Board moved to appoint Barbara O'Donnell to the Sierra County Local Child Care Council as the discretionary representative.

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

CONTINUED DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Sheriff reported that the magazine found at the Nixon Claim will be blown up on Friday in Goodyears; the Sassman trial was declared a mistrial as they were unable to get enough people to serve on the jury; there were several personal property thefts in vehicles in Loyalton; there was a suspicious vehicle fire behind the Golden West in Loyalton, and the Animal Control/Community Service Officer program is working well.

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 Arnold Schwarzenegger, California Governor, regarding Williamson Act funding in the upcoming years.

No Action

- C-3 Email of resignation from Vallea Rose from the Business and Economic Development Committee. Authorization for the clerk to advertise.

No Action

- C-4 Letter of resignation from Susan DeLisle from the Pliocene Ridge Community Service District. Authorization for the clerk to advertise.

No Action

ADJOURN

May 18, 2010

At 3:28 p.m., with no further business, Chair Goicoechea adjourned the meeting.

DAVE GOICOECHEA, CHAIR
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER
CLERK TO THE BOARD