

STATE OF CALIFORNIA, COUNTY OF SIERRA

BOARD OF SUPERVISORS

*** MINUTES ***

REGULAR MEETING

The Sierra County Board of Supervisors met in regular session commencing at 9:00 a.m. on May 4, 2010 in the Board of Supervisors' Chambers, Courthouse, Downieville, CA.

This meeting is recorded. To listen to the discussion for a particular item please visit the Board of Supervisors' webpage at www.sierracounty.ws or by requesting an audio CD from the Clerk to the Board. The audio is now available on the webpage by either reviewing the minutes and/or clicking on the audio page.

PLEDGE OF ALLEGIANCE: Led by Supervisor Goicoechea

ROLL CALL

Present: Lee Adams, Supervisor, District #1
Peter W. Huebner, Supervisor, District #2
Dave Goicoechea, Chair, Supervisor, District #4
Pat Whitley, Supervisor, District #5
Bill Nunes, 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 the Clerk, Consent Item F was moved to the Regular Agenda as 7-F.

F. Release and Indemnity Agreement with PG&E for transfer of ownership of one used petroleum storage tank. (PUBLIC WORKS)

At the request of County Counsel, Consent Item B was amended to correct the fourth paragraph "training consists of on-week classes" and should be "training consists of one-week classes".

At the request of County Counsel, Consent Item G was moved to the Regular Agenda as 3-G.

G. Professional Services Agreement with James Crippen, Architect, for Public Facility Project in Alleghany. (BUILDING)

The Board moved to approve the Consent Agenda as amended.

May 4, 2010

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

CONSENT AGENDA

- A. Resolution authorizing Sierra County Health Department to solicit bids for the Sierra County Human Services/City of Loyalton Backup Generator Project. (HEALTH)

ADOPTED, Resolution 2010-086

- B. Agreement between Development Group, Inc. and Sierra County for services to bring Sierra County Human Services into compliance with today's computer security requirements in accordance with State and Federal regulations pertaining to the Human Services field. (SOCIAL SERVICES)

APPROVED as amended, Agreement 2010-044

- C. Amendment to Profession Services Agreement 2009-051 between Sierra County Child Abuse Council and Sierra County Social Services. (SOCIAL SERVICES)

APPROVED, Agreement 2010-045

- D. Amendment to Professional Services Agreement 2009-057 between Toddler Towers and Sierra County Social Services. (SOCIAL SERVICES)

APPROVED, Agreement 2010-046

- E. Professional Services Agreement with Holdrege and Kull for construction management and oversight services for the Downie River Wall Project. (PUBLIC WORKS)

APPROVED, Agreement 2010-047

- H. Resolution removing Kim Turner as a Member of the Sierra County Local Planning Council. (BOARD OF SUPERVISORS)

ADOPTED, Resolution 2010-087

- I. Resolution authorizing the Auditor to make changes to the 2009/2010 Final Budget for the OES ADA Drug Grant. (SHERIFF/AUDITOR)

ADOPTED, Resolution 2010-088

APPROVAL OF REGULAR AGENDA

The Board moved to approve the Regular Agenda.

May 4, 2010

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

9:05 A.M. – PUBLIC COMMENT OPPORTUNITY

At 9:05 a.m. public comment opened and closed

COMMITTEE REPORTS & ANNOUNCEMENTS

Supervisor Adams distributed a two page document pertaining to decisions made by RCRC at their last meeting.

DEPARTMENT MANAGERS' REPORTS & ANNOUNCEMENTS

The Auditor reported that the budget balances with the reserve. After reviewing the Prop 8 reductions the County is looking at a \$300,000 reserve and the rollover is approximately \$600,000. This is preliminary and things can still change.

The Director of Planning reported that he had a discussion with Mr. Kurt Lapitow, Fire Coordinator for Washoe County regarding concerns of not having an organized fire district along the Highway 395 Corridor. As a result there are multiple responses, lack of communication in dispatch and some real problems brewing on responses to the 395 Corridor. Mr. Lapitow would like to sit down with key parties to coordinate a response program for the 395 Corridor. He also sees a need for an agreement between Lassen and Sierra County on the Corridor once you leave Washoe County Nevada into California. This effort will be made unless there is objection from the Board. A meeting will be set up in the near future with key agencies and he would assume the Board members representing that area would want to be involved.

The Director continued to report on a meeting held April 23rd regarding the bike race and was attended by individuals from the Forest Service, Sheriff's office, CHP, Supervisor Adams and Supervisor Huebner. The Forest Service has just recently authorized the use of the trailhead and additional facilities for the bike race. It appears there is an improved level of communication and cooperation to make this a successful effort. The Director further reported on the letter from Board reflecting comments on the Sierra Nevada Conservancy's proposed Sustainable Sierra Initiative having been sent timely for inclusion into the record; he has initiated an email request to Mr. Rocky Deal who is a new key staff person in Congressman McClintock's office to either meet with the Department Heads and two members of the Board or the full Board; the Economic Committee meeting will be held next Wednesday; and the Resource Advisory Committee will meet next Thursday in Sierraville.

The Director continued to report on the Solid Waste Committee meeting noting the Committee will have one final meeting in June. There was discussion at the meeting about beginning the closure of the landfill in 2014/2015. In the mean time the County will be recommended to begin negotiations with the Eastern Regional MRF in Truckee and will pursue agreements with the Plumas County Board for inclusion at the Delleker site; assuming this project will be delivered. The Committee wants to make sure all options are open and there is going to be a suggestion to evaluate privatizing the transfer stations. There will be an additional alternative added to approach the Regional Water Quality Control Board to request consideration

May 4, 2010

to allow the use of the entire footprint of the landfill. The last item will be to also pursue partial closure funds from CAL Recycle (previously the Integrated Waste Management Board) to begin the process of closure of the portion of the landfill that is completed and waiting for final closure. If the County can obtain funding through this agency the County may be able to reduce the expectation on the post closure fund. He is also expecting to have the Solid Waste budget to the Finance Committee on Tuesday. He tentatively feels there will be a fairly good rollover and the parcel fee is adequate for the next year.

In response to Supervisor Whitley's inquiry, the Director of Public Works clarified that the Committee will make a final recommendation on June 14, 2010 and the recommendation will be forwarded to the Board in June or July. The Director also clarified that the County currently has a trucking agreement that has been amended to automatically extend for six months. The Board is going to need to address the policy question with respect to what services will be required to implement any of the proposed alternatives and the decision will have to be made as to whether the Board will want to bid or negotiate these items.

The Director further reported on the Proposition 40 funding explaining that the Loyalton City Council has adopted two resolutions committing \$280,000 of the funds allocated by the Board to the Loyalton Community Center Gymnasium and \$220,000 to the Loyalton City Park. He is currently in the process of developing applications for County projects and helping the City through their application process. The Director further reviewed the County's Proposition 40 projects currently being worked on. Following review the Director continued to explain that the City, as the recipient of the \$280,000, will essentially be giving the funding to the School District through an agreement and the School District will take on all of the responsibilities for the administrative requirements, bidding and preparation of plans for the project. The primary issue that needs to be resolved at this point is that the School District and the City need to execute an agreement to allow the \$280,000 to be used on the project.

In response to Board inquiry, the Director briefly reviewed what the City is proposing for the Loyalton City Park project.

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

Mr. Craig Wilson, acting District Ranger provided an update to the Board on various projects in the District. Mr. Wilson further reviewed a letter sent to the Board pertaining to the Forest Service's mining related projects in progress.

Supervisor Whitley questioned if the Forest Service has a policy or is entertaining a policy to get rid of all of the mining claims on Forest Service land. Mr. Wilson responded noting that there is no policy. The Forest Services is starting to see some action on their end as these claims are not in compliance with their regulations for mining. They are not shutting claims off or trying to take them away, but people have to have an approved plan of operation for their mining claims and some are not following through with this.

Chairman Goicoechea commended Mr. Wilson on the letter as this is a positive step to keep the Board in the loop on what is coming down the line.

May 4, 2010

HEALTH AND HUMAN SERVICES – Carol Roberts

1. Discussion regarding the Loyalton Middle School/Teen Center.

The Director of Human Services provided background on the Mental Health Services Act (MHSA). The Director further explained that as a result of all of the needs assessments it was determined that the number one need identified in Sierra County was programs for teens. In September of last year she was contacted by Ashley Cabrera who wanted to do her Senior Project on the development of a Teen Center in Loyalton. This project allowed them to build upon the needs assessment that had already been done and to really find out what the teens wanted to do. Ms. Cabrera has finished her project and will make a presentation to the Board at their next meeting. The Director continued to explain that they have scheduled a stakeholder meeting for the Innovations funding stream under the MHSA. She believes there is agreement amongst the community that the idea of a teen center deserves consideration. This is a separate program using the MHSA Innovation funding, which is approximately \$70,000 per year, to staff a teen center, do the programming, and develop the programs that would be offered at the teen center. Once the stakeholder planning process is completed, the next step is to go and define the program. They would then give the draft plan to the Mental Health Advisory Board for review and then they would do the 30 day posting for public comment. Following the public comment period it would then go to the Board for approval. The Director continued to explain because of the Proposition 40 funding going into the gymnasium one of the ideas was to look at putting the teen center into the Loyalton Middle School.

Chairman Goicoechea requested creating a committee consisting of himself, the Director of Planning, the Director of Health and Human Services and Mike Filippini to initiate early involvement before this comes to the Board in order to anticipate any problems and correct them before they become issues.

The Director noted she would welcome this.

Supervisor Whitley noted she would like to be involved, but doesn't want to have everything done twice.

In response to Board comments, the Director explained that there is no time requirement with respect to the Innovation funding stream in the event they find the program is not working. The funding for renovating the Loyalton Middle School to allow it to be occupied by a teen center is through the Capital Facilities and Technologies funding which requires owning the building, leasing to own the building, or a long term lease of 20 years or more on the building.

In response to Board discussion, the Director further explained that this is at least a six month process from the time the plan is approved by the Mental Health Advisory Board and then goes to the Board of Supervisors.

Chairman Goicoechea further noted that he would also like to have County Counsel involved with the Committee.

May 4, 2010

Following further discussion, Ms. Liz Fisher, Downieville addressed the Board noting that in everything she has heard about this process there has been no mention of the teens on the west side of the County and would like to know where these teens fit in.

Chairman Goicoechea noted that this is a question that has come up by the Mental Health Advisory Board with respect to what the service area is going to be.

By consensus, the Board directed this matter to an Ad Hoc Committee consisting of Chairman Goicoechea, Supervisor Whitley, the Director of Planning, the Director of Health and Human Services, County Counsel and Mike Filippini.

10:00 A.M. – RESOLUTION OF APPRECIATION

9. Resolution of Appreciation to Mr. Don Hemphill upon his retirement as Executive Director of Trindel.

Chairman Goicoechea presented the Resolution of Appreciation to Mr. Don Hemphill.

Item 1 continued

The Director of Human Services read the provisions of the Mental Health Services Act pertaining to the repeal of the MHSA.

2. Resolution approving the hiring to fill vacancies in the Human Services Agency.

The Director of Human Services explained these are two vacancies that have been consistently filled over the years; a Mental Health Therapist and a Social Worker. She is asking for permission to fill these vacancies.

Supervisor Adams noted he appreciates the comment that the positions have been consistently filled; however, he is still is concerned about everything shrinking and Health and Human Services growing. Supervisor Adams continued to explain that the number of employees in Health and Human Services has grown from 7 employees in 1979 to 41 employees today while the Sheriff's Department has decreased from 20 to 14 employees and the Road Department had decreased from 34 to 24 employees. Supervisor Adams further recommended referring this issue to the Health and Social Services Committee to determine whether this is adequate staffing levels for the Department.

In response to Supervisor Whitley's inquiry, the Director explained that the Department has had more demand for Mental Health services over the last five years that she has been here. She believes this is a combination of outreach and engagement of the general population to reduce stigma and make them aware of the services available in Mental Health, Alcohol and Drug. There is also a need in the community never seen before due to economics. The Director continued to explain there has probably been an unmet need for a number of years and doesn't believe the policy of the previous Directors was geared towards trying to meet these needs. She recalls that the original mandate from the Board when she was hired was to bring Sierra County services up to a level consistent with those found in other counties.

May 4, 2010

Supervisor Adams noted that his mandate is to provide basic services as we do with other agencies. Supervisor Adams continued to express concerns with the agency having a 500% increase since 1979 while law enforcement and road have gone down. He doesn't like spending public money just because it is available.

The Board moved to refer this to the Health and Social Service Committee.

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

PLANNING/BUILDING INSPECTION – Tim Beals

3. Second reading and adoption of the High Water Line Ordinance adding Section 15.08.365 to the Sierra County Code.

The Board moved to waive the second reading and adopt the High Water Line Ordinance adding Section 15.08.365 to the Sierra County Code.

ADOPTED, Ordinance 1021. Motion: Nunes/Whitley/Unanimous Roll Call Vote: 5/0

- 3-G. Professional Services Agreement with James Crippen, Architect, for Public Facility Project in Alleghany. (BUILDING)

County Counsel distributed the first five pages of the proposed agreement explaining the changes to the scope of work and payment provisions.

The Board moved to approve Professional Services Agreement with James Crippen, Architect, for Public Facility Project in Alleghany.

APPROVED, Agreement 2010-048. Motion: Adams/Huebner/Unanimous Roll Call Vote: 5/0

PUBLIC WORKS AND TRANSPORTATION – Tim Beals

4. Resolution amending Resolution 2010-068 dated April 20, 2010 to amend expenditure amounts for Sheriff Department vehicle and reducing Oregon Peak Repeater as requested by the County Sheriff.

The Director of Public Works explained that the Sheriff is requesting the command vehicle allocation be increased to \$65,000 which leaves nothing for the Oregon Peak Repeater. The Director further requested holding this item over to the next meeting so the Sheriff can be present.

May 4, 2010

5. Resolution authorizing purchase of a vehicle, not to exceed \$30,000, funded by Emergency Management Performance Grant (EMPG) and Road Department

Following brief discussion, County Counsel requested correcting the County Code reference to Section 5.04.060.10 in the last paragraph of the proposed resolution.

The Board moved to adopt the resolution authorizing purchase of a vehicle, not to exceed \$30,000, funded by Emergency Management Performance Grant (EMPG) and Road Department as amended.

ADOPTED as amended, Resolution 2010-089. Motion: Adams/Nunes/Unanimous Roll Call Vote: 5/0

6. Discussion/direction on inspection and enforcement process on the Quagga Mussel outbreak affecting freshwater Sierra Lakes.

The Director of Public Works noted that this topic is consuming the communities of Truckee and Lake Tahoe. It hasn't spilled over to Sierra County yet, but it will in next thirty days. This is a significant outbreak of a mussels being transported by trailers and boats. Once this mussel gets into a water body it takes over fish populations and can almost sterilize a lake. This issue is so significant that there is now a program coordinator position filled by Mr. Craig Threshie. A Supervisor from Nevada County is also suggesting an ordinance and fee schedule for inspections prior to entering a water body. This issue is consuming the agendas of the Truckee River Basin Water Group, Tahoe Sierra IRWMP, Nevada County and the Town of Truckee. Mr. Threshie has agreed to come to the next Board meeting to review the matter. The Director continued to explain that the Board may be requested to pass ordinances to require inspections of boats and trailers before they enter water bodies.

7. Resolution authorizing certificate of acceptance and recording of grant of non-exclusive easement for purposes of construction of the Downie River Wall.

The Board adopted the resolution authorizing certificate of acceptance and recording of grant of non-exclusive easement for purposes of construction of the Downie River Wall.

ADOPTED, Resolution 2010-090. Motion: Adams/Nunes/Unanimous Roll Call Vote: 5/0

- 7-F. Release and Indemnity Agreement with PG&E for transfer of ownership of one used petroleum storage tank. (PUBLIC WORKS)

The Director explained that PG&E has offered two double wall convault tanks free of charge. The County has agreed to take them and this will allow the County to get rid of single wall tanks and the liabilities at various county shops as this will guarantee that we have done due diligence to resolve the liability.

The Director handed out the two proposed agreements explaining that the language is identical in the agreements except for the size of tank.

May 4, 2010

The Board moved to approve both Release and Indemnity Agreements with PG&E for transfer of ownership of used petroleum storage tanks.

APPROVED, Agreement 2010-049 and Agreement 2010-050. Motion:
Adams/Huebner/Unanimous Roll Call Vote: 5/0

BOARD OF SUPERVISORS

8. Discussion/direction to staff regarding possible adoption of a policy addressing licensing requirements for contractors for public works projects. (SUPERVISOR NUNES)

Supervisor Nunes addressed the matter explaining that he would like to get direction to look into the issue of making contracts open to the local contractors to bid on. He would like to make sure the Board is doing everything they can to make these projects available to local contractors.

Chairman Goicoechea noted that he would like to join Supervisor Nunes on this issue

Supervisor Huebner expressed concerns of this creating additional work for staff.

Supervisor Nunes continued to explain that he wants to see if there are ways to open projects up to local contractors without jeopardizing the project.

By consensus, the Board directed this matter to an Ad Hoc Committee consisting of Chairman Goicoechea and Supervisor Nunes.

NOON RECESS

The Board took the noon recess from 11:00 a.m. to 12:24 p.m. and reconvened with all members present.

CLOSED SESSION

10. Closed Session pursuant to Government Code Section 54957.6 to discuss labor negotiations.
11. 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 No. 7068.
12. Closed Session pursuant to Government Code Section 54956.9(a) to discuss the following litigation: Golden Sierra Job Training Agency v. v. County of Sierra, County of Nevada, etal; Placer County Superior Court Case No. SCV-25102.

May 4, 2010

13. Closed Session pursuant to Government Code Section 54956.9(a) to discuss the following litigation: Wayne DeLisle v. The Sierra County Board of Supervisors, Auditor, Assessor, Tax Collector; Sierra County Superior Court Case No. 7034.
14. Closed Session pursuant to Government Code Section 54956.9(b) to discuss the threat of litigation against the County by Joe Arata.
15. Closed Session pursuant to Government Code Section 54957 concerning personnel.

CLOSED SESSION STATEMENT

The Board met in Closed Session from 12:24 p.m. to 1:35 p.m. County Counsel reported that with respect to each of the items under Closed Session, the Board discussed the status of the litigation and labor negotiations and has given instructions appropriately. With respect to the personnel item the Board unanimously authorized the Director of Transportation to extend the employees unpaid leave of absence by 30 days.

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 the Corrections Standards Authority regarding the 2008-2010 Biennial Inspection.

No Action

- C-2 Letter from the Fish and Game Commission, acknowledging the Board of Supervisors letter of recommendations, which has been forwarded to the proper department for consideration.

No Action

RECESS TO CONTINUED REGULAR MEETING TO BE HELD ON MAY 18, 2010.

At 1:36 p.m., with no further business, Chairman Goicoechea adjourns the meeting.

DAVE GOICOECHEA, CHAIRMAN
BOARD OF SUPERVISORS

ATTEST:

HEATHER FOSTER