

## **BOARD OF SUPERVISORS**

Terrell Swofford, 1<sup>st</sup> District  
Kevin Goss, Vice Chair 2<sup>nd</sup> District  
Sharon Thrall, 3<sup>rd</sup> District  
Lori Simpson, 4<sup>th</sup> District  
Jon Kennedy, Chair 5<sup>th</sup> District

**AGENDA FOR REGULAR MEETING OF DECEMBER 16, 2014 TO BE HELD AT 11:00 A.M.  
IN THE BOARD OF SUPERVISORS ROOM 308, COURTHOUSE, QUINCY, CALIFORNIA**

**10:00 – 11:00 A.M. – COMMUNITY DEVELOPMENT COMMISSION**

**[www.countyofplumas.com](http://www.countyofplumas.com)**

### **AGENDA**

The Board of Supervisors welcomes you to its meetings which are regularly held on the first three Tuesdays of each month, and your interest is encouraged and appreciated.

Any item without a specified time on the agenda may be taken up at any time and in any order. Any member of the public may contact the Clerk of the Board before the meeting to request that any item be addressed as early in the day as possible, and the Board will attempt to accommodate such requests.

Any person desiring to address the Board shall first secure permission of the presiding officer. For noticed public hearings, speaker cards are provided so that individuals can bring to the attention of the presiding officer their desire to speak on a particular agenda item.

Any public comments made during a regular Board meeting will be recorded. The Clerk will not interpret any public comments for inclusion in the written public record. Members of the public may submit their comments in writing to be included in the public record.

**CONSENT AGENDA:** These matters include routine financial and administrative actions. All items on the consent calendar will be voted on at some time during the meeting under "Consent Agenda." If you wish to have an item removed from the Consent Agenda, you may do so by addressing the Chairperson.



**REASONABLE ACCOMMODATIONS:** In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting please contact the Clerk of the Board at (530) 283-6170. Notification 72 hours prior to the meeting will enable the County to make reasonable arrangements to ensure accessibility. Auxiliary aids and services are available for people with disabilities.

## STANDING ORDERS

11:00 A.M. **CALL TO ORDER/ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**ADDITIONS TO OR DELETIONS FROM THE AGENDA**

### **PUBLIC COMMENT OPPORTUNITY**

Matters under the jurisdiction of the Board, and not on the posted agenda, may be addressed by the general public at the beginning of the regular agenda and any off-agenda matters before the Board for consideration. However, California law prohibits the Board from taking action on any matter which is not on the posted agenda unless it is determined to be an urgency item by the Board of Supervisors. Any member of the public wishing to address the Board during the "Public Comment" period will be limited to a maximum of 3 minutes.

### **DEPARTMENT HEAD ANNOUNCEMENTS/REPORTS**

Brief announcements by, or brief reports on their activities by County Department Heads

## **ACTION AGENDA**

### **SPECIAL DISTRICTS GOVERNED BY BOARD OF SUPERVISORS**

The Board of Supervisors sits as the Governing Board for various special districts in Plumas County including Dixie Valley Community Services District; Walker Ranch Community Services District; Grizzly Ranch Community Services District; Beckwourth County Service Area; Plumas County Flood Control and Water Conservation District; Quincy Lighting District; Crescent Mills Lighting District; County Service Area #12.

#### **Convene as the Flood Control & Water Conservation District Governing Board**

##### **1. FLOOD CONTROL & WATER CONSERVATION DISTRICT – Robert Perreault**

- A. Report on the status of the public negotiations with the California Department of Water Resources and the State Water Contractors having to do with the State Water Project Contract Extension. Discussion, possible action and/or direction to staff
- B. Report on the status of the proposed "Plumas Amendment" having to do with the "2003 Monterey Settlement Agreement." Discussion, possible action and/or direction to staff.

#### **Adjourn as the Flood Control & Water Conservation District Governing Board and reconvene as the Board of Supervisors**

##### **2. 11:00 PUBLIC WORKS – Robert Perreault**

**CONTINUED PUBLIC HEARING** from November 04, 2014: Consider matters identified by the utilities that are involved in the PG&E Undergrounding Project that is part of the State Route 89 and County Roads Improvement Project in Greenville. Discussion and possible action

##### **3. PLUMAS COUNTY FIRE SAFE COUNCIL – Nils Lunder**

Presentation by the Plumas County Fire Safe Council regarding efforts to secure State Responsibility Area funded grants as well as Greenhouse Gas Reduction grants to provide fuels reduction projects and residential chipping services throughout Plumas County; and consider request for letter of support for numerous grant proposals submitted to Cal Fire by the Plumas County Fire Safe Council. Discussion and possible action

#### 4. **DEPARTMENTAL MATTERS**

##### A. **PLUMAS LITERACY** – Lynn Sheehy

Approve supplemental budget transfer of \$4,500 for receipt of unanticipated revenue from Plumas Unified School District (\$2,500) and Plumas Children's Council (\$2,000) to support Plumas Literacy programs. **Four/fifths required roll call vote**

##### B. **TREASURER/TAX COLLECTOR** – Julie White

Continued from December 02, 2014, report and update on status of refunding the 2003 Certificates of Participation (COP) Series "A". Discussion and possible action

##### C. **SHERIFF** – Greg Hagwood

- 1) Authorize the Sheriff to promote a Correctional Officer to Correctional Sergeant to back-fill an opening. Fiscal impact: There is no impact to the General Fund. Discussion and possible action
- 2) Authorize the Sheriff to appropriate \$11,000 from the Criminal Justice Construction Fund Contingency (20293/544923) for purchase of a new sally port door at the Plumas County Correctional Facility. **Four/fifths required roll call vote**

##### D. **SOCIAL SERVICES** – Elliott Smart

- 1) Adopt **RESOLUTION** amending the Plumas County Position Allocation for FY 2014-2015 (increasing 1.0 FTE Staff Services Analyst position); and approve a supplemental budget of \$36,681 to fund the position for the remainder of the current fiscal year. **Roll call vote**
- 2) Approve an Interagency Memorandum of Understanding between the Social Services Department, Mental Health Department and Probation Department covering the provision of SB 163 Wraparound Services to children who are either in, or are at risk of coming into the Foster Care system; and authorize the Directors of Social Services, Mental Health and the Chief Probation Officer to sign the agreement. Approved as to form by County Counsel. Discussion and possible action

##### E. **HUMAN RESOURCES** – Gayla Trumbo

- 1) Adopt **RESOLUTION** to amend the Position Allocation of the Mental Health Department to include Additional 6.0 FTE Community Care Case Manager; 1.0 FTE Fiscal Technical Service Assistant I/II/III; and 1.0 FTE Administrative Assistant I/II; and authorize the Department of Mental Health to recruit and fill the newly allocated positions accordingly. **Roll call vote**
- 2) Adopt **RESOLUTION** to establish Interim Rates for the Affordable Health Care Low Wage Earners until the negotiation process has been completed. **Roll call vote**

##### F. **MENTAL HEALTH** – Peter Livingston

- 1) Approve supplemental budget transfer and use of fund balance of \$902,360 (Dept. 70570); \$28,700 (Dept. 70574); \$138,785 (Dept. 70569) to fund newly allocated positions; and various office expenditures as presented and discussed on December 02, 2014. Discussion and possible action
- 2) Approve Mental Health Services Act for FY 2014-2017 three-year program and expenditure plan as submitted; and authorize submission to the Mental Health Services Oversight and Accountability Commission. Discussion and possible action

#### **NOON RECESS**

## ACTION AGENDA

### 1:30 P.M. AFTERNOON SESSION

#### **4. DEPARTMENTAL MATTERS, CONTINUED**

##### **G. OFFICE OF EMERGENCY SERVICES** – Jerry Sipe

Report and update on activities of the Fire Prevention Specialist

##### **H. COUNTY COUNSEL** – Craig Settemire

As a result of employee retirement effective December 28, 2014, authorize the County Counsel to recruit and fill vacant, funded, and allocated Paralegal position as a Paralegal I/II/III, or Legal Services Assistant I/II classification (Confidential Unit); or give other direction. Discussion and possible action

##### **I. PLUMAS COUNTY COORDINATING COUNCIL** – Robert Perreault

Approve and authorize the Chair to sign a letter to the U.S. Fish and Wildlife Service regarding fisher species as threatened under the U.S. Endangered Species Act. Discussion and possible action

##### **J. PUBLIC WORKS** – Robert Perreault

Solid Waste Program: Discussion, possible action and/or direction to staff regarding Mandatory Commercial Recycling

#### **5. BOARD OF SUPERVISORS**

- A. Introduce and waive first reading of an **ORDINANCE** amending Chapter 6 of Title 5 of the Plumas County Code Concerning Outdoor Festivals. **Roll call vote**
- B. Ratify letter on behalf of Plumas-Sierra Rural Electric Cooperative in support of a “Last Mile” broadband expansion fund for parts of Plumas, Lassen, and Sierra counties. Discussion and possible action
- C. Approve and authorize the Chair to sign letter to Randy Moore, Regional Forester regarding “Five-Forest Over-Snow Vehicle Open Houses” conducted in Lassen and Plumas County, and amendment to Travel Management Rule “Subpart C”. Discussion and possible action
- D. Approve and authorize the Chair to sign a letter on behalf of Feather River College in support of an “Equine & Ranch Management Bachelor of Science Degree”. Discussion and possible action
- E. Approve and authorize the Chair to sign a letter on behalf of Sierra Buttes Trail Stewardship in support of the proposed bicycle event “*Grinduro*” to be held in Quincy on October 10, 2015. Discussion and possible action
- F. Establish a sub-committee and/or contact person for negotiating property tax exchange. Discussion and possible action
- G. Correspondence
- H. Weekly report by Board members of meetings attended, key topics, project updates, standing committees and appointed Boards and Associations.

## **6. CONSENT AGENDA**

These items are expected to be routine and non-controversial. The Board of Supervisors will act upon them at one time without discussion. Any Board members, staff member or interested party may request that an item be removed from the consent agenda for discussion. Additional budget appropriations and/or allocations from reserves will require a four/fifths roll call vote.

### **A. MENTAL HEALTH**

Approve and authorize the Chair to sign contract of \$64,752 between County of Plumas and Plumas Crisis Intervention and Resource Center for provision of services that support core functions of the Mental Health Department. Approved as to form by County Counsel

### **B. DISTRICT ATTORNEY**

Approve and authorize the District Attorney to sign a three-year contract with LexisNexis for access to Lexis Advance for online legal research. Approved as to form by County Counsel

### **C. PUBLIC WORKS**

Award bid of \$819,999 to Hat Creek Construction for the Bucks Lake Road Rehabilitation Project; and authorize the Director of Public Works to sign construction contract subject to approval by County Counsel

## **7. CLOSED SESSION**

### **ANNOUNCE ITEMS TO BE DISCUSSED IN CLOSED SESSION**

- A. Personnel: Public employee performance evaluation – Information Systems Manager
- B. Conference with Legal Counsel: Existing litigation pursuant to Subdivision (d) (1) of Government Code §54956.9 – High Sierra Rural Alliance v. County of Plumas, Plumas Superior Court Case No. CV14-00009
- C. Conference with Legal Counsel: Significant exposure to litigation pursuant to Subdivision (d)(2) of Government Code Section 54956.9
- D. Conference with Labor Negotiator regarding employee negotiations: Sheriff's Administrative Unit; Sheriff's Department Employees Association; Operating Engineers Local #3; Confidential Employees Unit

### **REPORT OF ACTION IN CLOSED SESSION (IF APPLICABLE)**

### **ADJOURNMENT**

Adjourn meeting to Tuesday, January 06, 2015, Board of Supervisors Room 308, Courthouse, Quincy, California.

# Plumas County Fire Safe Council



**Date:** December 16, 2014

**To:** Honorable members of the Plumas County Board of Supervisors

**From:** Mike De Lasaux, Chair and  
Nils Lunder, Coordinator

**RE:** Board support letter for Cal Fire grant proposals

**Recommendation:** Discussion and possible action regarding Board support for several grant proposals to be submitted to Cal Fire grant programs by the Plumas County Fire Safe Council (PCFSC) to provide outreach and education to Plumas County residents with structures in State Responsibility Areas in collaboration with 6 Volunteer Fire Departments and 6 Firewise Communities and for 6 community fuel reduction projects to improve fire resilience and 1 county-wide chipping program.

**Background and Discussion:** The PC FSC has submitted Concept Proposals that total more than \$1.5 million to 2 new Cal Fire grant programs. We submitted 7 proposals to the State Responsibility Area (SRA) Fire Prevention Benefit Fee grant program (\$1.2 million) and 2 proposals to the Greenhouse Gas (GHG) program (\$0.3 million). If invited to develop full proposals, the PC FSC will be working with a limited time line to submit by a projected late January deadline. In anticipation of the short turnaround, the PCFSC would like the PC BOS to approve a letter of support for the proposals that have been developed at this time including:

## **A. State Responsibility Area Fire Prevention Benefit Fee Grant Program**

1. Fire prevention outreach and education in collaboration with the following entities:

- University of California Cooperative Extension
- Plumas County Office of Emergency Services
- Volunteer Fire Departments: Chester CSD, Eastern Plumas (Beckwourth), Graeagle, Hamilton Branch, Peninsula, Plumas Eureka, Sierra Valley (Chilcoot-Vinton)
- Firewise Communities: Bailey Creek, Greenhorn Creek, Gold Mountain, Grizzly Ranch, Lake Almanor West

2. Community Hazardous Fuel Reduction Projects in the following communities: Dixie Valley, Grizzly Ranch, Mohawk Vista, Greenhorn, American Valley

3. County Wide Residential Chipping Program

## **B. Greenhouse Gas Grant Program**

1. Hazardous Fuel Reduction Projects in the following areas: Soper Wheeler Company owned land near Sloat/Cromberg and Grizzly Creek Ranch in collaboration with Beaty & Associates

If you have any questions, please contact Nils Lunder at 258-6936 or Mike De Lasaux at 283-6125.

## DRAFT SUGGESTED SUPPORT LETTER

The Plumas County Board of Supervisors is strongly supportive of the Plumas County Fire Safe Council (PCFSC) and their efforts to accomplish their mission: ***"To reduce the loss of natural and human made resources caused by wildfire through Firewise Community programs and pre-fire activities."***

There are 26 “Communities at Risk” identified in the Plumas County Wildfire Protection Plan. The PCFSC is actively working with Volunteer Fire Departments and Firewise Communities to identify, plan and implement projects that increase the resilience of these communities to the threat of wild fire.

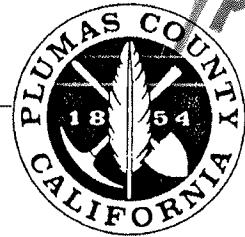
Using Title III funds from the Secure Rural Schools and Communities Self-Determination Act the Plumas County Board of Supervisors has consistently supported the Plumas County Fire Safe Council since 2001 with over \$1.35 million dollars.

The Plumas County Board of Supervisors strongly supports the proposals that the PCFSC will submitt to Cal Fire as they seek funds to support their collaborative efforts to conduct outreach and provide educational opportunities to residents related to PRC 4291 and the threats posed by wild land fires and to provide hazardous fuel reduction work to a number of private properties within Plumas County.

Sincerely,

# PLUMAS COUNTY LIBRARY

445 JACKSON STREET • QUINCY, CA 95971 • (530) 283-6310 • Fax (530) 283-3242  
lynnsheehy@countyofplumas.com • [www.plumaslibrary.org](http://www.plumaslibrary.org)



*Lynn Sheehy  
County Librarian*

DATE: November 20, 2014

TO: Honorable Board of Supervisors  
FROM: Lynn Sheehy, County Librarian  
RE: AGENDA ITEM FOR December 2, 2014

It is recommended that the Board:

Approve the supplemental budget transfer of \$4500 from Account #44290-State/Other to Accounts #524510 Books and #521800 Office Expenses.

Background

Plumas County Literacy received \$2500 from the Plumas Unified School District for instructional services for ESL students. In addition, \$2000 was received from the Plumas Children's Council from a grant to provide early reading instruction to parents and their children. The funding will go towards the support of Literacy programs and services.



# Office of the Sheriff

1400 E. Main Street, Quincy, California 95971 • (530) 283-6375 • Fax 283-6344

4c1

GREGORY J. HAGWOOD  
SHERIFF/CORONER

## Memorandum

**DATE:** December 1, 2014  
**TO:** Honorable Board of Supervisors  
**FROM:** Sheriff Greg Hagwood A handwritten signature in black ink, appearing to read "Greg Hagwood".  
**RE:** Agenda Items for the meeting of December 16, 2014

**It is recommended that the Board:**

Authorize the Sheriff to promote a Correctional Officer to Correctional Sergeant to back-fill an opening.

**Background and Discussion:**

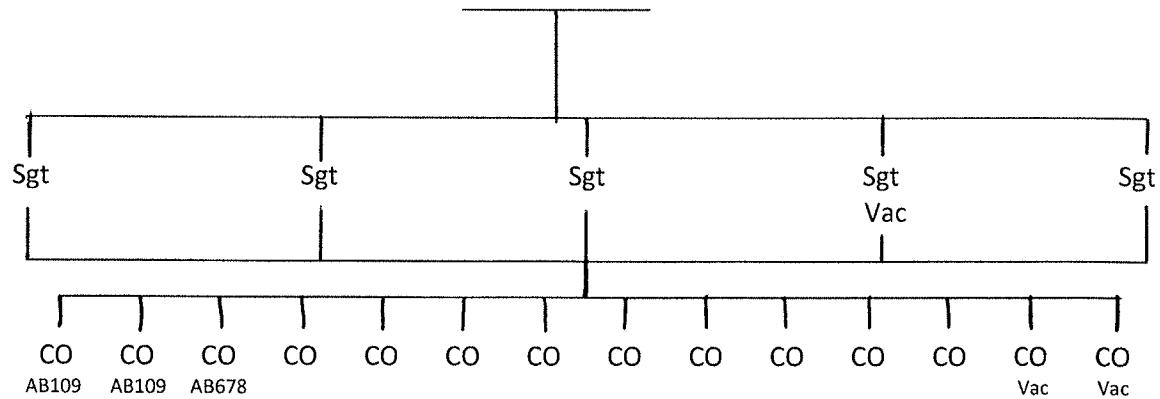
A recent promotion of a Correctional Sergeant to deputy has left a sergeant position vacant at the Plumas County Correctional Facility. The Sheriff is seeking authorization to promote a Correctional Officer to Correctional Sergeant.

This is an allocated position and will be funded within the current Sheriff's Office budget with no additional General Fund contribution required.

## QUESTIONS FOR STAFFING CRITICAL POSITIONS WHICH ARE CURRENTLY ALLOCATED.

- Is there a legitimate business, statutory or financial justification to fill the position? Yes, supervision at the Correctional Facility.
- Why is it critical that this position be filled at this time? Continuous supervision at the Correctional Facility.
- How long has the position been vacant? N/A
- Can the department use other wages until the next budget cycle? N/A
- What are staffing levels at other counties for similar departments and/or positions? N/A
- What core function will be impacted without filling the position prior to July 1? Shifts will go unsupervised.
- What negative fiscal impact will the County suffer if the position is not filled prior to July 1? N/A
- A non-general fund department head need to satisfy that he/she has developed a budget reduction plan in the event of the loss of future state, federal or local funding? What impact will this reduction plan have to other County departments? N/A
- Does the department expect other financial expenditures which will impact the general fund and are not budgeted such as audit exceptions? No.
- Does the budget reduction plan anticipate the elimination of any of the requested positions? N/A
- Departments shall provide an estimate of future general fund support for the next two years and how the immediate filling of this position may impact, positively or negatively, the need for general fund support? N/A
- Does the department have a reserve? If yes, provide the activity of the department's reserve account for the last three years? N/A

Jail Commander





# Office of the Sheriff

1400 E. Main Street, Quincy, California 95971 • (530) 283-6375 • Fax 283-6344

4C2

GREGORY J. HAGWOOD  
SHERIFF/CORONER

## Memorandum

**DATE:** December 8, 2014

**TO:** Honorable Board of Supervisors

**FROM:** Sheriff Greg Hagwood *GRH*

**RE:** Agenda Item for the meeting of December 16, 2014

**Recommended Action:**

Approve and authorize a budget transfer in the amount of \$11,000.00 from the Criminal Justice Construction Fund (dept 20293) contingency account (528400) to the fixed asset account for remodel (544923).

**Background and Discussion:**

The Criminal Justice Construction Fund maintains a budget in contingencies for unanticipated expenses. Therefore, funds are available for transfer when necessary.

The sally port door at the Jail needs to be replaced to provide for officer and inmate safety.



# 4D1 DEPARTMENT OF SOCIAL SERVICES AND PUBLIC GUARDIAN

Courthouse Annex, 270 County Hospital Rd., Suite 207, Quincy, CA 95971-9174

ELLIOTT SMART  
DIRECTOR

(530) 283-6350  
Fax: (530) 283-6368

DATE: DECEMBER 5, 2014

TO: HONORABLE BOARD OF SUPERVISORS

FROM: ELLIOTT SMART, DIRECTOR  
DEPT. OF SOCIAL SERVICES

A handwritten signature in black ink, appearing to read "ES".

SUBJ: BOARD AGENDA ITEM FOR DECEMBER 16, 2014

RE: APPROVE AN INCREASE IN THE DEPARTMENT OF SOCIAL SERVICES ALLOCATION OF STAFF SERVICES ANALYST I/II POSITIONS FOR THE PURPOSE OF PERFORMING DUTIES CONNECTED WITH COMMERCIAL SEXUAL EXPLOITATION OF CHILDREN, SYSTEMS IMPROVEMENT IN CHILD WELFARE SERVICES AND CHILD ABUSE PREVENTION

REF: AGENDA ITEM OF MAY 21, 2013 REGARDING THE POST-REALIGNMENT ROLES OF THE DEPARTMENT OF SOCIAL SERVICES AND THE CHILD ABUSE PREVENTION COUNCIL

### **It is Recommended that the Board of Supervisors**

1. Approve the enclosed Board Resolution which provides for an increase of 1.00 FTE in the Department of Social Services personnel allocation of Staff Services Analyst positions.
2. Approve the enclosed supplemental budget in the amount of \$36,681 to fund this position for the remainder of the current fiscal year.

### **Background and Discussion**

#### **Summary**

Historically the Plumas County Child Abuse Prevention Council has operated as an independent entity from the Department of Social Services. Members are appointed by the Board of Supervisors and the Council has an independent Coordinator functioning under contract with the County. Prior to 2011, the Council had child abuse prevention funding streams under its control subject to the approval of the Board of Supervisors.

In 2011, Public Safety Realignment caused a significant change in the way local child abuse prevention programs are funded. Additionally, it has been determined following an organizational review that the current structure of such programs cannot remain in status quo configuration. The Department of Social Services has new program elements that it will be administering after the beginning of the new calendar year. Considered together, all of these factors have created an opportunity to restructure how child abuse prevention programs are organized and administered in the county.

#### Funding Structure for Child Abuse Prevention has Changed

On May 21, 2013, your Board received a report from the Department of Social Services which outlined the post 2011 Realignment roles of the Department and the Child Abuse Prevention Council. (A copy of that report is attached). Under 2011 Public Safety Realignment, state funds to support county child abuse prevention programs were realigned to the counties providing them with greater flexibility regarding how such funds are administered.

Under 2011 Public Safety Realignment, State General Fund dollars for child abuse prevention programs are no longer provided in dedicated funding streams for individual programs. Instead such funds have become part of the Protective Services block grant which flows through the Department of Social Services.

Following this change in funding, the Auditor-Controller determined that an interagency memorandum of understanding (MOU) would be needed between the Department of Social Services and The Child Abuse Prevention Council to provide the proper structure to continue funding of the Council's programs. In accordance with the recommendations of the Auditor-Controller, on May 21, 2013 your Board adopted Resolution 13-7875 placing the administrative control over Child Abuse Prevention funding in the Department of Social Services. Your Board also approved the requisite MOU to assure continued funding flow to the Council and its programs.

#### Child Abuse Prevention Organizational Structure Cannot Remain Status-Quo

Since the time this action was taken, there have been further matters that have arisen that have generated the need for an additional review of the relationship between the Child Abuse Prevention Council (CAPC) and the County. In particular, there has been a focus on the employment relationship of the CAPC Coordinator to the County.

Under the organizational structure that has been in place for a number of years, the Child Abuse Prevention Coordinator was an independent contractor/consultant whose annual contract was recommended by the CAPC and unilaterally approved by the Board of Supervisors. A recent review of this relationship has advanced an arguable presumption that the relationship between the PCCAPC Coordinator and the County could be construed as an employer/employee rather than an independent contractor/consultant.

With that perspective in mind, County Counsel requested that the Department of Social Services assist them in considering alternative organizational arrangements for administering child abuse prevention programs. We engaged in this consideration with the understanding that the organizational status quo would not be a viable alternative for the long term continuation of child abuse prevention elements.

The Department engaged in this process in the context of other program needs and initiatives that have emerged that could potentially be allied with child abuse prevention programs. Those program needs are discussed more fully below.

#### New Funds and New Program Elements Create an Opportunity for Change

As a part of the 2014-2015 state budget, the Legislature added \$2.5 million statewide to assist counties with the development of protocols and capacity building connected with providing services to commercially sexually exploited children (CSEC). We expect to receive about \$10,500 to carry out this work.

In addition, the Department will be conducting significant levels of administrative work connected with the Child Welfare Services Outcome Improvement Plan. These activities include developing collaborative efforts with our community based partners to assess the effectiveness of strategies that have been implemented for improving outcomes for children in the child welfare system. They also include developing new goals and strategies for system changes in the future that will promote improvements in the outcomes for children who are in the child welfare system.

When these program elements are combined with the duties that are part of the Child Abuse Prevention Coordinator's residual duties, they form the potential for a full time equivalent position that potentially could be added to the Department of Social Services. Included with this report is a draft statement of duties that in broad terms, describes the role and function of such a position.

The Department sent this statement to Cooperative Personnel Services (CPS), Merit Systems, to determine whether such a position can be covered in the Interagency Merit System. CPS has indicated that such a position could be covered and that it would likely be classified at the Staff Services Analyst level.

In consideration of all of the above, the Department requests that the Board increase the allocation of Staff Services Analysts in the Department of Social Services by 1.00 FTE effective upon approval. The Department also requests that the Board approve a supplemental budget in the amount of \$36,681 to fund this position for the balance of the fiscal year.

#### Financial Impact

As is indicated above, the cost to fund such a position for the balance of the fiscal year is estimated to be \$36,681. There are sufficient funds in the Department's 2011

Realignment revenue stream to fund this position. There is no impact to the County General Fund. A supplemental budget request is enclosed.

### **Alternatives**

During the period of time that this matter was under review by the Department, we were asked to consider other potential organizational structures that might serve to address this matter. Specifically, there had been discussion about utilizing a community based model through a private not for profit model. In reviewing this alternative, it became clear that such an organizational structure would potentially create a conflict due to the fact that the existing community based organizations that might administer such programs might also be beneficiaries of the funding for child abuse prevention.

### **Other Agency Involvement**

On November 14, 2014 the Social Services Director attended a meeting of the Child Abuse Prevention Council. The Director outlined the considerations that had brought the matter of the Coordinator's relationship to the County forward. There was discussion about the possible models that might be available to continue such services. The Director reviewed this proposal with members of the Council and asked for feedback and comments. Most of the comments received were positive and generally agreed that this proposal makes sense. One of the commenters expressed concern about the continuity of programs and funding. The Director indicated that at the present time, he had no concerns about continuing program funding or programs and that Council input would continue to be a part of developing programs and initiatives that strengthen families and improve outcomes for children.

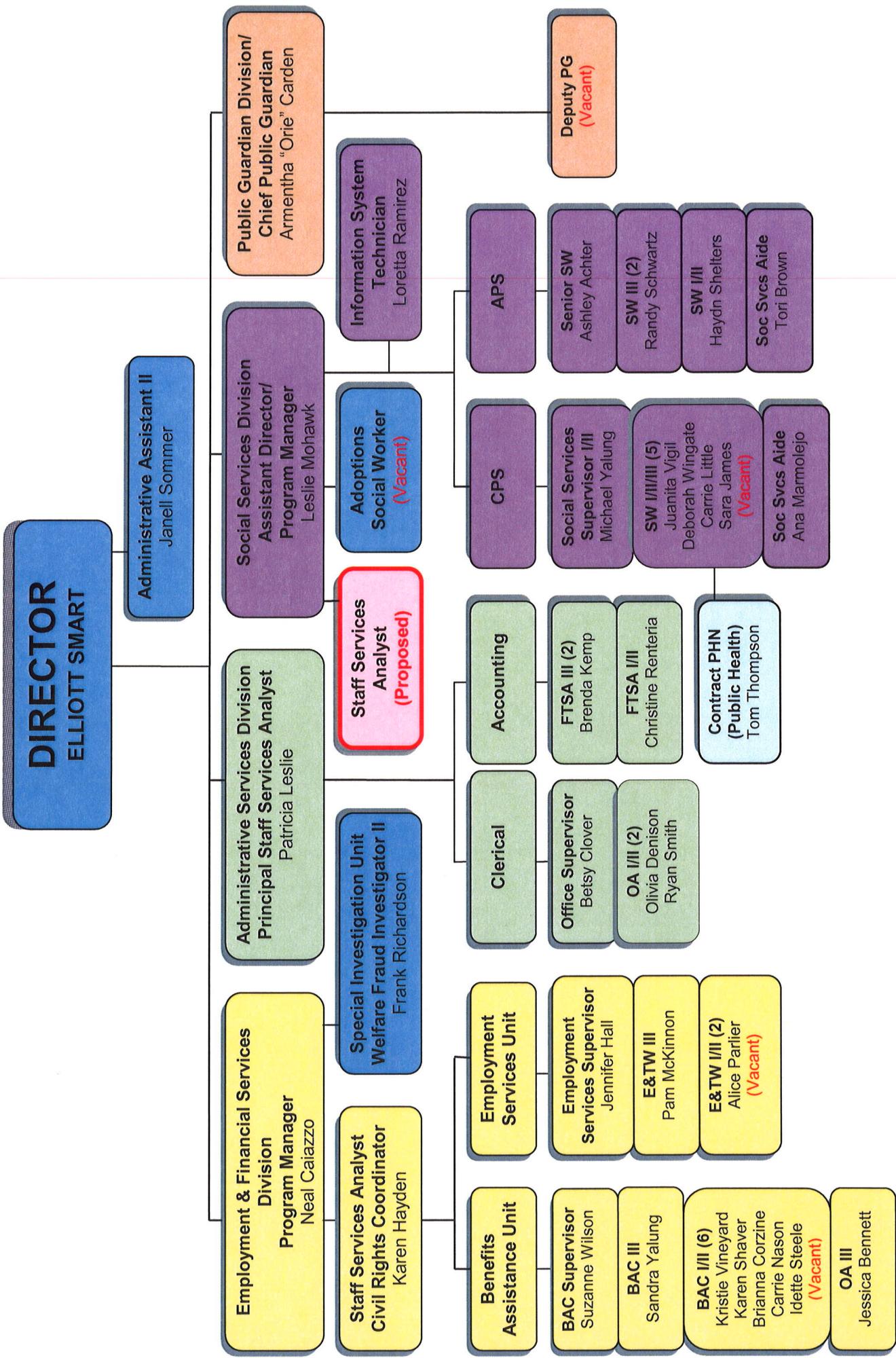
The Director also invited Council members to submit questions, comments or critique. At this writing, there have been none received by the Department.

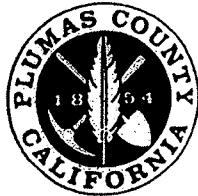
Copies:      PCDSS Management Staff  
                 Human Services Directors  
                 Craig Settlemire, County Counsel  
                 Gayla Trumbo, Human Resources Director  
                 Joyce Scroggs, Children's Council Chair  
                 Janine, Child Abuse Prevention Coordinator

### **Enclosures**

1. Table of Organization
2. May 21, 2013 Board of Supervisors Report on Post Realignment Roles
3. Proposed Duty Statement for SSA I/II
4. Proposed Board Resolution Amending Department of Social Services Position Allocations for 2014-2015.
5. Supplemental Budget Request

# PLUMAS COUNTY DEPARTMENT OF SOCIAL SERVICES & PUBLIC GUARDIAN





# DEPARTMENT OF SOCIAL SERVICES AND PUBLIC GUARDIAN

Courthouse Annex, 270 County Hospital Rd., Suite 207, Quincy, CA 95971-9174

ELLIOTT SMART  
DIRECTOR

(530) 283-6350  
Fax: (530) 283-6368

DATE: MAY 6, 2013

TO: HONORABLE BOARD OF SUPERVISORS  


FROM: ELLIOTT SMART, DIRECTOR  
DEPARTMENT OF SOCIAL SERVICES

SUBJ: BOARD AGENDA ITEM FOR MAY 21, 2013

RE: RESOLUTION DELINIATING THE POST-REALIGNMENT ROLES OF THE  
DEPT. OF SOCIAL SERVICES AND THE CHILD ABUSE PREVENTION  
COUNCIL WITH RESPECT TO STATE AND FEDERAL FUNDS FOR CHILD  
ABUSE PREVENTION.

### It is Recommended that the Board of Supervisors

1. Approve and adopt the enclosed Resolution of the Board of Supervisors which repeals and supersedes Board Resolution 99-6224 and delineates the post-2011 Public Safety Realignment roles of the Department of Social Services and the Child Abuse Prevention Council with respect to State and Federal funds for Child Abuse Prevention.
2. Authorize the Department to generate an Interagency Memorandum of Understanding between the Department of Social Services and the Child Abuse Prevention Council for the current term of existing contracts (through June 2014) and to execute such an agreement covering the current term only without further approval by the Board of Supervisors.

### Background and Discussion

California Health and Safety Code Section 103625 and Board of Supervisors Resolution 92-5394 provides that Plumas County Child Abuse Prevention Council shall administer those funds placed in the County Children's Trust Fund from fees collected for birth certificates designated for child abuse prevention activities. In addition, the Board of Supervisors adopted Resolution 99-6224 which provides that the Council shall administer the funds provided for CAPIT and other funds designated by the California State Department of Social Services for child abuse prevention.

In 2011, Governor Brown's administration proposed a sweeping realignment of public safety programs that was designed to shift responsibilities for a designated set of safety related programs from state responsibility to counties. In addition, the shift moved financial responsibility from the state to counties relieving the state of a significant level of funding for

such programs. Later, the voter approved an increase in taxes to support county administration of those programs.

Among those programs realigned to counties under the public safety designation are Child Protective Services and Child Welfare Services programs. The realignment includes categorical funds designated by state and federal sources for child abuse prevention (the funds described above with the exception of the birth certificate funds).

The realigning of these funds as a block to counties caused the Auditor to question whether there should be a Memorandum of Understanding between the Department of Social Services and the Child Abuse Prevention Council because realignment of the funds placed them under the administrative authority of the Department of Social Services. After reviewing the concerns raised by the Auditor, the Department found that we agreed with them.

In order to create the proper administrative mechanisms to satisfy the concerns raised by the Auditor, it is the Department recommends that the Board revisit the original designations made in Resolution 99-6224. With that in mind, the resolution before your Board today proposes to repeal and supersede Resolution 99-6224.

In its place it is proposed that the Board of Supervisors designate the Plumas County Department of Social Services as the designated administrator for categorical federal and state child abuse prevention, intervention and treatment funds except for those funds placed in the Children's Trust Fund (which include fees collected for birth certificates, donations, fees for service and other miscellaneous revenues) pursuant to California Health and Safety Code Section 103625. This aligns the administrative oversight of the funds with the actual realignment of the programs in the 2011 Public Safety Realignment.

The proposed changes would also change the employment relationship between the Child Abuse Council Coordinator and the County. Currently the Child Abuse Council Coordinator contracts with the Board of Supervisors. Under the proposed change, the Coordinator would contract with the Department of Social Services.

Last, the matter that initiated these recommendations was the question raised by the Auditor regarding a Memorandum of Understanding between the Department of Social Services and the Child Abuse Prevention Council. The Council, with the consent of the Department and under its prior authority, recommended (and the Board of Supervisors approved) current period contracts that are for a total of three years. The current three-year term commits funds for child abuse preventions from FY 2011-2012 through FY 2013-2014.

The Department is requesting authority from the Board to generate an interagency Memorandum of Understanding between the Child Abuse Prevention Council and the Department of Social Services which covers the period through June 2014. It is proposed that the MOU will continue the current administrative arrangement which is that the Council will administer contracted Child Abuse Prevention Intervention and Treatment (CAPIT) and Promoting Safe and Stable Families (PSSF) funds through the Child Abuse Council Coordinator and the Department of Social Services through June 2014.

It is additionally proposed that the MOU will contain language that specifies that should the CWS block of realigned funds for child abuse prevention change in any substantive way for the FY 2013-2014 period the Department shall have the authority to terminate existing sub-contracts. The MOU would terminate effective June 30, 2014 at which time the Department and the Council would generate a new agreement to be approved by the Board.

#### **Financial Impact**

There is no financial impact to the County General Fund as a result of this proposed Resolution. All funds administered under this Resolution and proposed MOU are federal and state funds.

#### **Other Agency Involvement**

County Counsel has assisted the Department with drafting the Resolution that is before your Board for approval today. The Department also reviewed with Counsel our recommendation to seek authority to craft and execute a Memorandum of Understanding with the Child Abuse Prevention Council without further Board involvement. Counsel concurs that given the fact that funding commitments have already been made by the Child Abuse Prevention Council through June 2014 that such a plan is appropriate.

In late April, the Director met with the Coordinator of the Child Abuse Prevention Council and the Council's Chair. The draft resolution was reviewed and suggestions were made for non-substantive modifications. Those recommendations were incorporated into the draft.

Subsequent to meeting with the Chair and the Coordinator, on May 3, 2013, the Social Services Director met with the Child Abuse Prevention Council at their regularly scheduled meeting. The Director reviewed the proposed Resolution and discussed plans for continuing to administer funds as recommended by the Council and approved by the Board for the period through June 2014. Because the item appeared on the Council's agenda as a report and not an action item, the Council was not able to take formal action on the recommended Resolution. However by acclamation and consensus, there appeared to be universal agreement with the need for the Resolution.

Copies: PCDSS Management Staff  
Janine, Child Abuse Prevention Council Coordinator  
Joyce Scroggs, Chair, Child Abuse Prevention Council  
Human Services Department Heads  
Craig Settlemire, County Counsel  
Roberta Allen, Auditor-Controller

Enclosure

**RESOLUTION NO. 13-7875**

**RESOLUTION DELINEATING THE POST-REALIGNMENT ROLES AND  
RESPONSIBILITIES OF THE PLUMAS COUNTY DEPARTMENT OF SOCIAL  
SERVICES AND THE PLUMAS COUNTY CHILD ABUSE PREVENTION COUNCIL  
WITH RESPECT TO STATE AND FEDERALS FUNDS FOR CHILD ABUSE  
PREVENTION**

WHEREAS, on November 10, 1992, through the approval of Resolution 92-5394, the Plumas County Board of Supervisors reaffirmed the establishment of the Plumas County Child Abuse Prevention Council to assist the county in matters relating to child abuse endangerment, and neglect, and to administer the Children's Trust Fund; and,

WHEREAS, on February 2, 1999, through the approval of Resolution 99-6224, the Plumas County Board of Supervisors designated the Plumas County Child Abuse Prevention Council to be the administrator for Child Abuse Prevention, Intervention and Treatment programs (CAPIT funding) and for funds as established by the California Department of Social Services Office of Child Abuse Prevention; and,

WHEREAS, under AB 118 enacted by the State Legislature and signed by the Governor in 2011, public safety programs, including funds for child abuse prevention, were realigned to counties; and,

WHEREAS the Board of Supervisors finds that the realignment of public safety programs creates the opportunity to better delineate roles and responsibilities of the Department of Social Services and the Child Abuse Prevention Council with respect to child abuse prevention, intervention, and treatment programs and funding.

NOW, THEREFORE, BE IT RESOLVED by the Plumas County Board of Supervisors:

1. The provisions of this resolution supersede and repeal any provisions to the contrary contained in any prior Board resolution, including, but not limited to, Board Resolution 99-6224.
2. The Board of Supervisors designates the Plumas County Department of Social Services as the designated administrator for federal and state child abuse prevention, intervention and treatment funds with the exception of those funds placed in the Children's Trust Fund from fees collected for birth certificates pursuant to California Health and Safety Code Section 103625.
3. The Department of Social Services shall exercise oversight over the expenditure of state and federal funds for child abuse prevention.
4. The Department may, in its discretion, continue to seek the advice and counsel of the Child Abuse Prevention Council with respect to the allocation of such

funds, and may contract for program administration through an independent contractor.

5. The Department shall, at least annually, deliver a report to the Board of Supervisors which describes how such funds were spent during the year, which local organizations were the beneficiary of such funds and the objectives that such fund allocations were intended to achieve.
6. Nothing in this resolution shall affect current fund allocations already approved by the Child Abuse Prevention Council. It is the Board's intent that current allocations of funds shall remain in place for the current funding cycle.

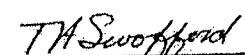
PASSED AND ADOPTED this 21 day of May, 2013, by the following vote:

AYES: SUPERVISORS THRALL, GOSS, SIMPSON, KENNEDY, SWOFFORD

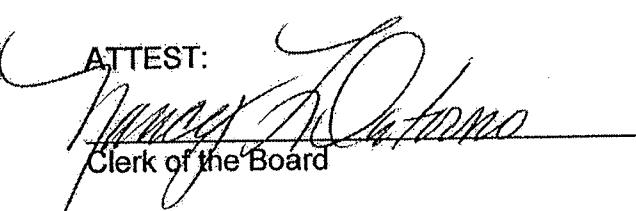
NOES: NONE

ABSTAIN: NONE

ABSENT: NONE

  
\_\_\_\_\_  
Chair, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
Clerk of the Board

## **PROPOSED – STAFF SERVICES ANALYST**

Under the direction of the Social Service Division Program Manager, this position researches, plans, develops and implements a wide range of educational services and outreach activity; writes reports and other documents; chairs a monthly meeting of the Child Abuse Prevention Council and implements programs targeted toward the prevention of child abuse. The position occasionally will deliver oral reports and provide direct educational services.

### **Child Welfare Services System Improvement Plan**

30%	Reviews data and collects other performance indicators associated with the OCAP Report. Completes the annual OCAP Report.
30%	Provides assistance and collaborates with others for the System Improvement Plan, including but not limited to the County Self-Assessment, Peer Quality Review Process, System Improvement Plan, and System Improvement Updates.
30%	Assists the Program Manager in developing tools designed to address the effectiveness of Programs and Providers utilized for System Improvement Goals.

### **Commercial Sexual Exploitation of Children/ Child Victims of Sex Trafficking**

30%	Researches and develops a set of staff protocols for social workers to follow who are assigned to cases involving commercially sexually exploited children and child victims of sex trafficking.
30%	Researches and develops training and educational materials for use with community based organizations, school staff and others regarding identifying and assisting child victims of commercial sex trafficking.
30%	Prepare and present educational sessions associated with identifying and assisting child victims of sex trafficking.

### **Child Abuse Prevention**

30%	Sets the agenda for the monthly Child Abuse Prevention Council meetings. Attends other meetings as appropriate and directed.
30%	Manages and oversees the Child Abuse Prevention grant application processes. Assist with proposal reviews and the allocation of funds.
30%	Prepares and oversees the contracting process. Monitors sub-grantees for performance.

Researches and develops child abuse prevention educational materials based upon best practices and evidence based strategies.

Develops and maintains effective relationships with collaborating agencies.

**Other**

10%

Attends meetings and training programs as assigned.

Performs other related duties as assigned.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION TO AMEND THE PLUMAS COUNTY POSITION ALLOCATION  
FOR BUDGET YEAR 2014-2015 WITHIN THE DEPARTMENT OF  
70590 SOCIAL SERVICES**

**WHEREAS**, the Board of Supervisors, through adoption of the budget allocates positions for the various county departments each fiscal year; and

**WHEREAS**, during the fiscal year the Board of Supervisors may amend the position allocation by resolution; and

**WHEREAS**, the Social Services Director Mr. Elliott Smart, brought forth today a report of his need to increase staff by 1.0 FTE to assist in the child abuse prevention program; and

**WHEREAS**, the job duties that need to be accomplished by this position fall under the established classification of Staff Service Analyst; and

**WHEREAS**, for Mr. Smart to move forward the 2014-2015 Position Classification for the Department of Social Services will need to be amended to reflect the addition of 1.0 FTE Staff Services Analyst; and

**WHEREAS**, there is no General Fund dollars needed to fund this position.

**NOW, THEREFORE, BE IT RESOLVED** by the Plumas County Board of Supervisors as follows:

Approve the amendments to the 2014-2015 Position Allocation to reflect the following:

<b><u>Social Service 70590</u></b>	<b>FROM</b>	<b>TO</b>
Staff Services Analyst	1.00	2.00

The foregoing Resolution, was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 16<sup>th</sup> day of December 2014 by the following vote:

AYES: Supervisors  
NOES: Supervisors  
ABSENT: Supervisors

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Chairperson, Board of Supervisors

ATTEST:

---

Executive Clerk/Board of Supervisors

**COUNTY OF PLUMAS**  
**REQUEST FOR BUDGET APPROPRIATION TRANSFER**  
**OR SUPPLEMENTAL BUDGET**

**TRANSFER NUMBER**  
(Auditor's Use Only)

Department: Social Services      Dept. No: 70590      Date 12/3/2014

The reason for this request is (check one):

- A.  Transfer to/from Contingencies OR between Departments
  - B.  Supplemental Budgets (including budget reductions)
  - C.  Transfers to/from or new Fixed Asset, within a 51XXX
  - D.  Transfer within Department, except fixed assets
  - E.  Establish any new account except fixed assets

**Approval Required**

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## Board

## Board

## Board

### Auditor

### **Auditor**

TRANSFER FROM OR  SUPPLEMENTAL REVENUE ACCOUNTS

(CHECK "TRANSFER FROM" IF TRANSFER WITHIN EXISTING BUDGET, CHECK "SUPPLEMENTAL REVENUE" IF SUPPLEMENTAL, NEW UNBUDGETED REVENUE)

## TRANSFER TO OR

## SUPPLEMENTAL EXPENDITURE ACCOUNTS

(CHECK "TRANSFER TO" IF TRANSFER WITHIN EXISTING BUDGET, CHECK "SUPPLEMENTAL EXPENDITURE" IF SUPPLEMENTAL, NEW UNBUDGETED EXPENSE)

Supplemental budget requests require Auditor/Controller's signature

Please provide copy of grant award, terms of award, proof of receipt of additional revenue, and/or backup to support this request.

In the space below, state (a) reason for request, (b) reason why there are sufficient balances in affected accounts to finance transfer, (c) why transfer cannot be delayed until next budget year (attach memo if more space is needed) or (d) reason for the receipt of more or less revenue than budgeted.

A) 2011 realignment resulting in department reorganization, add 1 FTE.

B) 2011 realignment funds as allocated for FY 14/15 are sufficient; and department to take over management of Fund 0004, Budget 22341 (Child Abuse Prevention).

C) end of PCCAP contract 12/31/14.

D) new allocation for commercially sexually exploited children.

Approved by Department Signing Authority: 

Approved/ Recommended

Disapproved/ Not recommended

Auditor/Controller Signature: 

Board Approval Date: \_\_\_\_\_ Agenda Item No. \_\_\_\_\_

Clerk of the Board Signature: \_\_\_\_\_

Date Entered by Auditor/Controller: \_\_\_\_\_ Initials \_\_\_\_\_

#### INSTRUCTIONS:

Original and 1 copy of ALL budget transfers go to Auditor/Controller. If supplemental request they must go to the Auditor/Controller. Original will be kept by Auditor, copies returned to Department after it is entered into the system.

Supplemental transfer must have Auditor/Controllers signature. Auditor/Controller will forward all signed, supplemental transfers to the Board for approval.

If one copy of agenda request and 13 copies of Board memo and backup are attached, the entire packet will be forwarded, after all signatures are obtained, to the Clerk of the Board. If only the budget form is sent, it will be returned to the Department after all signatures are obtained.

Transfers that are going to be submitted to the Board for approval:

- A. Must be signed by the Auditor/Controller; if supplemental must be signed by the Auditor/Controller.



# DEPARTMENT OF SOCIAL SERVICES AND PUBLIC GUARDIAN

402

Courthouse Annex, 270 County Hospital Rd., Suite 207, Quincy, CA 95971-9174

ELLIOTT SMART  
DIRECTOR

(530) 283-6350  
Fax: (530) 283-6368

DATE: DECEMBER 3, 2014

TO: HONORABLE BOARD OF SUPERVISORS

FROM: ELLIOTT SMART, DIRECTOR  
DEPARTMENT OF SOCIAL SERVICES

SUBJ: AGENDA ITEM FOR DECEMBER 16, 2014

RE: APPROVAL OF AN INTERAGENCY MEMORANDUM OF  
UNDERSTANDING TO DELIVER WRAPAROUND SERVICES TO  
CHILDREN IN OR AT RISK OF COMING INTO THE FOSTER CARE  
SYSTEM

### **It is Recommended that the Board of Supervisors**

1. Approve an interagency memorandum of understanding between the Social Services Department, Mental Health Department and Probation Department covering the provision of SB 163 Wraparound Services to children who are either in, or are at risk of coming into the Foster Care system.
2. Authorize the Directors of Social Services, Mental Health and the Chief Probation Officer to sign the agreement.

### **Background and Discussion**

Senate Bill 163 of 1997 (Welfare and Institutions Code Section 16501.2) authorized the implementation of a statewide Wraparound program, a component of Foster Care which authorizes services to be provided and paid for children who are either in, or are at risk of coming into the Foster Care system. Wraparound services enable agencies to configure services specific to a child and family's needs and in ways that strengthen the family. In that way, children can potentially return from out of home care to a family setting.

Wraparound programs are cost neutral. Funds that are saved as a result of placing a foster child in a less restrictive setting can be used to array services around a family or child that support the less restrictive placement.

On September 11, 2001, the Board of Supervisors authorized the Departments of Social Services and Mental Health to submit a plan to the State Department of Social Services

to operate a Wraparound program in Plumas County. The State approved our implementation plan on October 2, 2002 and services began to be provided.

Since the time of this approval, there have been several additional initiatives that have materialized and have targeted the expansion of mental health services to children. These have included Children's System of Care, MHSA and services provided as a result of the settlement of a lawsuit titled Katie A. As those funding streams became available and as leadership changed in the Mental Health Department, Wraparound was relied upon less, in favor of the alternative mechanisms.

More recently it has become clear that there remains a cohort of children who could benefit from Wraparound services. With that in mind, the Department of Social Services reviewed the prior Memorandum of Understanding and has made changes to it to reflect that the agreement can serve children who are in the Probation system as well as those who are dependents in the foster care system.

Approval of the revised Memorandum of Understanding is what brings the Department to the Board today. It is recommended that the Board approve the revision.

#### **Financial Impact**

The Wraparound program relies on state and federal funding streams. The program is cost neutral. Savings that are generated due to a child being placed in a less restrictive setting become available to use for support services that are family specific.

#### **Other Agency Involvement**

The Probation and Mental Health Departments have reviewed the proposed MOU and have contributed their thoughts and ideas to its development. County Counsel has approved the MOU as to form.

Copies: Peter Livingston, Mental Health Director  
Dan Prince, Chief Probation Officer

Enclosure

**MEMORANDUM OF UNDERSTANDING**  
**BETWEEN**  
**PLUMAS COUNTY DEPARTMENT OF SOCIAL SERVICES;**  
**PLUMAS COUNTY PROBATION**  
**AND**  
**PLUMAS COUNTY DEPARTMENT OF MENTAL HEALTH**

**WHEREAS**, the Plumas County Department of Social Services (hereinafter referred to as PCDSS) and the Plumas County Probation Department (hereinafter Probation) require preventive and supportive services to be administered that assist them in providing case management services to children in the Child Welfare Services (CWS) system; the Juvenile Justice System or who are at risk of coming into either of them; and,

**WHEREAS**, a component of AB 636, the California Child and Family Service Review, and improving outcomes for children and families, is to reduce the incidence of out of home placements for children; and,

**WHEREAS**, PCDSS and Plumas County Department of Mental Health (hereinafter referred to as PCDMH) received approval in FY 2000-2001 from the California Department of Social Services to jointly operate an SB 163 Wraparound project to serve as an alternative to out of home care through expanded family-based services for eligible foster children and their families; and,

**WHEREAS**, the Wraparound program is one element of an array of services that can assist PCDSS and Probation in meeting their goal to reduce the incidence of placements in foster care; and,

**WHEREAS**, PCDMH has the staff and capacity to deliver such services and to provide management oversight of the Wraparound program:

**NOW THEREFORE, THE PARTIES TO THIS MOU AGREE TO THE FOLLOWING:**

**I. DUTIES AND RESPONSIBILITIES**

**A. PCDSS Responsibilities**

1. Refer potentially eligible children to the Wraparound program through the Inter-agency Case Management Team (ICMT).
2. Provide consultation and guidance to PCDMH Wraparound case management staff regarding the needs of children referred to and receiving services from the Wraparound program.
3. Provide consultation and guidance to the parties regarding Wraparound programmatic, regulatory and fiscal responsibilities.

4. To the extent that administrative costs are not recovered from other Mental Health funding streams, provide payment to PCDMH for program management services provided by PCDMH pursuant to this Agreement.
5. Participate in the oversight of a flexible funding reserve for services provided in accordance with this agreement.

**B. Probation Responsibilities**

1. Refer potentially eligible children to the Wraparound program through the Inter agency Case Management Team (ICMT).
2. Provide consultation and guidance to PCDMH Wraparound case management staff regarding the needs of children referred to and receiving services from the Wraparound program.
3. Track and record all time spent by Probation Department direct services staff performing work connected with establishing eligibility for Foster Care. Submit monthly invoices and time records to PCDSS for potential Title IVE reimbursement.
4. Consult and collaborate with PCDSS in regard to children who are eligible for AB 12, Extended Foster Care Services.

**C. PCDMH Responsibilities**

1. Provide Wraparound services to eligible and appropriate children (accepted through the existing ICMT).
2. Provide the necessary and appropriate management oversight of the Wraparound program.
3. Provide the necessary fiscal oversight of the Wraparound program.
4. Maintain sufficient records to document time spent by personnel assigned to provide management services pursuant to this Agreement for the purpose of payment and financial audit.
5. Retain auditable records pertaining to service delivery and fiscal control for three (3) years after final payment has been made or until pending County, State or Federal audits are completed, whichever is later. Upon request from PCDSS, PCDMH shall make these records available to any and all authorized County, State and Federal personnel.
6. Comply with U.S. Executive Order 11246, entitled "Equal Employment Opportunity" as amended by the U. S. Executive Order 11375 and supplemented on 41 CFR, Part 60. PCDMH shall not discriminate against any employee or applicant for employment on the basis of age, race, national origin or age, religion, sex, marital status, political affiliation or physical or mental ability.

7. Abide by the provisions of the U.S. Civil Rights Act of 1964, PCDSS Manual of Policies and Procedures, Division 21, and Welfare and Institutions Code (WIC), Section 10000, which prohibits discrimination against any service recipient on the basis of age, race, national origin, ancestry, religion, sex marital status, political affiliation or physical or mental disability.
8. Maintain confidentiality of information and records pertaining to individuals pursuant to Welfare and Institutions Code, Section 10850, and PCDSS Manual of Policies and Procedures, Division 19 regulations.

## **II. FISCAL PROVISIONS**

### **A. Financial Reimbursement of Unrecovered Costs**

The parties mutually agree that to the extent that administrative costs connected with the oversight of Wraparound services are not recovered from funding streams available under EPSDT, Katie A, Title IV E and other sources, such costs may be submitted to PCDSS for recovery consideration.

### **B. Billing**

PCDMH may submit monthly invoices for those costs described under section II.A above. Such invoices shall provide a cost basis such as time records or another mutually agreed upon mechanism that provides documentation of incurred costs and the reasons such cost are not otherwise recoverable from other sources.

### **C. Payment**

PCDSS shall pay approved invoices no later than 30 days from the date such claims for payment are received. A denied invoice shall be returned to PCDMH within 30 days stating the reason for denial. While there is no formal appeal mechanism available in this agreement, the parties agree that at any time, PCDMH may resubmit a previously denied invoice with additional justification for payment.

### **D. Final Claims**

PCDMH agrees to submit all fiscal claims related to this Agreement within sixty (60) days of the end of this Agreement.

### **E. Fiscal Advisory Committee**

A Fiscal Advisory Committee shall be established consisting of the Fiscal Managers from each of the participating parties to the MOU. At the individual discretion of participating parties, Department Heads may also join the Committee. The Committee shall be responsible for oversight of the flexible funding reserve or those funds that are set aside as a result of "savings" achieved by stepping down the RCL level placement of children who are in the Wraparound program including children in Adoption placement who are also in a Wraparound slot. For its decision making process, the Committee shall make its decisions using a consensus model rather than votes.

#### **F. Supplantation**

PCDMH shall not supplant any County, State or Federal funds intended for the purposes of this Agreement with any funds made available under any other Agreement. PCDMH shall not claim reimbursement from PCDSS for, or apply sums received from PCDSS, with respect to that portion of its obligations which have been paid by another source of revenue. PCDMH agrees that it will not use funds received pursuant to this Agreement, whether directly or indirectly, as a contribution of compensation for purposes of obtaining State funds under any State program or County funds under any County programs without prior written approval of PCDSS.

#### **G. Audits and Records**

1. PCDMH agrees to coordinate with PCDSS and Probation in the performance of this Agreement, including the timely preparation and maintenance of accurate and complete financial records for a minimum of three (3) years from the date of final payment under this Agreement until all pending County, State and Federal audits are completed, whichever is later. PCDMH agrees to maintain such records locally and make them available for inspection by County, State and Federal representatives at reasonable times and places.
2. PCDSS reserves the right to conduct an independent program audit for the purpose of compliance with applicable requirements relative to this Agreement.

### **III. GENERAL PROVISIONS**

#### **A. Terms of Agreement**

This Agreement shall be effective upon approval of the Plumas County Board of Supervisors and subject to full execution by the authorized representatives of each of the parties. The agreement shall remain in full force and effect unless a party to this agreement exercises termination of it as proscribed below in Section III. C., below.

#### **B. Alteration of Terms**

This Agreement fully expresses all understandings of the parties concerning all matters covered and shall constitute the total agreement. The parties agree that the agreement may require amendments or changes from time to time. However, no addition to, or alteration of, the terms of this Agreement, whether by written or verbal understanding of the parties, their officers agents or employees shall be valid unless made in the form of a written amendment to this Agreement, which is formally approved and executed by all parties.

#### **C. Termination**

1. The obligations of any of the parties to this Agreement are contingent upon the availability of County, State and Federal funds for the reimbursement of expenditures. If such funds are no longer available, a party to this agreement

may terminate it by providing written notice to the other parties. Such notification must be delivered thirty days prior to the effective date of termination.

2. This Agreement may be terminated by either of the parties for any reason with a thirty (30) calendar day written notice to the other party.

#### **D. Notices**

All notices, claims, reports and/or statements authorized or required by this Agreement shall be addressed as follows:

**PCDSS:** Plumas County Department of Social Services  
270 County Hospital Road  
Quincy, CA 95971  
Attn: Elliott Smart, Director

**Probation:** Plumas County Probation Department  
270 County Hospital Road  
Quincy, CA 95971  
Attn: Dan Prince, Chief Probation Officer

**PCDMH:** Plumas County Department of Mental Health  
270 County Hospital Road  
Quincy, CA 95971  
Attn: Peter Livingston, Director

#### **E. Independent Capacity**

Each party shall act in an independent capacity and not as an agent of the other.

#### **F. Audit**

Reimbursement provided under the terms of this Agreement is subject to any desk or field audits performed by the State Department of Social Services and/or the Office of the State Controller.

**IN WITNESS WHEREOF**, the duly authorized representatives of both parties shall fully and faithfully perform all applications set forth in this Agreement and Attachments attached hereto.

Executed this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**COUNTY OF PLUMAS**  
**Department of Mental Health**

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Peter Livingston, Director  
Plumas County Mental Health

**COUNTY OF PLUMAS**  
**Probation Department**

---

Dan Prince, Chief

APPROVED AS TO FORM

 12/4/14

Steven Mansell  
Deputy County Counsel

**COUNTY OF PLUMAS**  
**Department of Social Services**

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Elliott Smart, Director  
Department of Social Services

# **DEPARTMENT OF HUMAN RESOURCES**

520 Main Street, Room 115, Quincy, California 95971  
(530) 283-6444 FAX (530) 283-6160  
Email: [gaylatrumbo@countyofplumas.com](mailto:gaylatrumbo@countyofplumas.com)



4E1

**DATE:** December 8, 2014

**TO:** The Honorable Board of Supervisors

**FROM:** Gayla Trumbo, Human Resources Director

**SUBJECT:** AGENDA ITEM FOR BOARD OF SUPERVISORS MEETING OF DECEMBER 16, 2014.  
**RE: ADOPT RESOLUTION TO AMEND THE POSITION ALLOCATION OF THE MENTAL HEALTH DEPARTMENT TO INCLUDE ADDITIONAL 6.0 FTE COMMUNITY CARE CASE MANAGER; 1.0 FTE FISCAL TECHNICAL SERVICE ASSISTANT I, II OR III AND 1.0 FTE ADMINISTRATIVE ASSISTANT I OR II; AND AUTHORIZE THE DEPARTMENT OF MENTAL HEALTH TO RECRUIT AND FILL THE NEWLY ALLOCATED POSITIONS ACCORDINGLY.**

**Gayla S. Trumbo**  
*Human Resources  
Director*

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### **IT IS RECOMMENDED THAT THE BOARD:**

Adopt resolution to amend the 2014-2015 Position Allocation to include additional 6.0 FTE Community Care Case Manager, 1.0 FTE Fiscal Technical Service Assistant I, II or III; and 1.0 FTE Administrative Assistant I or II; and authorize the Department of Mental Health to recruit and fill the newly allocated positions accordingly.

### **BACKGROUND AND DISCUSSIONS:**

On December 2, 2014, the Mental Health Director Mr. Peter Livingston presented proposed program and budget adjustments for the Department of Mental Health. Within this proposal there were seven classifications listed with the number of full time equivalent positions needed in each classification. Three of these classifications are currently within our County Classification & Salary Plan. Therefore, I am moving them forward and requesting approval to amend the 2014-2015 Position Allocation for the Mental Health Department to include the following additional positions:

- 6.0 FTE Community Care Case Manager
- 1.0 FTE Administrative Assistant I or II
- 1.0 FTE Fiscal Technical Service Assistant I, II or III

By allocating these positions the department can move forward to the recruiting process.

The remaining classifications will be brought forward to this Board once the job descriptions and salary classifications have been created; and the County has met their obligation with Operating Engineers Union to meet and confer. These classifications include Mental Health Therapist III, Behavioral Health Therapist III, Program Chief – Nursing, Assistant Director of Mental Health, and Mental Health Service Act Coordinator.

Thank you for your time and consideration of this agenda item.

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION TO AMEND PLUMAS COUNTY POSITION ALLOCATIONS FOR BUDGET  
YEAR 2014-2015 WITHIN 70570 MENTAL HEALTH DEPARTMENT AND 70569 MENTAL  
HEALTH AB109 SET- ASIDE.**

**WHEREAS**, the Board of Supervisors, through adoption of the budget allocates positions for the various county departments each fiscal year; and

**WHEREAS**, Mental Health Director Mr. Peter Livingston on December 2, 2014, presented to the board proposed program and budget adjustments for his department; and

**WHEREAS**, his proposal included the addition of numerous positions to assist in meeting the service needs of our County; and

**WHEREAS**, the Human Resources Director is able to bring forth to the Board the additional positions that the County currently have within our Salary and Classification Plan to include in the 2014-2015 Position Allocation for 70570 Mental Health and 70569 Mental Health AB109 SET-ASIDE; and

**WHEREAS**, the remaining positions will be brought forward once the classifications have been created and the Meet and Confer process has been completed.

**WHEREAS, NOW, THEREFORE, BE IT RESOLVED** by the Plumas County Board of Supervisors as follows:

Approve the amendments to the Position Allocation for budget year 2014-2015 to reflect the following:

<b><u>Mental Health 70570</u></b>	<b><u>FROM</u></b>	<b><u>TO</u></b>
Community Care Case Manager	2.52	6.52
Administrative Assistant I or II		1.0
Fiscal Technical Service Assistant I, II or III	3.0	4.0

**Mental Health – AB109 SET-ASIDE 70569**

Community Care Case Manager	.00	2.0
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The foregoing Resolution, was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 16th day of December 2014 by the following vote:

AYES: Supervisors  
NOES: Supervisors  
ABSENT: Supervisors

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Chairperson, Board of Supervisors

ATTEST:

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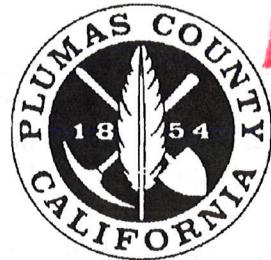
Executive Clerk/Board of Supervisors

# **DEPARTMENT OF HUMAN RESOURCES**

520 Main Street, Room 115, Quincy, California 95971

(530) 283-6444 FAX (530) 283-6160

Email: [gaylatrumbo@countyofplumas.com](mailto:gaylatrumbo@countyofplumas.com)



4E2

**DATE:** December 8, 2014

**TO:** The Honorable Board of Supervisors

**Gayla S. Trumbo**

*Human Resources  
Director*

**FROM:** Gayla Trumbo, Human Resources Director

**SUBJECT:** AGENDA ITEM FOR BOARD OF SUPERVISORS MEETING OF DECEMBER 16, 2014.

RE: ADOPT RESOLUTION TO ESTABLISH INTERIM RATES FOR THE AFFORDABLE HEALTH CARE (ACA) LOW WAGE EARNERS UNTIL NEGOTIATION PROCESS HAS BEEN COMPLETED.

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## **IT IS RECOMMENDED THAT THE BOARD:**

Adopt resolution to establish interim rates of health premiums under the Affordable Health Care Act (ACA) low wage earners until negotiation process has been completed.

## **BACKGROUND AND DISCUSSIONS:**

As the Board is aware, we have been preparing for compliance with the rules and regulations of the Affordable Health Care (ACA). One of the areas that we need to be in compliance is to have affordable Health Care offered to our low wage earners. The calculation to whether the rate is affordable to the employee (single) coverage is based on the employee's hourly rate multiplied by 130, then multiplied by 9.5%. As an example an employee working at the hourly rate of \$12.00 would be  $\$12.00 \times 130 = \$1,560.00 \times 9.5\% = \$148.32$ . Under the ACA at \$12.00 an hour employee's premium share single coverage cannot cost more than \$148.32.

With the new rates for 2015 for both Operating Engineers and the CalPERS Health plans we have twenty three (27) employees that fall under the low wage earners. We are required to offer them affordable single coverage health care. Unfortunately the new rates for Operating Engineers and the CalPERS PORAC plans do not meet the affordability calculation. Therefore, we need to adjustment the employee's premium rate for 2015 coverage to comply with the ACA affordability regulations. This will result in the County share increasing should these employees elect single coverage.

I would like to clarify that out of these 27 employees 13 employees are currently receiving opt-out insurance due to their health coverage being under their spouses, parents' or other health plans. There are also 4 employees that are currently under employee plus 1; and 1 employee under family coverage. This leaves 7 employees that are enrolled currently as single coverage

**RESOLUTION NO. \_\_\_\_\_**

**RESOLUTION TO ESTABLISH INTERIM HEALTH PREMIUM RATES FOR THE  
AFFORDABLE HEALTH CARE (ACA) LOW WAGE EARNERS UNTIL  
NEGOTIATION PROCESS HAS BEEN COMPLETED.**

**WHEREAS**, the premium rates for employer and employee for the various county offered health plans are established by the Memorandum of Understanding agreements, or Terms and Conditions between the County and the various bargaining groups; and

**WHEREAS**, the negotiations with the various bargaining groups has not yet reached an agreement; and

**WHEREAS**, by the Affordable Health Care Act (ACA) regulations, a large employer such as Plumas County is required to offer affordable health care to our employees; and

**WHEREAS**, the Human Resources Analyst has determine that we have twenty-seven (27) employees that fall under the category of low wage earners; and

**WHEREAS**, the premium rate for Single coverage has been determined unaffordable to these employees based on the ACA formula calculation requirements; and

**WHEREAS**, this resolution is to establish affordable interim rates for the Single health premiums until such time as agreements are reached with the various bargaining groups that will include affordable options; and

**WHEREAS**, until the agreements are reached the low earnings employees will be offered Single coverage calculated with the ACA formula calculations of hourly rate multiplied by 130, multiplied by 9.5% to be in compliance.

**WHEREAS, NOW, THEREFORE, BE IT RESOLVED** by the Plumas County Board of Supervisors as follows:

This resolution hereby establishes the interim calculation for Single affordable health premium. This premium will be calculated by the ACA formula calculation of employee hourly rate multiplied by 130, then multiplied by 9.5% for the low wage earner. This resolution will be in effect until such time as resolutions adopting the Memorandum of Understandings between the County and the various bargaining groups have been made that will address this issue.

The foregoing Resolution, was duly passed and adopted by the Board of Supervisors of the County of Plumas, State of California, at a regular meeting of said Board held on the 16th day of December 2014 by the following vote:

AYES: Supervisors  
NOES: Supervisors  
ABSENT: Supervisors

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Chairperson, Board of Supervisors

ATTEST:

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Executive Clerk/Board of Supervisors

OE3 Health Insurance Rates - Hourly Rate Threshold \$13.48 **Premium for EE Share \$166.40**

List of employees under the hourly affordable rate.

Affordable rates are based on premiums for 2015

EE #	Hrly Rate	Affordable	Dept	FTE	Opt-out	no ins.	Ins. Type	Comments
2	\$10.59	\$130.79	Social Services	1	1			210
			Social Services	1	1			210
1	\$11.96	\$147.71	Social Services	1			1 Single	
1	\$12.57	\$155.24	Social Services	1	1			210
1	\$13.20	\$163.02	Social Services	1	1			210
1	\$11.97	\$147.83	DA	1			1	4003/1+1
1	\$9.85		Senior Services	0.75	1			210
1	\$11.12	\$137.37	Senior Services	0.75		1		
1	\$11.12	\$137.33	Senior Services	0.75	1			210
1	\$12.26	\$151.41	Senior Services	0.75		1		

1	\$12.27	\$151.53	Public Works	1	1			210
1	\$12.89	\$159.19	Public Works	1	1			210
1	\$12.89	\$159.19	Public Works	1			1	4005/single
1	\$12.57	\$155.24	Public Health	1	1			210
1	\$9.62	\$118.80	Public Health	1			1 single	
1	\$12.57	\$155.24	Envir. Health	1			1	4005/single
1	\$12.57	\$155.24	Mental Health	1	1			210
1	\$13.20	\$163.02	Mental Health	0.8875	1			210
1	\$13.20	\$163.02	Mental Health	1			1	4005/single

EE #	Hrly Rate	Affordable	Dept	FTE	Opt-out	no ins.	Ins. Type	Comments
1	\$10.88	\$134.37	Sierra House	1			1	4006/1+1
1	\$12.62	\$155.86	Sierra House	1			1	4005/single
1	\$13.30	\$164.26	Elections	1	1			210
1	\$12.95	\$159.93	Treasurer	1			1	4006/1+1
23	<b>Totals</b>				<b>12</b>	<b>2</b>	<b>9</b>	

**Probation** Insurance Rates - Employee Hourly Rate Threshold \$16.98 **Premium for EE Share \$209.56**

List of employees under the hourly affordable rate.

Affordable rates are based on PORAC premiums for 2015

10/27/2014

EE #	Hrly Rate	Affordable	Dept	FTE	Opt-out	no ins.	Ins. Type	
1	\$11.39	\$140.67	Probation	FTE			1	4216/1+1
1	\$15.29	\$188.83	Probation	FTE			1	4212/single
1	\$16.52	\$204.02	Probation	FTE	1			210/Opt-Out
1	\$16.87	\$208.34	Probation	FTE			1	4220/family
<b>4</b>	<b>Totals</b>				<b>1</b>	<b>0</b>	<b>3</b>	

# PLUMAS COUNTY MENTAL HEALTH

Peter Livingston, LCSW, Director  
270 County Hospital Road, Suite 109 Quincy, CA 95971  
(530) 283-6307 FAX (530) 283-6045  
plivingston@kingsview.org



4F1

## MEMO

DATE: DECEMBER 8, 2014

TO: HONORABLE BOARD OF SUPERVISORS

FROM: PETER LIVINGSTON, LCSW, DIRECTOR

SUBJECT: AGENDA ITEM FOR BOARD MEETING OF DECEMBER 16, 2014

REGARDING: APPROVE SUPPLEMENTAL BUDGETS (70570, 70569, 70574) AS DISCUSSED AND DIRECTED BY THE BOARD OF SUPERVISORS AT THE BOARD MEETING OF DECEMBER 2, 2014 (AGENDA ITEM 2F), WITH THE EXCEPTION OF VEHICLE PURCHASES.

**IT IS RECOMMENDED THAT THE BOARD OF SUPERVISORS:** APPROVE SUPPLEMENTAL BUDGETS FOR THE MENTAL HEALTH DEPARTMENT (70570, 70569, 70574) AS DISCUSSED AND DIRECTED BY THE BOARD OF SUPERVISORS AT THE BOARD MEETING OF DECEMBER 2, 2014 (AGENDA ITEM 2F), WITH THE EXCEPTION OF VEHICLE PURCHASES.

**BACKGROUND AND DISCUSSION:** At the Board of Supervisors meeting on December 2, 2014 the Department presented a package of program and budget adjustments. A summary of the requests was provided. That document, entitled "*SUMMARY OF PCMH PROGRAM & BUDGET ADJUSTMENTS (December 2014)*", is attached for reference. In addition to the summary, detailed financial data was presented identifying each spending category and request. Those amounts were cross-referenced to coincide with Plumas County's budgeting format.

The Board considered requests in each of 7 major categories and provided direction to the Department to proceed on items #1, #2, #3, #5, #6, and #7, subject to a reasonable roll-out of expenses, commensurate with actual immediate needs of the Department and implementation of the increases in staffing levels. The Board denied immediate approval of the request for item #4, vehicle purchases and replacements, and directed the Department to prioritize vehicle needs and bring requests to the Board as needed on a case-by-case basis. As such, expenses for vehicles are not included in this supplemental budget request.

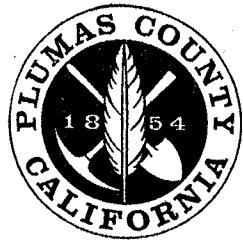
This supplemental budget request reflects the discussion and direction of the Board. Revenues to fund the additional expenses will come from existing fund balance. As the additional Therapist and Case Manager positions are filled, additional MediCal billing and revenues will accrue. As such, it is expected that transfers from existing fund balances will be substantially reduced.

**FINANCIAL IMPACT:** There are no General Fund dollars involved in this matter. Any costs associated with this matter are covered by existing reserves and a combination of Federal and State revenue sources.

# PLUMAS COUNTY MENTAL HEALTH SERVICES

270 County Hospital Road, #109 Quincy, CA 95971 (530) 283-6307 FAX (530) 283-6045

Peter Livingston, LCSW, Director



## SUMMARY OF PCMH PROGRAM & BUDGET ADJUSTMENTS (December 2014)

### ➤ 1. CORE MENTAL HEALTH STAFF

- A) CLINICAL STAFF:
  - 1) 4 FTE Mental or Behavioral Health Therapists
  - 2) 4 FTE Case Managers
  - 3) 1 Program Chief - Nursing
  - 4) MHSA Coordinator

- B) ADMINISTRATIVE STAFF:
  - 1) 1FTE Assistant Director
  - 2) 1 FTE Administrative Assistant
  - 3) Fiscal Tech

### ➤ 2. AB109 SET-ASIDE

- A) CLINICAL STAFF:
  - 1) 2 FTE Behavioral Health Therapists
  - 2) 2 FTE Case Manager

### ➤ 3. MANAGEMENT DEVELOPMENT

- A) TRAINING & STAFF DEVELOPMENT (for Management Team Members to build expertise)

### ➤ 4. VEHICLES (NEW & REPLACEMENT)

- A) NEW VEHICLES (for assignment to new FTE positions) 1) Total of 9 vehicles
- B) REPLACEMENT VEHICLES (replacement of outdated vehicles) 2) Total of 7 vehicles

### ➤ 5. OFFICE TECHNOLOGY

- A) County Annex Server Room Cooling System Installation
- B) Photocopiers for each office location
- C) Telecommunications

### ➤ 6. WORKSTATIONS

- A) Therapy Office Sets
- B) Administrative Office Sets
- C) Reception & Common Area Sets
- D) HIPAA Compliant File Cabinets

### ➤ 7. OFFICE SPACE EXPANSION

- A) Lake Almanor Expansion (Chester)
- B) Indian Valley – New Office (Greenville)
- C) Quincy Expansion (no additional space available at the Annex)
- D) East County Expansion (Portola)





**COUNTY OF PLUMAS**  
**REQUEST FOR BUDGET APPROPRIATION TRANSFER**  
**OR SUPPLEMENTAL BUDGET**

**TRANSFER NUMBER**  
(Auditor's Use Only)

Department: MENTAL HEALTH      Dept. No: 70574      Date 12/16/2014

The reason for this request is (check one):

- A.  Transfer to/from Contingencies OR between Departments
  - B.  Supplemental Budgets (including budget reductions)
  - C.  Transfers to/from or new Fixed Asset, within a 51XXX
  - D.  Transfer within Department, except fixed assets
  - E.  Establish any new account except fixed assets

### Approval Required

TRANSFER FROM OR  SUPPLEMENTAL REVENUE ACCOUNTS

(CHECK "TRANSFER FROM" IF TRANSFER WITHIN EXISTING BUDGET, CHECK "SUPPLEMENTAL REVENUE" IF SUPPLEMENTAL, NEW UNBUDGETED REVENUE)

## TRANSFER TO OR

## SUPPLEMENTAL EXPENDITURE ACCOUNTS

(CHECK "TRANSFER TO" IF TRANSFER WITHIN EXISTING BUDGET, CHECK "SUPPLEMENTAL EXPENDITURE" IF SUPPLEMENTAL, NEW UNBUDGETED EXPENSE)

Supplemental budget requests require Auditor/Controller's signature

Please provide copy of grant award, terms of award, proof of receipt of additional revenue, and/or backup to support this request.

**COUNTY OF PLUMAS**  
**REQUEST FOR BUDGET APPROPRIATION TRANSFER**  
**OR SUPPLEMENTAL BUDGET**

**TRANSFER NUMBER**  
(Auditor's Use Only)

**Department: MENTAL HEALTH**

Dept. No: 70569

Date 12/16/2014

The reason for this request is (check one):

- A.  Transfer to/from Contingencies OR between Departments
  - B.  Supplemental Budgets (including budget reductions)
  - C.  Transfers to/from or new Fixed Asset, within a 51XXX
  - D.  Transfer within Department, except fixed assets
  - E.  Establish any new account except fixed assets

### **Approval Required**

## Board

## Board

## Board

### Auditor

### Auditor

TRANSFER FROM OR  SUPPLEMENTAL REVENUE ACCOUNTS

TRANSFERS FROM OTHER FUNDING SOURCES SUPPLEMENTAL REVENUE ACCOUNTS  
(CHECK "TRANSFER FROM" IF TRANSFER WITHIN EXISTING BUDGET, CHECK "SUPPLEMENTAL REVENUE" IF SUPPLEMENTAL, NEW UNBUDGETED REVENUE)

#### TRANSFER TO OR

## SUPPLEMENTAL EXPENDITURE ACCOUNTS

**TRANSFER TO OR** **SUPPLEMENTAL EXPENDITURE ACCOUNTS**  
(CHECK "TRANSFER TO" IF TRANSFER WITHIN EXISTING BUDGET, CHECK "SUPPLEMENTAL EXPENDITURE" IF  
SUPPLEMENTAL NEW UNBUDGETED EXPENSE)

Fund #	Dept #	Acct #	Account Name	\$ Amount
0014B	70569	51000	REGULAR WAGES	69,507.00
0014B	70569	51070	UNEMPLOYMENT	405.00
0014B	70569	51080	RETIREMENT	11,816.00
0014B	70569	51090	GROUP INSURANCE	29,720.00
0014B	70569	51100	FICA/MEDICARE	5,317.00
0014B	70569	520201	PHONE-LANDLINE	1,200.00
0014B	70569	521230	OFFICE FURNITURE/EQUIP	20,820.00
Total (must equal transfer to total)				138,785.00

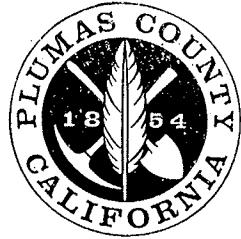
Supplemental budget requests require Auditor/Controller's signature

Please provide copy of grant award, terms of award, proof of receipt of additional revenue, and/or backup to support this request.

# PLUMAS COUNTY MENTAL HEALTH SERVICES

270 County Hospital Road, #109 Quincy, CA 95971 (530) 283-6307 FAX (530) 283-6045

Peter Livingston, LCSW, Director



## SUMMARY OF PCMH PROGRAM & BUDGET ADJUSTMENTS (December 2014)

### ➤ 1. CORE MENTAL HEALTH STAFF

- A) CLINICAL STAFF:
  - 1) 4 FTE Mental or Behavioral Health Therapists
  - 2) 4 FTE Case Managers
  - 3) 1 Program Chief - Nursing
  - 4) MHSA Coordinator

- B) ADMINISTRATIVE STAFF:
  - 1) 1FTE Assistant Director
  - 2) 1 FTE Administrative Assistant
  - 3) Fiscal Tech

### ➤ 2. AB109 SET-ASIDE

- A) CLINICAL STAFF:
  - 1) 2 FTE Behavioral Health Therapists
  - 2) 2 FTE Case Manager

### ➤ 3. MANAGEMENT DEVELOPMENT

- A) TRAINING & STAFF DEVELOPMENT (for Management Team Members to build expertise)

### ➤ 4. VEHICLES (NEW & REPLACEMENT)

- A) NEW VEHICLES (for assignment to new FTE positions) 1) Total of 9 vehicles
- B) REPLACEMENT VEHICLES (replacement of outdated vehicles) 2) Total of 7 vehicles

### ➤ 5. OFFICE TECHNOLOGY

- A) County Annex Server Room Cooling System Installation
- B) Photocopiers for each office location
- C) Telecommunications

### ➤ 6. WORKSTATIONS

- A) Therapy Office Sets
- B) Administrative Office Sets
- C) Reception & Common Area Sets
- D) HIPAA Compliant File Cabinets

### ➤ 7. OFFICE SPACE EXPANSION

- A) Lake Almanor Expansion (Chester)
- B) Indian Valley – New Office (Greenville)
- C) Quincy Expansion (no additional space available at the Annex)
- D) East County Expansion (Portola)

			TOTALS	70569 AB109 SETASIDE	TOTAL (WAGES ONLY PRORATED 5 MOS)
	ADDING + 16.0 FTE OVERALL	MH	(WAGES ONLY PRORATED 5 MOS)		
<b>1. CORE MENTAL HEALTH STAFF</b>					
A) CLINICAL STAFF					
1) <u>Addition of 4 FTE THERAPISTS (MHT I or II or III, or BHT I or II or III)</u>	+ 4.0 FTE	\$ 313,579	\$ 130,658		
OnCall		\$ 78,395			
Affordable Care Act		\$ 78,395			
Compensation for EHR		\$ 78,395			
Intake Coordinator		\$ 78,395			
2) <u>Addition of 4 FTE CASE MANAGERS (1 Child; 3 Adults)</u>	+ 4.0 FTE	\$ 246,895	\$ 102,873	\$ -	
Child Case Manager		\$ 61,724			
Adult Case Manager		\$ 61,724			
Adult Case Manager		\$ 61,724			
Adult Case Manager		\$ 61,724			
3) <u>Addition of 1 FTE PROGRAM CHIEF OF NURSING</u>	+ 1.0 FTE	\$ 91,445	\$ 38,102	\$ -	
B) ADMINISTRATIVE STAFF	+ 3.0 FTE				
1) <u>Addition of 1 FTE DEPUTY DIRECTOR</u>		\$ 111,763	\$ 46,568	\$ -	
2) <u>Addition of 1 FTE ADMINISTRATIVE ASSISTANT</u>		\$ 55,733	\$ 23,222	\$ -	
3) <u>Addition of 1 FISCAL TECHNICIAN</u>		\$ 50,575	\$ 21,073	\$ -	
<b>TOTAL CORE STAFF</b>	+ 12.0 FTE	\$ 869,989	\$ 362,495	\$ -	
<b>2. AB109 SET-ASIDE</b>					
A) CLINICAL STAFF					
1) <u>Addition of 2 FTE BHT I, II or III (?)</u>	+ 2.0 FTE	\$ 78,395	\$ -	\$ -	\$ 156,789
2) <u>Addition of 2 FTE CASE MANAGER</u>	+ 2.0 FTE	\$ 61,724	\$ -	\$ -	\$ 123,447
<b>TOTAL AB109 SET-ASIDE STAFF</b>	+ 4.0 FTE				\$ 280,237
<b>3. MANAGEMENT DEVELOPMENT</b>					
A) TRAINING & STAFF DEVELOPMENT (for Management Team Members to build expertise)					
		\$31,840	\$31,840		
<b>4. VEHICLES - NEW &amp; REPLACEMENT</b>					
A) NEW VEHICLES / FOR NEW EMPLOYEES					
1 AWD - TELEPSYCH NURSING PROGRAM (travel to outlying areas)		\$ 32,000			
5 AWD - Vehicles - Case Managers	4 @ \$32K, 1 @ \$32K	\$ 128,000			\$ 32,000
3 AWD - Vehicles - Therapists	2 @ \$32K, 1 @ \$32K	\$ 64,000			\$ 32,000
9 Sets of winter wheels & snow tires	7 @ 1950, 2 @ \$1950	\$ 13,650			\$ 3,900

		70570	TOTAL (WAGES ONLY PRORATED 5 MOS)	70569 AB109 SETASIDE	TOTAL (WAGES ONLY PRORATED 5 MOS)
<b>B) REPLACEMENT VEHICLES</b>					
2 Caged Vans-Small/Midsize (for transport to psychiatric hospitals)		\$ 36,000			
1 AWD - 12-Passenger/Large AWD Van for Sierra House, DIC & MOUNTAIN VISIONS		\$ 38,000			
1 AWD - Large AWD Van		\$ 38,000			
1 small/midsized quad cab truck w/extended gate - DIC/SH		\$ 36,000			
1 AWD Minivan - DIC		\$ 32,000			
1 AWD - Vehicle - Case Managers--DIC		\$ 32,000			
7 Sets of winter wheels & snow tires		\$ 6,825			
<b>16 TOTAL VEHICLES 14-70570, 2-70569</b>		\$ 456,475			\$ 67,900
<b>5. OFFICE TECHNOLOGY</b>					
Annex Server Room Cooler/Ceiling		\$ 6,500			
5 Photocopy machines (Annex; DIC; Chester; Greenville; Portola)		\$ 6,333			
1 Television screen for MH Lobby		\$ 1,000			
5 Conference Phones (Polycom - compatible		\$ 2,500			
New Answering Service		\$ 1,190			
1 Commercial/Industrial Shredder-PHI Destruction		\$ 5,000			
<b>TOTAL</b>		\$ 22,523			\$ -
<b>6. WORK STATIONS</b>					
6 Sets of Therapy Office Furnishings @ \$6435, (4) 70570, (2) 70569		\$ 25,740			\$ 12,870
10 Sets of Administrative/Case Manager Office Furnishings @ \$4575 (8) 70570, (2) 70569		\$ 73,200			\$ 9,150
15 Locking HIPAA Compliant File Cabinets @ \$350 each		\$ 5,250			
<b>TOTAL</b>		\$ 104,190			\$ 22,020
<b>OFFICE SPACE EXPANSION</b>					
Chester Office 2800 sq.ft.	Rent	Utilities	Total		
Indian Valley Office					
Portola Office Space					
Quincy Office Space					
<b>TOTAL</b>					
<b>GRAND TOTAL ONE TIME EXPENSES</b>					
					\$ 206,685
					\$ 89,920

		70570	TOTALS (WAGES ONLY PRORATED 5 MOS)	70569 AB109 SETASIDE	TOTAL (WAGES ONLY PRORATED 5 MOS)
<b>ADDING + 16.0 FTE OVERALL</b>					
<b>WORK STATIONS - THERAPISTS</b>					
Desk	1500				6
Ergonomic Chair	400				
Computer	1500				
Phone	300				
Couch	1200				
Side Chair	500				
Locking File Cabinet	350				
Window Covering	125				
Lighting/Ambiance	560				
<b>TOTAL</b>	<b>6 @</b>	<b>6435</b>	<b>38610</b>		
<b>WORK STATIONS - CASE MANAGERS</b>					
Desk	1500				6
Ergonomic Chair	400				
Computer	1200				
Phone	300				
Side Chair	500				
Locking File Cabinet	350				
Window Covering	125				
Lighting	200				
<b>TOTAL</b>	<b>6 @</b>	<b>4575</b>	<b>27450</b>		
<b>FURNITURE SETS - ADMINISTRATIVE/MAN</b>					
Desk	1500				4
Ergonomic Chair	400				
Computer	1200				
Phone	300				
Side Chair	500				
Locking File Cabinet	350				
Window Covering	125				
Lighting	200				
<b>TOTAL</b>	<b>4 @</b>	<b>4575</b>	<b>@</b>	<b>18300</b>	



# PLUMAS COUNTY MENTAL HEALTH

Peter Livingston, LCSW, Director  
270 County Hospital Road, Suite 109 Quincy, CA 95971  
(530) 283-6307 FAX (530) 283-6045  
plivingston@kingsview.org



## MEMO

DATE: DECEMBER 8, 2014

TO: HONORABLE BOARD OF SUPERVISORS

FROM: PETER LIVINGSTON, LCSW, DIRECTOR

SUBJECT: AGENDA ITEM FOR BOARD MEETING OF DECEMBER 16, 2014

REGARDING: ACCEPTANCE OF PLUMAS COUNTY MENTAL HEALTH'S THREE-YEAR PROGRAM AND EXPENDITURE PLAN.

**IT IS RECOMMENDED THAT THE BOARD OF SUPERVISORS:** RECEIVE, APPROVE, AND AUTHORIZE SUBMISSION TO THE MENTAL HEALTH SERVICES OVERSIGHT AND ACCOUNTABILITY COMMISSION OF THE MENTAL HEALTH SERVICES ACT FY 2014 – 2017 THREE-YEAR PROGRAM AND EXPENDITURE PLAN (INCLUDING MHSA FY 13/14 ANNUAL UPDATE).

**BACKGROUND AND DISCUSSION:** Plumas County Mental Health receives funding through the Mental Health Services Act (Proposition 63). A Three-Year MHSA Plan is required to be in place under state law. In addition, annual updates are required. It came to the attention of the current Director that a 13/14 Annual Update had not been completed by the previous administration. Discovery of this fact was made well into the 13/14 fiscal year. Departmental instability, and an ongoing lack of administrative capacity resulted in the 13/14 Annual Update being incorporated into the current Three-Year Plan.

Nancy Callahan of I.D.E.A. Consulting was retained to facilitate the MHSA planning process due to having needed expertise and experience. Mike Geiss and Gary Ernst provided additional consulting on fiscal and administrative issues. The Plan is required to be developed with meaningful stakeholder involvement. Extensive surveys were collected from community members with approximately 600 responses submitted. From October 22 – 24, 2014 four Community Forums were conducted, one in each of the major population areas of the county. Six Focus Groups were conducted with members of special populations as required by state regulation. The information gathered was incorporated into the Draft Three-Year Plan. The Draft Plan was presented at the Mental Health Commission meeting of November 12, 2014. A 30-Day Public Comment period and a Public Hearing were held. Due to having a late start in the planning process, an ambitious goal was set to have the planning process completed by the end of the first half of the current fiscal year.

The above-referenced plans, including budget details, can be found on the Plumas County Website at [countyofplumas.com](http://countyofplumas.com) by following the link under the heading of "County News."

The Three-Year MHSA Plan is now before the Board for approval.

**FINANCIAL IMPACT:** There are no General Fund dollars involved in this matter. All costs associated with this matter are covered by state funds from the Mental Health Services Act.



## Plumas County Office of Emergency Services

46

270 County Hospital Road #127  
Quincy, California 95971

Phone: (530) 283-6332  
Fax: (530) 283-6241

**Date:** December 5, 2014

**To:** Honorable Board of Supervisors

**From:** Jerry Sipe

**RE:** Agenda Item for December 16, 2014

**Recommendation:** Receive an update and report of activities of the Office of Emergency Services and the Fire Prevention Specialist.

**Background and Discussion:** As the Board is aware, Sue McCourt is serving under contract as the county's Fire Prevention Specialist. Funded through Title III, her scope of work includes a wide range of Firewise and community wildfire protection planning activities.

The attached report summarizes the activities and accomplishments of the Fire Prevention Specialist for the past few months. As you can see, she continues providing important support and resources to communities throughout Plumas County. Thanks to her help, Plumas County continues making big strides in wildfire prevention and preparedness.

At this time the Board is invited to ask questions of staff and receive this report of activities.

If you have any questions, please do not hesitate to contact me at 283-6367.

Thank you.

Enclosure

**Summary of Activities and Accomplishments June 2014- December 2014**  
**Fire Prevention Specialist**

**Firewise activities:**

- Greenhorn: Presentation at Greenhorn's First Firewise day. Of note- they have achieved National Recognition as a Firewise Community.
- Graeagle FPD: Assisted with Annual Firewise day (Demonstration Project) hosted by Whitehawk Ranch.
- Gold Mt: Attended Firewise meetings, provided technical support for custom fire prevention materials.
- Bailey Creek: Presentation to community introducing Firewise Community Program, support to newly formed Firewise Committee.
- Mohawk Vista: Support for community outreach to Firewise Committee on fire prevention opportunities for their community.
- Grizzly Ranch: Met with HOA to introduce Firewise Community Program.
- Indian Valley and Genesee: Outreach for local neighborhoods interested in being a Firewise Community with Chief Hamblin. Introduction to Firewise Community Program for Indian Valley CSD Board scheduled for Dec. 10.

**Community Firewise Assessments completed for Mohawk Vista, Grizzly Ranch and Bailey Creek.**

**Presentations:** *Living with Wildfire* Presentation for Portola area residents hosted by City of Portola. *Evacuation preparedness* for Lake Davis Homeowners,

**Wildfire prevention education for homeowners:** Composed Firewise fire preparedness articles for local newspapers.

**Provide assistance to Fire Protection Districts in Plumas County:**

- Continued work on *Wildfire Evacuation Map* project.
  - Coordinating with PCSO on map book format for field use.
- **NEW** project in development: "Community Wildland Fire Suggested Evacuation Routes". Educational publication for communities with neighborhood wildfire evacuation map.
- Created fall debris burn safety publication for Plumas Eureka CSD.
- Attended Graeagle Fire Board meeting.

**Continued implementation of action items in Communication Plan: Fire Protection in Plumas County- Public Education and information relating to residents residing outside a Fire District.**

- Continued discussions and providing assistance to fire districts for outreach of out of fire district residents in their response area.
- Updated Question and Answer handout with John Benoit of current process for annexations for Fire Districts.
- Attend LAFCo meetings for up to date communications of county area annexation opportunities and Fire District SOI updates.



OFFICE OF THE  
**COUNTY COUNSEL**  
COUNTY OF PLUMAS

Plumas County Courthouse  
520 Main Street, Room 301  
Quincy, California 95971-9115

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PARALEGAL/SMALL CLAIMS ADVISOR

Phone: (530) 283-6240  
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December 16, 2014

**INTEROFFICE MEMORANDUM**

**TO:** Honorable Board of Supervisors, County of Plumas

**FROM:** R. Craig Settlemire, *Plumas County Counsel*

A handwritten signature in black ink that reads "R. Craig Settlemire".

**SUBJECT:** Request to authorize the County Counsel to recruit and fill vacant, funded, and allocated Paralegal position as either a Paralegal I, II, III, or Legal Services Assistant I, II classification (Confidential Unit); or give other direction.

**Background:**

The County Counsel's Office has recently been informed of pending retirement of our long-time Paralegal III effective December 28, 2014. The incumbent is a 38-year Plumas County employee whose extensive experience and institutional knowledge will be virtually impossible to replace.

However, the Paralegal III position is the sole support staff position in the Plumas County Counsel's Office providing essential services in our three person office that includes two attorneys providing civil legal services to the Plumas County Board of Supervisors, the various Plumas County departments, and dependent special districts. The duties performed by this position facilitate the efficient use of attorneys' time. In addition, this position fulfills the statutorily mandated "Small Claims Advisor" function.

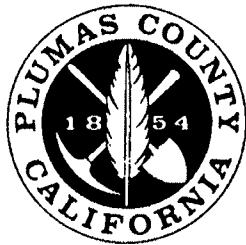
Attached are responses to the Critical Staffing Questionnaire together with an organization chart for the Plumas County Counsel's Office.

**Action:**

It is respectfully requested that the Board of Supervisors authorize the County Counsel to recruit and fill vacant, funded, and allocated Paralegal position as either a Paralegal I, II, III, or Legal Services Assistant I, II classification (Confidential Unit).

**END OF MEMORANDUM**

[Z:\Memos\BOS Memo re Paralegal Vacancy.doc]



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December 16, 2014

**SUBJECT POSITION:** County Counsel's Office, Paralegal III (Confidential Unit)

**RESPONSES TO QUESTIONS FOR STAFFING CRITICAL POSITIONS WHICH ARE CURRENTLY ALLOCATED:**

• **Is there a legitimate business, statutory or financial justification to fill the position?**

**RESPONSE:** Yes. The Paralegal position is the only support staff position in the County Counsel's Office. In addition to enhancing the effectiveness of the two attorneys in the County Counsel's Office by providing clerical, legal secretarial, filing, and reception services in the office, the Paralegal also provides Small Claims Advisor services mandated by law. In addition, this position receives statistical information from the attorneys providing public defender services and processes claims.

• **Why is it critical that this position be filled at this time?**

**RESPONSE:** If the position is not filled, such duties will have to be performed by the attorneys in the office, thereby reducing the amount of time the attorneys will be able to perform civil legal services to other Plumas County Departments, dependent special districts, and to the Board of Supervisors.

• **How long has the position been vacant?**

**RESPONSE:** The vacancy is effective December 28, 2014.

• **Can the department use other wages until the next budget cycle?**

**RESPONSE:** Other wages appropriated to the County Counsel's Office are nominal and will be insufficient to pay for the necessary services the remainder of the fiscal year. An appropriate budget transfer request will be presented for consideration and approval at a later meeting of the Board of Supervisors.

• **What are staffing levels at other counties for similar departments and/or positions?**

**RESPONSE:** Detailed current information on staffing in other county counsel offices is not available on short notice. However, a review of a directory from 2011 shows the ratio of support staff to attorneys in the 19 smaller counties (excluding counties that contract for outside general county counsel services) show a range of 4/5 high to as low as 1/5. The cumulative average is .58 support staff to one attorney.

• **What core function will be impacted without filling the position prior to July 1?**

**PLUMAS COUNTY  
BOARD  
OF  
SUPERVISORS**

**PLUMAS COUNTY  
COUNSEL**  
(R. Craig Settlemire)

**PARALEGAL III**  
(Liz Cortez)

**DEPUTY COUNTY  
COUNSEL II**  
(Steve Mansell)



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## PLUMAS COUNTY COORDINATING COUNCIL

### AGENDA REQUEST

for the December 16, 2014 meeting of the Board of Supervisors

December 9, 2014

To: Honorable Board of Supervisors

From: Robert Perreault, Chair, PCCC

A handwritten signature in black ink that reads "Robert A. Perreault".

Subject: Consideration of the matter that U.S. Fish and Wildlife Service proposes to list the west coast distinct population of fisher as threatened under the U.S. Endangered Species Act; discussion and possible action.

### BACKGROUND

The US Fish & Wildlife Service (FWS) is proposing to list the West Coast population of fisher under the Endangered Species Act as threatened and is seeking information on fisher biology and threats to assist in their evaluation. Critical habitat is not being proposed at this time. Information on the proposed rule is available for public viewing on the internet at:

<http://www.regulations.gov/#!documentDetail;D=FWS-R8-ES-2014-0041-0001>

Click on: "View original printed format" in order to view the original notice, as it appeared in the *Federal Register*, which also contains *sketch maps* associated with this proposed listing.

Additionally, the Pacific Southwest Region of the U.S. Fish & Wildlife Service has published an informational web page on the internet, which is available for viewing at:

<http://www.fws.gov/cno/es/fisher/>

The deadline for submitting comments to the Fish & Wildlife Service is January 5, 2015.

On Dec. 4, 2014, the PCCC voted 5-0 to recommend to the Board of Supervisors that the County submit formal comments on the proposal to list the fisher as "threatened."

### Recommendation:

PCCC respectfully recommends that the Board of Supervisors authorize the Chair to sign the attached letter of comments.

Attachment

**[ TO BE PLACED ON BOARD OF SUPERVISORS LETTERHEAD ]**

**DRAFT LETTER – as of December 9, 2014**

December 16, 2014

Public Comments Processing  
Attn: Docket No. FWS-R8-ES-2014-0041  
U.S. Fish & Wildlife Headquarters  
MS: BPHC  
5275 Leesburg Pike  
Falls Church, VA 22041-3803

RE: Endangered and Threatened Wildlife and Plants: Threatened Species Status for West Coast Distinct Population Segment of Fisher

Dear Sir:

The Plumas County (CA) Board of Supervisors submits this letter as its formal comments on the above captioned proposed listing pertaining to listing the fisher species as “threatened” under the Endangered Species Act. The following is pertinent:

**INTRODUCTION.**

Plumas County’s major concerns with the potential listing of the West Coast Distinct Population Segment of fisher (*Perkinia pennanti*) are stated below. As with most of the current legislation and regulation that regulates and restricts management of our public land resources, your proposal is just another example of how the federal and state regulatory agencies, including the U.S. Fish and Wildlife Service, manages single species to the detriment of our human and ecological environment.

Plumas County offers the following information for your consideration in this compounding issue that goes beyond this single species, the fisher. Your agency’s approach in this matter – like most of the other species listed or under consideration – is centered on “not losing this single species.” Such a regulatory process does not take into consideration the impacts to other species and there has been no significant consideration for the Human species within your information requests.

The following comments are pertinent:

1. It is respectfully cautioned that the U.S. Fish & Wildlife Service should be especially careful in setting boundary areas on its maps that are too broad or overly encompassing. The only maps associated with the agencies present proposal appear in the *Federal Register* notice (Vol. 79, No. 194 / Tuesday, October 7, 2014, beginning at Page 60419) of the proposed listing. Such maps are at a very large scale, which is not helpful when areas near the area edges are being scrutinized in relation to proposed developments. The basis of establishing such mapping areas is requested to be available during the final rule.

2. The section titled "Information Requested" is absent of any human environment consideration as required by the Council on Environmental Quality (CEQ) and part of the National Environmental Protection Act of 1969. We offer the following for your consideration from CEQ regulations, thus:

**Sec. 1508.14 Human environment.**

**"Human environment" shall be interpreted comprehensively to include the natural and physical environment and the relationship of people with that environment. (See the definition of "effects" (Sec. 1508.8). This means that economic or social effects are not intended by themselves to require preparation of an environmental impact statement. When an environmental impact statement is prepared and economic or social and natural or physical environmental effects are interrelated, then the environmental impact statement will discuss all of these effects on the human environment.**

CEQ regulations also define effects:

**Sec. 1508.8 Effects.**

**"Effects" include:**

- (a) Direct effects, which are caused by the action and occur at the same time and place.**
- (b) Indirect effects, which are caused by the action and are later in time or farther removed in distance, but are still reasonably foreseeable. Indirect effects may include growth inducing effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems, including ecosystems.**

**Effects and impacts as used in these regulations are synonymous. Effects includes ecological (such as the effects on natural resources and on the components, structures, and functioning of affected ecosystems), aesthetic, historic, cultural, economic, social, or health, whether direct, indirect, or cumulative. Effects may also include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial.**

There are impacts to the Human Element when single or multiple species reduce or eliminates any management options that could reduce the risk of catastrophic wildfire, promote healthier watershed as well as reduce the risk of insect and disease.

3. The information published by the U.S. Fish & Wildlife Service does not address the sociological impacts associated with the proposed listing.
4. The information pertaining to the proposed listing is unclear about the negative effects associated with present day techniques of forest management.

Currently wildfire is impacting multiple species by burning their preferred habitat as well as impacting connectivity corridors. The result of these losses in the designation of additional areas outside to the fire area that then takes more general forest acres out of normal timber management (suitable for timber production) and places them into a species specific protection status. There needs to be discussion and strategy and guidance to address this impact on the social and economic reduction of the general forest zone that then is either totally eliminated or drastically reduced-from-suitable for timber production status.

The County further offers the following points for consideration:

- Return stands to historic conditions that are open and allow the safe and manageable reintroduction of fire, both wildfire and prescribed fire. Malcom North has given recent presentations (“Increasing Pace and Scale of Fuels Reduction and Forest Restoration in the Sierra Nevada;” Malcolm North, April Brough, Jonathan Long, Brandon Collins and Marc Meyer, USFS PSW, USFS Region 5, and UC Berkeley) that state there needs to be more mechanical treatment as well as increasing that treatment on slopes up to 45 percent if prescribed fire is going to be reintroduced both economically and safely within the millions of acres of areas designated as suitable for timber production. It is not feasible or economical to re-introduce prescribed fire on most suitable for timber acres without returning the stands and acres to their historic conditions.
- The over-crowded stand conditions that have resulted from a century of fire suppression are having a drastic effect on the depletion of groundwater and the evapotranspiration of millions of gallons of needed water each year. Again, the desired condition for returning these stands to historic conditions does not address this vital and critical issue to ecosystem health as well as addressing the Sierra Nevada and State of California's need for water. This desired condition is needed even if we were not hearing about climate change and its impacts related to vegetation, fire and water.
- With the inability of agencies to increase the acreages of thinning and returning stands to historic conditions, more acres are burning. Additionally, almost 90 percent of every fire area is not salvaged and reforested, leading to a condition where brush is becoming the dominant vegetation cover, or a resulting conversion from forested acres to brushfields. This conditions effects S/E by reducing the amount of water available downstream for municipal and agricultural uses. Brush transpires more water than conifers: thus, the additional loss of potential water yield. The paper ***Mediterranean Climate Effects. I. Conifer Water Use Across A Sierra Nevada Ecoton, by E. B. Royce and M. G. Barbour*** has shown that shrubs use far more soil moisture than do conifers and hardwoods.

- With the reduction in the amount of salvage, due primarily to a single species issue, the Black-backed Woodpecker, almost 90 percent of all fire acreage are not salvaged, thus resulting in large areas of large woody material not being treated. As these areas reburn, they burn hotter, resulting in more acreage of high fire intensity. The impact is often the creation of hydro-phobic soils that result in more run-off and silt delivery into fisheries, hydro-electric facilities and community water supplies.
- Increase in greenhouse gas emissions. Uncontrolled wildfire is becoming a prime contributor to impacts related to S/E. These impacts include:
  - Seniors, school children and the general public having to eliminate or reduce normal life activities due to prolonged days of smoke and resulting particulate matter.
  - The Desert Research Institute recently published information that suggests that approximately 34 percent of the global soot mass is from wildfire and emitted into the atmosphere. This soot has been dubbed 'superaggregates,' or soot particles more compact and on average 10 times longer than normal ones.
  - In relation to the Rim Fire, the Sierra Nevada Conservancy provided the following information that must be considered when evaluating and analyzing S/E impacts;
    - 11,352,608 metric tons of greenhouse gas was emitted and equivalent to:
      - Annual greenhouse gas emissions from 2.3 million cars
      - Carbon dioxide emissions from 1.2 billion gallons of gas consumed
      - Carbon dioxide emissions from the electricity use of 1.5 million homes for 1 year
      - Annual carbon dioxide emissions of 3.2 coal fired plants
    - A state of emergency was declared for the City of San Francisco due to the threat that the fire posed to water and power resources at Hetch Hetchy, the reservoir that serves 2.6 million people.
    - Air quality warnings were issued for Lake Tahoe, Carson City and Reno, more than 100 miles away. Some hotels in South Lake Tahoe experienced as much as a 20 percent drop in business as a result of smoke.
    - The Rim Fire burned so hot in some areas – five times hotter than boiling water – that it changed soil chemistry and structure. These "high burn" areas are more erosion-prone.
    - Nearly 100,000 acres, about 40% of the area, burned at high intensity. Ecologists say that it could take 30 to 50 years for the forest to reestablish itself in these areas.
    - Denver Water is still spending millions of dollars to stem erosion 12 years after the Hayman Fire burned across 215 square miles in the foothills south of Denver. The Rim Fire has consumed nearly 2 times that area at 402 square miles.
    - <http://www.sierranevada.ca.gov/factsheets/10.31rimfirefactsheet.pdf>

An issue that is not considered in the Information Request is the effects that not allowing management of areas designated for fisher habitat is the effect on water.

In California, there are 8.3 million acres of suitable productive forestland in the Region 5 of the U.S. Forest Service. The annual net growth on these acres is 3.73 billion board feet and of that, 846 million board feet dies each year from overcrowding. This means that 23 percent of forest growth goes to waste and becomes fuel for future wildfires. With watershed restoration and forest thinning consuming only nine percent of annual net growth of our federal forests, it is no wonder that we have seen such a drastic loss of water yield into our watersheds and state water systems.

There is a growing body of research that addresses forestry, water loss and climate change issues. Everyone understands that trees consume a lot of water, but we are beginning to quantify the impacts when forests are overgrown. Northern Arizona University's Ecological Restoration Institute found that thinning thick and unnaturally dense forests could increase runoff for urban water users by up to 12 percent in some years.

A study on the Sierra Nevada Watershed Ecosystem Enhancement Project details the influence of forest vegetation and the need for management activities in addressing an ever decreasing water supply. Jamie Workman, from the Environmental Defense Fund, and Helen Poulos, a fire ecologist at Wesleyan University, estimated that excess trees in the 7.5 million acres of Sierra Nevada conifer forest are responsible for the loss of more than 15 billion gallons per day, or 17 million acre-feet of water per year. Workman writes this is "more than enough water to meet the needs of every Californian for a year."

## 5. Loss and impact due to current legislation and non-management of our public lands is significant:

- The major impact due to years of non-management of our public lands relates to the overstocked conditions of our national forests and the resulting loss of water that is critical to our state. When this is coupled with the climate change, the necessity to manage our overstocked stands of trees on public lands is at a crisis stage. There are many papers that address the water loss and climate change issues, but critical to California and the Sierra's and Cascade regions is a paper prepared for PG&E by Gary J. Freeman. Mr. Freeman in 2010 wrote, "Tracking the Impacts of Climate Change on Central and Northern California's Spring Snowmelt Subbasin Runoff," and in 2008, "Runoff Impacts of Climate Change on Northern California's Watersheds as Influenced by Geology and Elevation – A Mountain Hydroelectric System Perspective." These two papers highlight the issue of climate change impacts on the State Water Projects main reservoir, Lake Oroville, which serves 25 million urban water users from the north to the southern end of the state, as well as supplies water to 750,000 acres of agricultural land in the state. A later report published in November of 2011, "Forests and Water in the Sierra Nevada: Sierra Nevada Watershed Ecosystem Enhancement Project," by Bales, Battles, Chen, Conklin, Holst, O'Hara, Saksa and Stewart, provides information on the influence of forest vegetation and the need to treat and manage our forests if we want to address the ever decreasing water supply and timing of deliver to this critical water project. Just a few highlights from these reports follow, thus:

- In 2009, the Feather River Basin is producing 400,000 AF less average annual runoff into Lake Oroville than the Basin produced in 1960. The 270,000 AF decline in inflows from the NFFR includes the 90,000 AF in reduced outflows from Lake Almanor and the 180,000 AF stream flow reduction from the EBNFFR. The remaining 130,000 AF decline in inflows to Oroville is attributed mainly to reduced stream flows in the Middle Fork of the Feather River.
- Stream inflows to Lake Almanor (primary upstream reservoir) have diminished by 15% or by 90,000 AF/yr since 1960. The combination of low elevation and open topography of the watershed creates a “rain shadow” effect that magnifies impact of the warming pacific storms on local runoff.
- Increase in winter minimum temperatures has reduced the snow pack around Lake Almanor. The Mt. Stover Ski area (just west of Chester) April 1 snow pack declined by 59% since 1949.
- Early estimates from the SN study cited above state, “First-order estimates based on average climate suggest that reducing forest cover by 40% of maximum levels across a watershed could increase water yields by about 9%.” And, “Sustained, extensive treatments in dense Sierra Nevada forests could increase water yield by up to 16%.” Given that approximately 60% of the State’s water comes from the Sierra Nevada, this is a substantial increase in the State’s most critical resource.
- The facts and statistics in #1 above are very meaningful when it comes to our public lands that are mainly located in our rural counties. The following table illustrates how little management of our overstocked forests is occurring and as a result, most of the rainfall and snow fall is transpiring back into the atmosphere versus being delivered into our states critical water system. As shown in the table, there are 8,353,224 acres of suitable productive forestland in the California Forest Service region. The annual net growth on these acres is 3.73 billion board feet and of that, 846 million board feet dies each year from overcrowding – that is 23% of our growth per year dies and goes to waste and adds fuel in the event of wildfires. Prior to many of the current legislative and Presidential mandates (Northwest Forest Plan and California Spotted Owl, specifically) that occurred in the mid 1990's, our public lands were producing an average annual product amount of 1.46 billion board feet. Since 1995 and the change in policy on our public lands, the California region now only produces 338 million, or 23%, of the previous average from 1978 through 1995 and only 9% of the annual net growth of our public forest lands. It no wonder that a drastic loss of water yield into our watersheds and state water systems has become apparent.

Public Comments Processing

Attn: Docket No. FWS-R8-ES-2014-0041

U.S. Fish & Wildlife Headquarters, MS: BPHC

December 16, 2014

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Table 1

California, Region 5, National Forests suitable forest lands, net growth, mortality, and average volume sold 1978-1994 and 1995-2010.

Forest	Suitable Productive Forestland (Ac.)	Annual Net Growth (mmbf)	Avg. Annual Mortality (mmbf)	Mortality as % of Net Growth	Avg. Annual Sold 1978-1994 (mmbf)	Avg. Annual Sold 1995-2010 & as % of 1978-1994 Vol. Sold	Avg. Volume Sold 1995-2010 as % of Net Growth
Lassen	860,680	266.2	105.5	36%	137.15	56.95 42%	21%
Modoc	570,754	84.4	40	42%	55.25	26.43 48%	31%
Plumas	988,969	1,134	66.5	6%	177.97	36.04 20%	3%
Tahoe	669,910	535.1	41.7	8%	112.25	38.80 35%	7%
Mendocino	367,296	94.1	19.7	21%	65.76	6.62 10%	7%
Six Rivers	367,296	219	71.7	33%	106.17	7.78 7%	4%
Klamath	620,520	125.7	90.1	72%	174.12	27.70 16%	22%
Shasta-Trinity	1,054,923	459.7	99.4	22%	172.85	41.59 24%	9%
Eldorado	393,498	197.3	53.4	27%	133.28	38.85 29%	20%
Lake Tahoe Basin	108,815	33.2	14.1	42%	6.25	2.58 41%	8%
Stanislaus	385,691	181.9	41.9	23%	116.30	23.95 21%	13%
Sierra	511,468	229.3	56.9	25%	111.74	13.59 12%	6%
Sequoia	440,086	126.9	94.5	74%	69.22	8.84 13%	7%
Inyo	149,623	26.6	4.8	18%	10.89	3.25 28%	12%
Angeles	67,025	5.1	15.7	308%	0.79	0.24 30%	5%
San Bernardino	130,129	9.2	23.8	259%	8.38	4.37 52%	48%
Cleveland	22718	1.0	1.1	100%	0.79	0.15 19%	15%
Los Padres	48,170	1.2	5.3	442%	1.04	0.23 22%	19%
R5 Totals	8,353,224	3,730	846	23%	1,460	338 23%	9%

- Loss of species and habitat: Coupled with the information stated in 1 and 2 above is the fact that we are seeing an ever increasing loss of our ecosystems and related benefits due to larger wildfires and more intense burning within those fires. A quick look at the effects of overcrowding and the impact of larger fires can be illustrated with just 2 recent fires. The Moonlight fire of 2007, 65,000 acres burned, destroyed 22 California Spotted Owl (CSO) Protected Activity Centers (PAC). The Chips fire of 2012, 75,000 acres, destroyed 8 CSO PAC's and 3 Goshawk centers. The lack of forest management as a result of various pieces of legislation and Presidential mandates are a leading factor in not being able to properly protect the very species that they intended to protect.

- Restrictions on salvaging after fires is leading to additional watershed impacts:
  - Because of various legislative requirements to thoroughly analyze all projects, too much time is taken to prepare and try to bullet proof the NEPA documents from appeal and litigation. By the time the agency prepares the required documents and most are then appealed or litigated, most if not all of the potential revenue generating salvage is deteriorated. The result is few acres being salvaged and most burned acres remain with snags that become a hazard and future fuel issue. An example of the magnitude and future watershed impacts can be highlighted from the Chips fire of 2012.
  - The BAER report from the recent Chips fire on the Plumas and Lassen National Forests verify this increased impact in areas that are re-burns in areas not salvage logged or treatment of heavy fuels occur. The following information is extracted from the BAER report, thus:

“However, many of the areas indicated by the BAER imagery to be burned at high severity were reduced to moderate soil burn severity after on-the-ground visits by BAER soil scientists. The revised areas were in the “new burn”, i.e. ground that had not been burned by the 2000 Storrie Fire. While high severity areas indicated by the BARC in the new burn exhibited complete consumption of ground cover and duff and complete consumption of canopy, on-the-ground surveys in some areas of the new burn indicated a “fast” burn that heated the soils only to very shallow depths (1/2-inch to 1-inch) and little hydrophobicity in the soils. These areas were downgraded to moderate soil burn severity. However, watershed response in these areas is expected to be significant, with increased runoff and debris flows expected over the next one to three runoff seasons due to reduced ground cover, duff storage, and infiltration capacity and high occurrence of post-burn debris within and near stream channels (see photo below). **Within the Storrie Fire “re-burn”, and in several areas of the new burn, areas indicated by BARC imagery to have burned at high severity were found, on the ground, to exhibit high soil burn severity, with high hydrophobicity and deeper soil burn depths.”**

The highlighted statement is critical when you consider to treat or not treat burned areas. These non-treated and re-burned areas are causing increased impacts and losses to watersheds and soils that increase the erosion and sediment values as well as potential for downstream impacts. They also reduce the potential to re-vegetate these areas in a timely manner to reduce these impacts.

Most acres on public lands are now left to recover on their own. This recovery occurs over many more decades before these burned areas have returned into a natural forested state. This situation is detrimental to water production. The paper *Mediterranean Climate Effects. I. Conifer Water Use Across A Sierra Nevada Ecoton*, by E. B. Royce and M. G. Barbour has shown that shrubs use far more soil moisture than do conifers and hardwoods. If all of our State's burnt acres on public lands are left to their own means of recovery, we will see, and are seeing, an extended period when these lands are dominated by shrubs. We are losing thousands of acre feet of water per year by not managing our burnt landscapes in a more economic and watershed friendly manner.

5. The information published by the U.S. Fish & Wildlife Service does not address the economic impacts associated with the proposed listing.

Additional information for your consideration follows:

Plumas County is fortunate to be the only County within the Sierra Nevada Province to still have two facilities that play a vital role in being able to economically restore our forests and watersheds after a century of exclusion of fire. Following are some insights on why it is important to all or our counties as well as the ability for our public lands to be restored economically by maintaining and enhancing our remaining infrastructure.

- a) The following table provides the Region 5 timber target and accomplishments for fiscal years 2008-2011.

Fiscal Year Targets and Accomplishments Region 5

Fiscal Year	Target (mmbf)	Accomplishment (mmbf)
2008	426	203
2009	400	321
2010	410	355
2011	355	323

- b) The targets for this time period are less than one quarter of what they were on average from 1978 through 1990 and only slightly higher than the average for 2000-2010. Even with these greatly reduced targets, the agency cannot meet the targets on an annual basis. As a result of the reduced target accomplished, additional impacts are occurring. Our rural counties cannot stand additional losses of volume that will translate into prolonged mill closures. The impact of the loss of the direct jobs causes the further loss of indirect and induced jobs (1.6 – 2.25 according to IMPLAN documentation in the Framework EIS). As mills either shut down or reduce their workforce, there is a slow loss of indirect and induced jobs that impact rural economics well after the actual closure or reduction in production.

- c) Mill and biomass power infrastructure closures heighten the concern and need to address the issues surrounding the economic and social impacts when these closures occur. The following information is in relation to the social and economic impacts that have occurred and continue to occur with these counties. To define these losses, the following is offered:
- d) From 1978 through 1990, the average Forest Service timber sale production was 1,730 million board feet. From 2000-2010, the average production had fallen to 292 million board feet. Using UC Berkeley Professor McKillop's statistics, there are 6.4 jobs created per 1 million board feet of production. There is a difference of 1,439 million board feet from 1978-1990 to the current average production from 2000-2010, which equates to (1,439 times 6.4) 9,210 jobs lost. Currently these jobs average about \$42,000 in annual salary, or \$386,820,000.
- e) Using multipliers derived using the Forest Service IMPLAN model used for the 2001 Sierra Nevada Framework, the multiplier is 2.1 for indirect and induced jobs, or 13.44 per 1 million board feet which results in 19,340 (13.44 times 1,439 jobs) indirect and induced jobs.
- f) The resulting total jobs related to the production difference is 28,550 jobs and approximately 75% of these jobs relate to counties in Northern and Central California, or 21,412 jobs for an average of 1,127 jobs per county. Given the changes in forest management due to various environmental restrictions, the SFAC realizes that we will never obtain the previous employment levels or product production levels from the 1978-1990 period. However, we also feel strongly that, given the change in technology associated with the current forest practices, environmental concerns have been greatly reduced. Change in treatment prescriptions have also changed dramatically to thinning of smaller trees leading to a combination of small sawlogs and biomass.
- g) When discussing the loss of the existing forest products infrastructure, it is important to consider the importance of such jobs to our rural economic and social well-being. Forest workers and the related jobs that this infrastructure provide are all family wage jobs that provide health and insurance benefits. With the emphasis on job creation, nationally, the following information should be used to highlight the importance of this effort to revitalize and maintain this economic opportunity.

There have been numerous studies, as well as science, that conclude that proper thinning and design of landscape scale projects are reducing the loss and impacts to species, ecosystems and our states valuable watersheds without adverse impacts to our environment. To the contrary, these projects are creating jobs while improving our ecosystem health. One such study on effectiveness is the USDA R5-TP-031, December 2010, "A Summary of Fuel Treatment Effectiveness in the Herger-Feinstein Quincy Library Group Pilot Project Area."

Public Comments Processing  
Attn: Docket No. FWS-R8-ES-2014-0041  
U.S. Fish & Wildlife Headquarters, MS: BPHC  
December 16, 2014  
Page 11

## **CONCLUSION.**

Plumas County offers all of the above information with the expectation that the U.S. Fish and Wildlife Service will take into consideration the premise that attempted management for only a single species will not only impact multitudes of other species, but will also impact the Human environment – a parameter that was not even taken into consideration in your Information Request.

In closing, the Plumas County (California) Board of Supervisors invites staff of the U.S. Fish and Wildlife Service to conduct an informational meeting in Quincy, CA, in conjunction with a future meeting of our Board of Supervisors. The purpose of such a meeting would be to conduct a dialogue with Plumas County officials as well as addressing the issues identified above in this letter of comments. (Note: arrangements for scheduling such a meeting can be discussed with Plumas County Clerk of the Board Nancy DaForno, e-mail: [pcbs@countyofplumas.com](mailto:pcbs@countyofplumas.com) or, telephone: (530) 283-6170.)

Sincerely,

Jon Kennedy  
Chair

PLUMAS COUNTY • DEPARTMENT OF PUBLIC WORKS

1834 East Main Street, Quincy, CA 95971 – Telephone (530) 283-6268 – Facsimile (530) 283-6323  
Robert A. Perreault, Jr., P.E., Director      Joe Blackwell, Deputy Director



## **SOLID WASTE DIVISION**

## AGENDA REQUEST

for the December 16, 2014 meeting of the Board of Supervisors

December 8, 2014

To: Honorable Board of Supervisors

From: Robert Perreault, Director of Public Works

## Subject: Mandatory Commercial Recycling

Robert A. Pernack

## BACKGROUND

The Plumas County Department of Public Works is responsible for the administration of the Plumas County Solid Waste Program.

In October 2011, AB 341, Mandatory Commercial Recycling Law, was signed into law.

According to a 2008 Statewide Waste Characterization Study, the commercial sector generates nearly three fourths of the solid waste in California. Furthermore, much of the commercial sector waste disposed in landfills is readily recyclable. Increasing the recovery of recyclable materials will directly reduce greenhouse gas emissions (GHG) emissions.

Mandatory Commercial Recycling was one of the measures adopted in the Assembly Bill 32 Scoping Plan by the Air Resources Board (ARB) pursuant to the California Global Warming Solutions Act (Chapter 488, Statutes of 2006).

The Mandatory Commercial Recycling measure focuses on increasing commercial waste diversion as a method to reduce GHG emissions. Statewide, it is designed to achieve a reduction in GHG emissions of 5 million metric tons of carbon dioxide (CO<sub>2</sub>) equivalents. To achieve the measure's objective, an additional 2 to 3 million tons of materials annually will need to be recycled from the commercial sector by the year 2020 and beyond.

AB 341 requires businesses generating four (4) cubic yards or more of combined solid waste and recyclables to separate and recycle their recyclable materials as a means of meeting diversion goals for California's landfills. The same requirements also apply to multifamily complexes of 5 or more units as well as institutional entities.

Agenda Request

AB 341, Mandatory Commercial Recycling Law

December 8, 2014

Page 2 of 3

Since enactment of AB 341, there has been a gradual phase-in of the steps needed to comply with the new law.

As part of the County's public outreach efforts, Public Works staff has conducted a series of Public Informational Meetings in the County's unincorporated population areas in order to afford opportunities for the County's businesses to submit specific questions to staff before proposed revisions to the County Code are submitted to the Board of Supervisors. Such meetings were previously conducted in Quincy, Greenville, Chester, Graeagle, Beckwourth and La Porte.

In conjunction with its solid waste franchise contractors, Public Works staff has also prepared and conducted a survey of commercial businesses. There was a good response from the mailings, expressing evenly-divided knowledge regarding mandatory commercial recycling, but significant interest. A key response had to do with enforcement of the program, which was again split, this time between "Don't enforce it at all" and "Provide a graduated system of enforcement..."

The attached proposed ordinance is now under review and comment by County Counsel.

In Plumas County, we are now at the point where a County Ordinance is needed that illustrates the County's compliance with the provisions of AB 341. Attached is a draft ordinance (dated December 8, 2014) that has been prepared by Public Works staff for consideration by the Plumas County Board of Supervisors.

If additional information is needed, the following web pages are available for review:

CalRecycle maintains an "Information" and "Resources" webpage on "Mandatory Commercial Recycling" at:

<http://www.calrecycle.ca.gov/recycle/commercial/>

CalRecycle also maintains a "Frequently Asked Questions" web page at:

<http://www.calrecycle.ca.gov/Recycle/Commercial/FAQ.htm>

**CLARIFICATION NOTE:** Consideration – and any action to adopt the attached proposed ordinance – is independent of the present project activity to negotiate 2 new revised solid waste franchise contracts.

**Recommendation by Public Works**

Department staff respectfully recommends that the Board of Supervisors establish a schedule for formal consideration and adoption of the proposed new ordinance by establishing specific dates for:

1. Conduct the first reading of the proposed ordinance, and
2. Conduct a Public Hearing and subsequent consideration of adoption of the proposed ordinance.

Attachment:

An Ordinance of the County of Plumas, State of California, Adding Section 6-10.114 to Article 1 of Chapter 10 of Title 6 of the Plumas County Code, dated 12-8-14 (Draft)

**Draft 12-8-14**  
**ORDINANCE NO. 14-\_\_\_\_\_**

**AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA,  
ADDING SECTION 6-10.114 TO ARTICLE 1 OF CHAPTER 10 OF TITLE 6 OF THE  
PLUMAS COUNTY CODE**

The Board of Supervisors of the County of Plumas, State of California, **ORDAINS** as follows:

**SECTION 1.** Section 6-10.114 of Article 1 of Chapter 10 of Title 6 of the Plumas County Code is hereby added to read as follows:

**Section 6-10.114      Mandatory Commercial Recycling.**

**(a) *Purpose***

The purpose of this Section is to:

- (i) Promote recycling and the diversion of recyclable materials from the waste stream by requiring qualified commercial generators (businesses, non-residential properties and commercial buildings generating 4 (four) cubic yards of combined solid waste and recyclable materials per week, and multi-family residential complexes using common waste receptacles) to source-separate recyclable materials from all other solid waste for recycling and diversion from landfills and to provide for the collection of same.
- (ii) Comply with the 2011 Mandatory Commercial Recycling Law (AB 341).
- (iii) Establish requirements for the recycling of recyclable materials generated by commercial facilities, properties and special events, in order to increase the diversion of recyclable and compostable materials from landfill disposal, thus minimizing waste and helping ensure the maintenance, restoration, enhancement and protection of the environment, including natural resources.
- (iv) Provide an enforcement mechanism to ensure that businesses, non-residential properties, multi-family residential complexes and commercial buildings provide for the proper collection of recyclable materials and provide protections against illegal scavenging of materials.
- (vi) Provide an exemption for generators that self-haul, donate or sell their recyclables, and provide an exemption for those businesses that have major constraints or generate an amount of solid waste that does not meet the minimum thresholds described in AB 939.

**(b) *Findings***

The Plumas County Board of Supervisors **FINDS**:

- (i) That State recycling laws, including the Mandatory Commercial Recycling Law (also known as AB 341), requires cities and counties to reduce, reuse and recycle solid waste generated in California to the maximum extent feasible before

disposal of solid waste, to conserve water, energy and other natural resources, and to protect the environment.

(ii) That Plumas County continues to make progress in the disposal reduction requirements of AB 939, but additional efforts are required, particularly in the recycling of paper, cardboard, glass and other recyclable materials generated by businesses, non-residential properties, multi-family residential complexes and commercial buildings to assist the county in maintaining and exceeding the goals of diverting solid waste from landfills.

(iii) That organic or compostable solid waste that is buried in the anaerobic conditions present in landfills creates methane gas and leachate that may impact air and water quality.

(iv) That reductions in greenhouse gas emissions, as well as a reduction of the “carbon footprint” in the manufacturing of new products can be realized by means of solid waste management and by recovering traditional recyclable materials from the waste stream to use in manufacturing of products from those materials.

(v) That past efforts by Plumas County to encourage voluntary diversion of commercial, multi-family residential and special event recyclable materials have not fully achieved the State-established levels of diversion, although much progress has been made.

(vi) That, in adopting this ordinance, Plumas County agrees to be subject to the terms of this ordinance for all of Plumas County’s non-residential facilities and properties, including parks, venues and County buildings, as well as County-sponsored or partnered special events.

(vii) That this ordinance requires diversion of County-identified recyclable materials by businesses, commercial facilities, commercial properties and multi-family dwelling units.

(viii) That adoption of this ordinance will help create and maintain a healthy, viable environment for current and future generations, and may become a model of sustainability.

**(c) *Source Separation Requirements***

(i) Each qualified generator shall be responsible for ensuring and demonstrating their compliance with the requirements of this ordinance. Each qualified Generator shall:

A. Source separate recyclable materials from solid waste, and

1. Subscribe to a basic recycling collection service with a solid waste franchise contractor, or

2. Complete and retain on-site a Self-Hauling form certifying that all Self-Hauling activities will be completed in accordance with this ordinance or other applicable law or regulation, a copy of which shall be available to the Director of Public Works upon request.
- B. Use containers to collect and store recyclable materials and shall designate areas to collect and/or store recyclable materials.
- C. Prominently post and maintain one or more signs in maintenance or work areas, or common areas where recyclable materials are collected and/or stored that:
  1. Specify the materials to be source-separated
  2. Delineate collection procedures
  3. Prohibit scavenging for such materials.
- D. Notify and instruct employees in writing of applicable source-separation requirements, including outreach and training on what materials are required to be source separated and how to source-separate such material. A copy of such instruction or training materials shall be provided to the Director of Public Works or designee upon request.
- E. Place all recyclable materials in covered containers or in a covered area conforming to the following requirements:
  1. No container shall be overloaded beyond its capacity.
  2. The containers used for the collection and storage of recyclable materials generated on their premises in a clean and sanitary condition.
  3. No material or containers shall be kept or handled in such a manner as to become a nuisance.
  4. No putrescible materials shall be commingled with the recyclables.
  5. No recyclable materials shall be allowed to become odoriferous or a producer of vermin.
  6. Lids on containers shall remain closed at all times while stored or placed for collection.
  7. Unwaxed cardboard need not be placed in a container, but must be flattened and stacked, unless the volume of such flattened material ordinarily exceeds 27 cubic feet (1 cubic yard) on a bi-weekly basis.
  8. The Director of Public Works is specifically authorized to promulgate rules and regulations regarding the use of any and all recyclable materials containers, including the recyclable materials to be placed therein, the

placement and maximum weight of high-density materials for collection, and the proper use of said containers.

F. Ensure that recyclable materials generated at their site will be taken only to a recycling or composting facility, or make other arrangements to make sure that the materials are recycled or composted, and not delivered to a transfer station or landfill for disposal. They shall not dispose of, or make arrangements to dispose of recyclable materials by placement in a transfer station or landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determine by the Director of Public Works. Further, all qualified generators are hereby encouraged to consider the recycling of additional materials, whether or not they have been designated by the Director of Public Works.

G. Make the Recycling Service Agreement and any other recycling documents available for inspection by the Director of Public Works or designee at the principle location of the qualified generator's business, commercial facility, special event, multi-family housing unit or non-residential property during normal business hours.

(ii) No franchise contractor shall be held liable for the failure of its customers to comply with such regulations, unless specified in the franchise contract between the contractor and the County.

(d) ***Franchise Contractors***

(i) Franchise contractors shall offer collection services and/or containers for recyclable materials sufficient to accommodate the quantity and types of recyclable materials to all of its qualifying commercial customers, and shall provide recycling services as described in Section 6-10.114(e).

(ii) Franchise contractors collecting recyclable materials shall identify their collection vehicles with their name, recognizable corporate or company logo and telephone number of the franchise contractors that is legible from a distance of fifty (50) feet.

(iii) Franchise contractors shall equip containers with locks as necessary to prevent scavenging.

(iv) Franchise contractors shall conduct all activities in accordance with applicable laws, County codes and regulations, and best management practices.

(v) Vehicles, equipment and containers shall be kept in a clean and well-maintained condition.

(vi) Franchise contractors shall not take a customer's recyclable materials to a transfer station or landfill for disposal. Such materials shall be taken to a recycling facility. Franchise contractors shall maintain a copy of a service agreement and/or receipts documenting that the qualified generator of recyclable materials have been properly delivered, as well as any documentation evidencing an event of ***force majeure*** which

prevented the proper delivery of same. Such documents shall be available for inspection by the Director of Public Works at the principle place of business during normal business hours and maintained for not less than three (3) years.

**(e) *Recycling Services***

The recycling services provided by the Franchise Contractor to qualified commercial customers shall include, at a minimum, all of the following:

- (i) Collection of recyclable materials at a minimum of two (2) times each month, or more as specified in the franchise contract.
- (ii) Collection of recyclables as identified by the Director of Public Works.
- (iii) Utilization of recycling containers which comply with franchise contract standards.
- (iv) Appropriate signage on all recycling on all recycling containers which allows customers to clearly and easily identify which containers to use for recyclables or trash and be color-coded (blue for recyclables, green or any other single color for trash).
- (v) Occupant Education: For multi-family facilities, the Manager or other responsible party shall provide occupants with the following information about recycling and recycling services:
  - A. Information and instructions upon occupancy, including the types of recyclable materials accepted, the location of recycling containers and the occupant's responsibility to recycle pursuant to this Section. This information shall be distributed to all occupants annually.
  - B. Updated information and instructions upon any change in the recycling service.
- (vi) The Occupant Education Program required by this Section shall be subject to review and approval by the Plumas County Integrated Waste Management Task Force (PCIWMTF) within ninety (90) days of the effective date of this ordinance and every three (3) years thereafter. Any dispute that cannot be resolved by the Director of Public Works or the PCIWMTF regarding the requirements of this Section shall be heard and resolved by the Plumas County Board of Supervisors.

**(f) *Exemptions***

Subject to approval by the Director of Public Works and the PCIWMTF, the following shall be exempt from the requirements of this Section:

- (i) The State of California, a special district or other local public agency other than the County of Plumas, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by an operation or system of a franchise contractor who is under contract with the County of Plumas.

(ii) Municipal corporations and governmental agencies other than the County of Plumas using their own vehicles, and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the franchise services areas in Plumas County.

(iii) A Generator shall not be deemed a qualified generator unless they meet the following requirements:

A. They must operate a multi-family residential facility of five (5) units or more, using common collection container(s) within a Plumas County contract service area, or

B. They must operate a commercial business or institutional facility generating four (4) cubic yards (CY) or more of combined solid waste and recyclable materials within a Plumas County contract service area .

(iv) An otherwise qualified generator can demonstrate that there is no collection service available or other system available.

(v) An otherwise qualified generator can demonstrate that there are no recyclable materials being generated by any activities in the generator's business.

(vi) An otherwise qualified generator can demonstrate that there is no space available on the premises for recyclable materials containers.

(vii) An otherwise qualified Generator can demonstrate that there is no viable market or that there are recycling facilities for the recyclable material generated at their place of business, public facility or multi-family residential housing complex.

In order to receive an exemption based upon the foregoing subsections (i) through (vii), the generator must file an application with the Department of Public Works on a form prescribed by the Director of Public Works. After reviewing the exemption request, and after an on-site review, the Director shall either approve or disapprove the exemption.

(g) ***Self Haul***

(i) Nothing in this ordinance shall preclude any person from self-hauling recyclable materials generated by that person or that person's business to a recycling facility. A generator may transport recyclable materials generated at their business or property to a recycling facility (rather than hiring a franchise contractor only if the generator completes their activity by utilizing a vehicle or vehicles owned either by the generator or an employee of the generator's business. This self-haul exemption does not include contracting for, or hiring a third party to transport the recyclables. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this Section or any other applicable law or regulation. The self-hauling form shall be made available by the Director of Public Works upon request, and shall be made available at all County Transfer Stations and Recycling Centers. At a minimum, the generator shall provide the following information on the self-hauling form:

- A. The name, address and telephone number of the generator or their representative that will be signing the self-hauling form.
  - B. A list of the types of recyclable materials being transported.
  - C. For each type of recyclable material (or for commingled recyclables), the volume (in cubic yards, to the nearest ½ CY, by estimate) that is being taken from the generator's property to a recycling facility.
  - D. The name and address of the recycling facility.
  - E. A signature by which the generator or their representative attests that, in self-hauling the above-described recyclable materials, the generator is in compliance with Section 6-10.114 (g) of the Plumas County Code.
- (ii) The Director of Public Works may restrict or prohibit self-hauling by a generator if the Director determines that, after providing notice and an opportunity for hearing, the generator's self-hauling activities violate the provisions of this Section or any other applicable law or regulation.
- (iii) Sale or donation: Nothing in this ordinance shall preclude any generator from selling or exchanging at fair market value, for re-use or recycling, source-separated recyclable materials generated from that business, commercial facility or property, or from donating to another entity for re-use or recycling source-separated recyclable materials generated from that business, commercial facility or property.
- (h) ***Special Event Recycling***
- (i) The responsible party, with cooperation from with the franchise contractor in the service area in which the special event is to be held, shall prepare a solid waste and recycling plan and submit same to the Director of Public Works no later than 30 working days prior to the first day of the event. The Plan shall provide, at a minimum, the following information:
    - A. The name, type of event, dates and location of the event.
    - B. The sponsor and responsible party for the event, along with their mailing addresses, telephone numbers and any other contact information available.
    - C. The expected number of employees, volunteers, contractors, customers and attendees of the event.
    - D. The disposal destination for solid waste and recyclable materials generated at the event.
    - E. The number and size of solid waste and recyclable materials disposal containers to be used at the event.

F. The estimated types and volumes (in cubic yards, to the nearest ½ CY) of recyclable materials expected to be generated at the event.

- (ii) For a special event, in addition to any other conditions Plumas County requires as part of the special event permit, the responsible party shall provide recycling receptacles throughout the event location to make source separation of recyclables from solid waste convenient for the employees, volunteers, contractors, customers and attendees of the event.
- (iii) The minimum number of recycling receptacles shall equal or exceed the number of solid waste receptacles. Solid waste and recycling receptacles shall be placed as close together as possible throughout the event location in order to provide equally convenient access to users.
- (iv) All of the receptacles must have appropriate signage and be color coded to identify the type of refuse to be deposited within, and meet any other additional design criteria established by the Department of Public Works.
- (v) Food vendors must have at least one separate container for recyclables and trash for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size and placement of containers for recyclables and trash for convenient use by customers and visitors, or have common access to such containers, which shall be located within a reasonable proximity to the vendors. Additional requirements regarding food disposal, which may be more stringent, may be imposed by the Plumas County Department of Environmental Health.
- (vi) The types of recyclable materials receptacles shall include, at a minimum, receptacles for glass bottles and jars (or glass and plastic), cans, and commingled recyclables, which shall include plastic containers, glass bottles and jars, clean paper, non-waxed cardboard and metals.

- (vii) The responsible person shall ensure that the recyclable materials deposited into the recycling receptacles are delivered to a recycling facility or picked up for transport by a franchise contractor.

(i) ***Ownership/Scavenging of Recyclable Materials***

All recyclable materials placed in any container or receptacle provided by a franchise contractor sufficient to accommodate the quantity and types of materials generated by businesses, multi-family housing facility or other qualifying non-residential facility shall be considered to be owned by and be the property and responsibility of the franchise contractor. No person shall scavenge, remove or collect recyclable materials from such containers or receptacles without the expressed permission of the franchise contractor.

(j) ***Reporting***

Franchise contractors shall provide quarterly reports on or before the dates shown in their respective franchise agreements with Plumas County that includes the following information:

- (i) The frequency of collection of recyclable materials from businesses, multi-family housing facilities or other qualifying non-residential facilities.
- (ii) The volume of recyclable materials collected by quarter in cubic yards to the nearest  $\frac{1}{2}$  CY and in tons, to the nearest ton, measured by the volume of the recyclable materials containers collected during that quarter. Weight-to-volume factors used for the conversion calculations for the recyclable materials shall be listed in the report.
- (iii) The name(s) and location(s) of commodities brokers where recyclable materials were taken for that quarter.
- (iv) Any information regarding non-compliance by the generators during the quarter.

(k) ***Implementation and Enforcement***

- (i) *Director's Authority* – The Director of Public Works or his/her designee is authorized to administer and enforce the provisions of this Section. To the extent permitted by law and the current franchise agreement, the Director of Public Works may inspect any recyclable materials collection container, collection vehicle load or receiving facility in Plumas County for collected solid waste or recyclable materials.
- (ii) *Administrative Appeal* – Unless otherwise expressly provided by the Plumas County Code or the current franchise agreement, any person adversely and directly affected by any determination made or action taken by the Director of Public Works pursuant to the provisions of this Section may file an administrative appeal. If no appeal is filed within the time prescribed and consistent with Plumas County's procedures in Chapter 4 of Title 1 of the Plumas County Code, the determination or action of the Director shall be final.

(iii) ***Incremental Notification and Enforcement***

- A. If the franchise contractor first finds incorrect materials (contamination) in a recyclable materials collection container, they shall refuse collection of that container and notify the generator of such non-collection by written notice attached to the container describing the reason for non-collection and what action must be taken by the generator to resume collection. The Director of Public Works shall be notified by the franchise contractor within one (1) working day of such action.
- B. If the franchise contractor finds incorrect materials in a recyclable materials collection container a second time within a 12-month period, they shall refuse collection of that container and notify the generator of such non-collection by written "Second Notice" attached to the container describing the reason for non-collection and what action must be taken by the generator to resume collection. The Director of Public Works shall be notified by the franchise contractor within one (1) working day of such action.
- C. After the franchise contractor has left two or more violation tags for that generator and that type of container, the franchise contractor shall refuse

collection of that container and notify the generator of such non-collection by written "Third Notice" attached to the container describing the reason for non-collection and what action must be taken by the generator to resume collection, provided, however, that the franchise contractor may not refuse on this basis to empty containers from multi-family or commercial properties with multiple tenants and joint account collection service. Such contaminated recyclable materials shall be collected and billed to the generator as municipal solid waste at the current rate set for such waste. The franchise contractor shall also notify the Director of Public Works, who shall contact the generator to discuss their non-compliance with the provisions of this Section and the California Code of Regulations Title 14, Section 17331.

D. Upon notification of non-participation or non-compliance by a qualified generator with this Section or the California Code of Regulations Title 14, Section 17331 as reported by the franchise contractor or any other source, the Director of Public Works shall notify the generator that they are in violation, and of the remedial steps to be taken by the generator to remedy such violation.

(iv) *Notice of Violation* – A Notice of Violation may be issued and served upon the generator or responsible party for any violation of this Section. Upon curing a violation, the generator or responsible party may request special service of the containers at additional expense, or may opt to wait until their next scheduled service for the container to be collected.

(v) *Remedies and Penalties* – For the fourth and any subsequent violations, public nuisance proceedings and/or code enforcement proceedings under Title 1 of the Plumas County Code shall apply, in addition to the administrative penalties approved by resolution of the Plumas County Board of Supervisors, as modified from time to time. The Director of Public Works has the authority to impose administrative penalties for Notices of Violation. The amount of the administrative penalty shall not be more than \$100.00 for each day of violation, provided that in no event shall administrative penalties assessed under this subsection exceed \$2,500.00 during any twelve (12) month period.

(l) ***Other Actions and Remedies***

(i) *No Other Powers Affected* – This Section does not:

A. Otherwise affect the authority of the Director of Public Works or their designee to take any other action authorized by any other provision of law or contract.

B. Restrict the power of the Plumas County Counsel, District Attorney or the California Attorney General to bring, in the name of the people of the State of California, any criminal proceeding otherwise authorized by law.

(ii) *Cumulative Remedies*

Any remedy provided under this Section is cumulative to any other remedy provided in equity or at law. Nothing in this Section shall be deemed to limit the right of Plumas County or its authorized collection agent(s) to bring a civil action; nor shall a conviction

for such violation exempt any person from a civil action brought by Plumas County or its authorized collection agent(s). The fees and penalties imposed under this Section shall constitute a civil debt and liability owing to the County of Plumas from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law.

(iii) *Liability*

Nothing in this Section shall be deemed to impose any liability upon Plumas County or upon any of its officers or employees, without limitation, under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA)

(m) *Forms, Regulations and Guidelines*

(i) After public notice and a public hearing, the Director of Public Works may adopt necessary forms, rules, regulations and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this Section, including all necessary policies and procedures for the issuance of the permits, administration of this Section, collection of fees and bonds and/or indemnities, or proof(s) of insurance.

(ii) The Solid Waste Division of the Department of Public Works shall provide information on its website regarding the acceptability of materials as to which are classified as recyclables and which are classified as municipal solid waste (MSW) under this Section.

(n) *Disclaimer of Liability*

The degree of protection required by this Section is considered to be reasonable for regulatory purposes. The standards set forth in this Section are minimal standards and do not imply that compliance will ensure safe handling of recyclables or trash. This Section shall not create liability on the part of Plumas County, or any of its officers or employees for any damages that result from reliance on this Section or any administrative decision lawfully made in compliance with this Section. All persons handling discarded material within the boundaries of the solid waste Service Areas in Plumas County should be and are advised to conduct their own inquiry as to the handling of such materials. In undertaking the implementation of this Section, Plumas County is assuming an undertaking only to promote the general welfare. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

(o) *Duties are Discretionary*

Subject to the limitations of due process and applicable requirements of State or federal laws, and notwithstanding any other provisions of this Code, whenever the words "shall" or "must" are used in establishing a responsibility or duty of Plumas County, its elected or appointed officers, employees or agents, it is the legislative intent that such words establish a discretionary responsibility or duty requiring the exercise of judgment and discretion.

(p) *Severability*

If any section, sentence, clause or phrase of this Section is, for any reason, held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Section. Plumas County hereby declares that

it would have passed this ordinance and adopted this Section and each section, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid or unconstitutional.

**SECTION 2. EFFECTIVE DATE; PUBLICATION; CODIFICATION.**

This ordinance shall become effective 30 days after its date of final adoption. It shall be published in all Feather Publishing newspapers of general circulation in Plumas County, within 15 days of final adoption. Section 1 of this ordinance shall be codified, and the remainder shall be uncodified.

Introduction at a regular meeting of the Board of Supervisors on the 6th day of January, 2015, and passed and adopted by the Board of Supervisors of the County of Plumas, State of California, on the 20th day of January, 2015, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

\_\_\_\_\_  
Chair, Board of Supervisors

Attest:

\_\_\_\_\_  
Clerk of the Board of Supervisors

## ORDINANCE NO. 15 - \_\_\_\_\_

AN ORDINANCE OF THE COUNTY OF PLUMAS, STATE OF CALIFORNIA,  
AMENDING CHAPTER 6 OF TITLE 5 OF THE PLUMAS COUNTY CODE  
CONCERNING OUTDOOR FESTIVALS.

The Board of Supervisors of the County of Plumas, State of California, **DOES ORDAIN** as follows:

Section 1. Chapter 6. Outdoor Festivals, of Title 5 of the Plumas County Code is hereby amended in its entirety to read as follows:

## CHAPTER 6. OUTDOOR FESTIVALS

### **Sec. 5-6.01.1 Outdoor festival defined.**

For the purpose of this chapter, "outdoor festival" shall mean and include any outdoor gathering of individuals for the purpose of participation in "rock" dances and similar musical and/or theatrical type performances which are of a periodic nature and to which the public is admitted, with or without the payment of admission charges; provided, however, "outdoor festival" shall not include any authorized activity which is undertaken completely within the boundaries of the Plumas County Fairgrounds, or at recognized art fairs or recognized community celebrations. "Outdoor Festivals" may be permitted in all zoning districts except open space

### **Sec. 5-6.01.2 Director defined.**

For the purpose of this chapter, "Director" shall mean the Director of Public Works.

### **Sec. 5-6.02. Permits: Required.**

It shall be unlawful for any person to operate, maintain, conduct, advertise, sell, or furnish tickets or other types of written authority for admission to an outdoor festival in the unincorporated area of the County, unless he shall first obtain a permit to operate or conduct such festival. No tickets may be sold for any outdoor festival prior to the promoter of the event receiving a final permit under this chapter. If the Director determines that such sales have occurred, he or she shall report this determination to the Board, and such sales shall constitute sufficient grounds for the Board to summarily reject the promoter's application for an outdoor festival permit or to revoke a permit that has already been issued.

### **Sec. 5-6.03. Permits: Applications: Fees.**

For any outdoor festivals to be held on or before December 31, 2015, the application for a permit to conduct such outdoor festival shall be made in writing to the Director at least one hundred twenty (120) days prior to the first day of such outdoor festival. For outdoor festivals to be held in calendar year 2016 and thereafter, applications for permits to conduct outdoor festival shall be made in writing to the Director (1) on or before January 31<sup>st</sup> for outdoor festivals to be held on or after June 1<sup>st</sup> of that calendar year, or (2) at least one hundred twenty (120) days prior to the first day of such outdoor festival for outdoor festivals to be held between January 1<sup>st</sup> and May 31<sup>st</sup> must be submitted. The application shall be accompanied by a non-refundable application fee in an amount as specified by resolution of the Board and shall be filed with the Director and shall

contain the following information

(a) *Identity.* The name, age, residence, mailing address, and telephone number of the applicant. The applicant must be the promoter of the event. If the application is made by a partnership, the names and addresses of all general partners shall be included. If the application is made by a corporation, the application shall be signed by the president and attested to by the secretary thereof and shall contain the names and addresses of all corporate officers, and a certified copy of the Articles of Incorporation shall be attached to the application. The address and telephone number of the principal place of business of the applicant shall also be included in the application;

(b) *Statement of Criminal Record.* A statement by each applicant indicating whether he or she has been convicted within the last five years in any court of competent jurisdiction of any felony or misdemeanor. If so, the applicant shall provide a listing of the charges upon which he or she was convicted.

(c) *Location.* The location and legal description of the premises where the outdoor festival is proposed to be conducted, including all lands to be used for parking or other uses incidental to the outdoor festival. The applicant shall identify all of the owners of the premises and submit proof of their ownership and their written consent for the proposed use;

(d) *Dates.* The dates during which the festival is to be conducted;

(e) *Maximum number of attendees and hours of operation.* The maximum number of spectators, participants, and other persons that will be allowed to attend the outdoor festival for each day it is conducted, as well as the hours during which entertainment will be provided;

(f) *Program and plans.* A detailed explanation of the applicant's event and his or her plans to provide the following:

- (1) Commercial liability insurance, as approved by the Plumas County Risk Manager;
- (2) Police protection and security, as approved by the Plumas County Sheriff;
- (3) Fire protection, evacuation plan, and prevention of wildfires, as approved by the Plumas County Office of Emergency Services;
- (4) Water supplies, as approved by the Plumas County Department of Environmental Health;
- (5) Provision of food, as approved by the Plumas County Department of Environmental Health;
- (6) Sanitation facilities, as approved by the Plumas County Department of Environmental Health;
- (7) Medical facilities and services, including access for ambulances and paramedics or emergency medical technicians, as approved by the Plumas County Health Officer;
- (8) Vehicle parking space, as approved by the Plumas County Department of Planning;
- (9) Vehicle access and on- and off-site traffic control, as approved by the Plumas County Department of Public Works;
- (10) If it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities, as approved by the Plumas County Department of Public Works;
- (11) If it is proposed or expected that spectators or participants will remain overnight, provisions for the collection of transient occupancy taxes in accordance with Chapter 4 of Title 3 of the Plumas County Code, as approved by the Plumas County Tax Collector;
- (12) Provisions for the cleanup of the premises and the removal of rubbish after the event has concluded, including recycling of recyclable materials, as approved by the Plumas County Department of Environmental Health;

- (13) Control and prevention of drug consumption and underage alcohol consumption, as approved by the Plumas County Sheriff; and
- (14) Maps or diagrams showing: (a) the location of the property on which the proposed event and all related activities will be held; (b) the location of adjacent roads, lots, and residences; (c) the parking and traffic flow and control plan, including all access ways to and from the property and all interior access ways on the property; (d) the location of all buildings and structures on the property or to be erected thereon, including but not limited to, all bandstands, stages, tents or other facilities for performers, and bleachers, tents, or seats for those attending; (e) the location and orientation of loudspeakers; (f) The location, style, wattage and orientation of all temporary lighting; (g) the location of camping or other overnight areas; and (h) the location of all toilets, medical facilities, emergency communications, generators, drinking facilities, fire pits or barbecues, and solid waste receptacles.

A form for approval signatures from the Plumas County departments listed above for each of these elements shall be available from the Department of Public Works. This form, signed by all applicable Plumas County departments, is an essential element of the application and shall be submitted to the Director with the rest of the application. Failure to submit this form with all necessary signatures shall be grounds for summary denial of the application by the Director.

The Director shall review and submit such application to the Board, and no permit shall be issued by the Director until he or she is authorized to do so by order of the Board at a regular meeting of the Board.

#### **Sec. 5-6.04 Permits: Applications: Hearings: Notices: Investigations: Reports.**

Upon the receipt of a complete application and the application fee, the Director shall request the Board to set a time and date for a public hearing. The Board shall set the application for a public hearing at a regular meeting of the Board to be held not less than sixty (60) days prior to the event. The Clerk of the Board shall publish a notice of public hearing. The Director shall also forward this notice to any other jurisdictions who may be affected by the event, including, but not limited to, the U.S. Forest Service, the United States Fish and Wildlife Service, the California Department of Forestry & Fire Protection, the California Department of Transportation, the California Regional Water Quality Control Board, the California Department of Fish and Wildlife, the California Highway Patrol, the California Department of Parks and Recreation, the Northern Sierra Air Quality Management District, and nearby fire districts, in order to solicit comments upon the application from such jurisdictions.

#### **Sec. 5-6.05. Permits: Applications: Hearings.**

- (a) The Board shall consider the documentary and testimonial evidence of witnesses presented at such hearing, including all reports of investigation, and thereafter the Board shall either (1) grant the permit without conditions, other than conditions imposed by County departments as conditions for their approvals as required by Section 5-6.03(f) of this chapter, (2) grant the permit with conditions which shall be met before a permit is granted, including any security required from the applicant as a guarantee that the conditions will be met, such conditions being in addition to conditions imposed by County departments as conditions for their approvals as required by Section 5-6.03(f) of this chapter, or (3) reject the application. Conditions imposed by the Board to the grant of a permit may include, but are not limited to, (1) the stationing of an ambulance or emergency medical technicians onsite, (2) limits placed upon the number of

attendees to the event, (3) minimum numbers of security personnel onsite, and (4) posting of a security bond as described in section 5-6.09.

(b) If conditions are imposed by the Board or by any County departments, the applicant shall furnish, or cause to be furnished, to the Director proof that all conditions have been met and that the required security has been given before the permit may be issued by the Director.

#### **Sec. 5-6.06. Permits: Issuance: Fees.**

Upon determining that the Board has ordered the issuance of the permit pursuant to the provisions of this chapter and that the conditions, if any, imposed by the Board have been complied with by the applicant, the Director shall collect a daily permit fee as specified by resolution of the Board for each day the festival is scheduled to be held, such daily permit fee being in addition to the application fee described in Section 5-6.03 of this chapter, and upon receipt in full of such daily permit fee shall issue a permit to the applicant for the specific location authorized for the festival and for the specific days for which the festival is authorized.

#### **Sec. 5-6.07. Permits: Revocations: Hearings: Notices.**

The Board shall have the right to revoke any permit issued pursuant to the provisions of this chapter for any of the following causes, in addition to that cause specified in Section 5-6.02, following a public hearing held after oral or written notice is given to the permittee at least twenty-four (24) hours prior to such hearing:

- (a) If the permittee fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of a permit;
- (b) If the permittee permits the outdoor festival to be conducted in an disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug;
- (c) If the permittee violates, or attempts to violate, any law of the State, the provisions of this chapter, or any other law of the County; or
- (d) If the permittee has previously made a false, misleading, or fraudulent statement of material fact in the application for such permit or in any other document required by the provisions of this chapter.

Written notice of such revocation shall be forwarded by the Clerk of the Board to the Director, the Sheriff, and the permittee at the address given in the application. Such revocation shall become effective immediately after ordered by the Board.

The Board may hold a public hearing under this section after the conclusion of the outdoor festival, and if the Board makes any of the findings listed in subsections (a) to (d) above, such a finding may constitute grounds for revocation or denial of other permits pursuant to Section 5-6.13 of this chapter.

#### **Sec. 5-6.08. Permits: Nontransferable.**

No permit granted pursuant to the provisions of this chapter shall be transferable or removable to another location.

**Sec. 5-6.09 Bonds.**

(a) *Losses, injuries, and damages.* Security required by the Board may include the posting of an indemnity bond, and/or a performance bond, or In-lieu cash, in favor of the County, in connection with the operation of an outdoor festival as defined in Section 5-6.01 of this chapter. Such bonds shall be prepared by a corporate bonding company authorized to do business in the State by the Department of Insurance of the State in an amount to be determined by the Board. Such bonds shall indemnify the County, and its agents, officers, employees, and the Board, against any and all losses, injuries, and damages of any nature whatsoever arising out of or in any way connected with such outdoor festival and shall indemnify against losses, injuries, and damages to both persons and property.

(b) *Cleanup.* The Board may also require that the applicant provide a corporate surety bond, prepared by a corporate authorized to do business in the State, indemnifying the County and the owners of property adjoining the outdoor festival site for all costs necessitated by such activity to clean up and/or remove debris, trash, garbage, or other waste from, in, and around the premises. Such bond shall be in an amount determined by the Board as in its discretion will adequately provide for such indemnification.

**Sec. 5-6.10. Suspension of operations.**

The Sheriff may suspend operations and close any outdoor festival prior to the expiration of the permit granted pursuant to the provisions of this chapter in the event of the occurrence of a riot, major disorder, or serious breach of the peace when, in his opinion, it becomes necessary to prevent injuries to persons and/or damages to property. The Sheriff or Director may suspend operations and close any outdoor festival in the event that the number of attendees exceeds the maximum number allowed by the permit. No refund of any fees paid under this chapter will be payable in the event of a suspension under this section.

**Sec. 5-6.11. Transient Occupancy Tax: Certification.**

No later than five (5) business days after the event, if spectators or participants will remain overnight at the event, the promoter shall provide written certification to the Plumas County Tax Collector of the number of camping or other lodging facility spaces sold in conjunction with the event, whether as part of the price of admission or separate to the price of admission. The promoter shall also provide any additional documentation required by the Tax Collector as a condition of the Tax Collector's approval pursuant to section 5-6.03(f)(11) of this chapter.

**Sec. 5-6.12. Alcoholic Beverage Permits.**

No later than five (5) business days before the beginning of the event, if alcoholic beverages will be served at the event, the promoter will provide a copy of the appropriate permit issued by the Department of Alcoholic Beverage Control to the Director of Public Works. The Sheriff or Director may suspend operations and close any outdoor festival in the event that alcoholic beverages are served without the appropriate permit issued by the Department of Alcoholic Beverage Control.

**Sec. 5-6.13. Revocation of Other Permits; Denial of Future Permits.**

A finding by the Board that grounds for permit revocation exist pursuant to Section 5-6.07 of this chapter shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits or future applications for permits under this chapter by that applicant. The finding that a parcel or property has a history of materially violating, or

defaulting in the performance of, such provisions, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits under this chapter for future events at that location.

**Sec. 5-6.14. Penalties for Violation of Chapter.**

Any violation of this chapter shall be a misdemeanor, punishable by a fine of not less than Fifty and no/100ths (\$50.00) Dollars nor more than One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County jail for not more than six months, or by both such fine and imprisonment. For each such violation, a separate offense shall be deemed to have been committed for each day that such violation continues.

Section 2. Section 1 of this ordinance, which amends the Plumas County Code, shall be codified. The remainder of the ordinance shall not be codified.

Section 3. The County finds that this ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15061(b)(3) (there is no possibility the activity in question may have a significant effect on the environment). In addition to the foregoing general exemptions, the following categorical exemptions apply: Sections 15308 (actions taken as authorized by local ordinance to assure protection of the environment) and 15321 (action by agency for enforcement of a law, general rule, standard or objective administered or adopted by the agency, including by direct referral to the County Counsel as appropriate for judicial enforcement).

Section 4. This ordinance shall be published, pursuant to Section 25124 (a) of the Government Code of the State of California, before the expiration of fifteen days after the passage of the ordinance, once, with the names of the supervisors voting for and against the ordinance, in the Feather River Bulletin, a newspaper of general circulation in the County of Plumas.

Section 5. This ordinance shall become effective thirty (30) days after its date of final adoption.

The foregoing ordinance was introduced at a regular meeting of the Board of Supervisors on the 16<sup>th</sup> day of December, 2014, and passed and adopted by the Board of Supervisors of the County of Plumas, State of California, on the 6<sup>th</sup> day of January, 2015, by the following vote:

AYES: Supervisors:

NOES: Supervisors:

ABSENT: Supervisors:

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Chair, Board of Supervisors

ATTEST:

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Clerk of said Board of Supervisors

## CHAPTER 6. OUTDOOR FESTIVALS

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### Sec. 5-6.01.1 Outdoor festival defined.

For the purpose of this chapter, "outdoor festival" shall mean and include any outdoor gathering of individuals for the purpose of participation in "rock" dances and similar musical and/or theatrical type performances which are of a periodic nature and to which the public is admitted, with or without the payment of admission charges; provided, however, "outdoor festival" shall not include any authorized activity which is undertaken completely within the boundaries of the Plumas County Fairgrounds, or at recognized art fairs or recognized community celebrations. "Outdoor Festivals" may be permitted in all zoning districts except open space

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### Sec. 5-6.01.2 Director defined.

For the purpose of this chapter, "Director" shall mean the Director of Public Works.

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### Sec. 5-6.02. LicensesPermits: Required.

It shall be unlawful for any person to operate, maintain, conduct, advertise, sell, or furnish tickets or other types of written authority for admission to an outdoor festival in the unincorporated area of the County, unless he shall first obtain a license to operate or conduct such festival. permit to operate or conduct such festival. No tickets may be sold for any outdoor festival prior to the promoter of the event receiving a final permit under this chapter. If the Director determines that such sales have occurred, he or she shall report this determination to the Board, and such sales shall constitute sufficient grounds for the Board to summarily reject the promoter's application for an outdoor festival permit or to revoke a permit that has already been issued.

### Sec. 5-6.03. LicensesPermits: Applications: Fees.

Applications For any outdoor festivals to be held on or before December 31, 2015, the application for licenses permits to conduct such outdoor festival shall be made in writing to the Board Director at least ninety (90) one hundred twenty (120) days prior to the time indicated for the commencement first day of the such outdoor festival. For outdoor festivals to be held in calendar year 2016 and thereafter, applications for permits to conduct outdoor festival shall be made in writing to the Director (1) on or before January 31<sup>st</sup> for outdoor festivals to be held on or after June 1<sup>st</sup> of that calendar year, or (2) at least one hundred twenty (120) days prior to the first day of such outdoor festival for outdoor festivals to be held between January 1<sup>st</sup> and May 31<sup>st</sup>. The application shall be accompanied by a non-refundable application fee in an amount as specified by resolution of Two Hundred Fifty and no/100ths (\$250.00) Dollars the Board and shall be filed with the Tax Collector-Director and shall contain the following information

(a) Identity. The name, age, residence, mailing address, and telephone number of the applicant. The applicant must be the promoter of the event. If the application is made by a partnership, the names and addresses of all general partners shall be included. If the application is made by a corporation, the application shall be signed by the president and attested to by the secretary thereof and shall contain the names and addresses of all corporate officers, and a certified copy of the Articles of Incorporation shall be attached to the application. The address and telephone number of the principal place of business of the applicant shall also be included in the application;

(b) Statement of Criminal Record. A statement by each applicant indicating whether he or she has been convicted within the last five years in any court of competent jurisdiction of any felony or misdemeanor. If so, the applicant shall provide a listing of the charges upon which he or she was convicted.

(c) Location. The location and legal description of the premises where the outdoor festival is proposed to be conducted, including all lands to be used for parking or other uses incidental to the outdoor festival. The applicant shall identify all of the owners of the premises

and submit proof of their ownership of such premises and the their written consent of all owners thereof for the proposed use;

(e) *Dates.* The dates and the hours during which the festival is to be conducted;

(d) *Estimatee) Maximum number of numbers.* An estimate *attendees and hours of the operation.* The maximum number of spectators, participants, and other persons expected that will be allowed to attend the outdoor festival for each day it is conducted, as well as the hours during which entertainment will be provided;

(e) *Program and plans.* A detailed explanation of the applicant's program event and his or her plans to provide the following:

- (1) Commercial liability insurance, as approved by the Plumas County Risk Manager;
- (2) Police protection and fire security protection, as approved by the Plumas County Sheriff;
- (2) (3) Fire protection, evacuation plan, and prevention of wildfires, as approved by the Plumas County Office of Emergency Services;
- (4) Water and food supplies, as approved by the Plumas County Department of Environmental Health;
- (3) (5) Provision of food, as approved by the Plumas County Department of Environmental Health;
- (6) Sanitation facilities, as approved by the Plumas County Department of Environmental Health;
- (47) Medical facilities and services, including access for ambulances and paramedics or emergency medical technicians, as approved by the Plumas County Health Officer;
- (58) Vehicle parking space, as approved by the Plumas County Department of Planning;
- (69) Vehicle access and on- and off-site traffic control, as approved by the Plumas County Department of Public Works;
- (710) If it is proposed or expected that spectators or participants will remain at night or overnight, the arrangements for illuminating the premises and for camping or similar facilities, as approved by the Plumas County Department of Public Works;
- (8) Provisions for numbers of spectators in excess of the estimate;
- (9) (11) If it is proposed or expected that spectators or participants will remain overnight, provisions for the collection of transient occupancy taxes in accordance with Chapter 4 of Title 3 of the Plumas County Code, as approved by the Plumas County Tax Collector;
- (12) Provisions for the cleanup of the premises and the removal of rubbish after the event has concluded; and, including recycling of recyclable materials, as approved by the Plumas County Department of Environmental Health;
- (10) Policing the activity, with particular emphasis on the control-13) Control and prevention of alcohol and drug consumption, and underage alcohol consumption, as approved by the Plumas County Sheriff; and,
- (14) Maps or diagrams showing: (a) the location of the property on which the proposed event and all related activities will be held; (b) the location of adjacent roads, lots, and residences; (c) the parking and traffic flow and control plan, including all access ways to and from the property and all interior access ways on the property; (d) the location of all buildings and structures on the property or to be erected thereon, including but not limited to, all bandstands, stages, tents or other facilities for performers, and bleachers, tents, or seats for those attending; (e) the location and orientation of loudspeakers; (f) The Tax Collector location, style, wattage and orientation of all temporary lighting; (g) the location of camping or other overnight areas; and (h) the location of all toilets, medical facilities, emergency communications, generators, drinking facilities, fire pits or barbecues, and solid waste receptacles.

A form for approval signatures from the Plumas County departments listed above for each of these elements shall be available from the Department of Public Works. This form, signed by all applicable Plumas County departments, is an essential element of the application and shall be submitted to the Director with the rest of the application. Failure to submit this form with all

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necessary signatures shall be grounds for summary denial of the application by the Director.

The Director shall review and submit such application to the Board, and no license or permit shall be issued by the Tax Collector or Director until he or she is authorized to do so by order of the Board at a regular meeting of the Board.

**Sec. 5-6.04. Licenses Permits: Applications: Hearings: Notices: Investigations: Reports.**

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Upon the receipt of a complete application and the application fee, the Tax Collector or Director shall request the Board to set a time and date for a public hearing. The Board shall set the application for a public hearing at a regular meeting of the Board to be held not less than thirty (30) nor more than sixty (60) days thereafter and shall give not less than ten (10) days' written notice thereof prior to the application event. The Clerk of the Board shall publish a notice of public hearing and give notice of the hearing and copies of the application. The Director shall also forward this notice to the Sheriff, the Health Officer, the District Attorney, and the Planning & Building Services any other jurisdictions who may be affected by the event, including, but not limited to, the U.S. Forest Service, the United States Fish and Wildlife Service, the California Department, who shall investigate the matter and report in writing to the Office of Forestry & Fire Protection, the California Department of Transportation, the California Regional Water Quality Control Board, with appropriate recommendations concerning the California Department of Fish and Wildlife, the California Highway Patrol, the activity, not later than California Department of Parks and Recreation, the time set for the hearing, Northern Sierra Air Quality Management District, and nearby fire districts, in order to solicit comments upon the application from such jurisdictions.

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Sec. 5-6.05. LicensesPermits: Applications: Hearings.

(a) The Board shall consider the documentary and testimonial evidence of witnesses presented at such hearing, including all reports of investigation, and thereafter the Board shall either (1) grant the license/permit without conditions, other than conditions imposed by County departments as conditions for their approvals as required by Section 5-6.03(f) of this chapter, (2) grant the permit with conditions which shall be met before a license/permit is granted, including any security required from the applicant as a guarantee that the conditions will be met, such conditions being in addition to conditions imposed by County departments as conditions for their approvals as required by Section 5-6.03(f) of this chapter, or (3) reject the application. Conditions imposed by the Board to the grant of a permit may include, but are not limited to, (1) the stationing of an ambulance or emergency medical technicians onsite, (2) limits placed upon the number of attendees to the event, (3) minimum numbers of security personnel onsite, and (4) posting of a security bond as described in section 5-6.09.

(b) If conditions are imposed by the Board or by any County departments, the applicant shall furnish, or cause to be furnished, to the Tax Collector/Director proof that all conditions have been met and that the required security has been given before the license/permit may be issued by the Tax Collector/Director.

**Sec. 5-6.06. LicensesPermits: Issuance: Fees.**

Upon determining that the Board has ordered the issuance of the license/permit pursuant to the provisions of this chapter and that the conditions, if any, imposed by the Board have been complied with by the applicant, the Tax Collector/Director shall collect a licensed/daily permit fee as specified by resolution of One Hundred Fifty and no/100<sup>th</sup> (\$150.00) Dollars per day the Board for each day the festival is scheduled to be held, and such daily permit fee being in addition to the application fee described in Section 5-6.03 of this chapter, and upon receipt in full of such daily permit fee shall issue a license/permit to the applicant for the specific location authorized for the festival and for the specific days for which the festival is authorized.

**Sec. 5-6.07. Licenses, Permits; Revocations; Hearings; Notices.**

The Board shall have the right to revoke any license/permit issued pursuant to the provisions of this chapter for any of the following causes, in addition to that cause specified in Section 5-6.02, following a public hearing held after oral or written notice is given to the licensee/permittee at least twenty-four (24) hours prior to such hearing:

- (a) If the licenseepermittee fails, neglects, or refuses to fulfill any of the conditions imposed upon the granting of a licenseepermit;
  - (b) If the licenseepermittee permits the outdoor festival to be conducted in an disorderly manner or allows any person to remain on the premises while under the influence of intoxicating liquor or any narcotic or dangerous drug;
  - (c) If the licenseepermittee violates, or attempts to violate, any law of the State, the provisions of this chapter, or any other law of the County; or
  - (d) If the licenseepermittee has previously made a false, misleading, or fraudulent statement of material fact in the application for such licenseepermit or in any other document required

by the provisions of this chapter.

Written notice of such revocation shall be forwarded by the Clerk of the Board to the ~~Tax Collector~~~~Director~~, the Sheriff, and the ~~licensee~~~~permittee~~ at the address given in the application. Such revocation shall become effective immediately after ordered by the Board.

The Board may hold a public hearing under this section after the conclusion of the outdoor festival, and if the Board makes any of the findings listed in subsections (a) to (d) above, such a finding may constitute grounds for revocation or denial of other permits pursuant to Section 5-6.13 of this chapter.

**Sec. 5-6.08. LicensesPermits: Nontransferable.**

No ~~license~~~~permit~~ granted pursuant to the provisions of this chapter shall be transferable or removable to another location.

**Sec. 5-6.09 Bonds.**

(a) *Losses, injuries, and damages.* Security required by the Board may include the posting of an indemnity bond, and/or a performance bond, or In-lieu cash, in favor of the County, in connection with the operation of an outdoor festival as defined in Section 5-6.01 of this chapter. Such bonds shall be prepared by a corporate bonding company authorized to do business in the State by the Department of Insurance of the State in an amount to be determined by the Board. Such bonds shall indemnify the County, and its agents, officers, employees, and the Board, against any and all losses, injuries, and damages of any nature whatsoever arising out of or in any way connected with such outdoor festival and shall indemnify against losses, injuries, and damages to both persons and property.

(b) *Cleanup.* The Board may also require that the applicant provide a corporate surety bond, prepared by a corporate authorized to do business in the State, indemnifying the County and the owners of property adjoining the outdoor festival site for all costs necessitated by such activity to clean up and/or remove debris, trash, garbage, or other waste from, in, and around the premises. Such bond shall be in an amount determined by the Board as in its discretion will adequately provide for such indemnification.

**Sec. 5-6.10. Suspension of operations.**

The Sheriff may suspend operations and close any outdoor festival prior to the expiration of the ~~special use~~ permit granted pursuant to the provisions of this chapter in the event of the occurrence of a riot, major disorder, or serious breach of the peace when, in his ~~or her~~ opinion, it becomes necessary to prevent injuries to persons and/or damages to property. ~~The Sheriff or Director may suspend operations and close any outdoor festival in the event that the number of attendees exceeds the maximum number allowed by the permit. No refund of any fees paid under this chapter will be payable in the event of a suspension under this section.~~

**Sec. 5-6.11. Transient Occupancy Tax: Certification.**

No later than five (5) business days after the event, if spectators or participants will remain overnight at the event, the promoter shall provide written certification to the Plumas County Tax Collector of the number of camping or other lodging facility spaces sold in conjunction with the event, whether as part of the price of admission or separate to the price of

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admission. The promoter shall also provide any additional documentation required by the Tax Collector as a condition of the Tax Collector's approval pursuant to section 5-6.03(f)(11) of this chapter.

**Sec. 5-6.12. Alcoholic Beverage Permits.**

No later than five (5) business days before the beginning of the event, if alcoholic beverages will be served at the event, the promoter will provide a copy of the appropriate permit issued by the Department of Alcoholic Beverage Control to the Director of Public Works. The Sheriff or Director may suspend operations and close any outdoor festival in the event that alcoholic beverages are served without the appropriate permit issued by the Department of Alcoholic Beverage Control.

**Sec. 5-6.13. Revocation of Other Permits; Denial of Future Permits.**

A finding by the Board that grounds for permit revocation exist pursuant to Section 5-6.07 of this chapter shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits or future applications for permits under this chapter by that applicant. The finding that a parcel or property has a history of hosting festivals where grounds for permit revocation exist pursuant to Section 5-6.07 of this chapter were found by the Board, shall constitute just cause for denying or revoking, or for revoking and reinstating upon suitable conditions, any other permits under this chapter for future events at that location.

**Sec. 5-6.14. Penalties for Violation of Chapter.**

Any violation of this chapter shall be a misdemeanor, punishable by a fine of not less than Fifty and no/100ths (\$50.00) Dollars nor more than One Thousand and no/100ths (\$1,000.00) Dollars, or by imprisonment in the County jail for not more than six months, or by both such fine and imprisonment. For each such violation, a separate offense shall be deemed to have been committed for each day that such violation continues.

▪

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# BOARD OF SUPERVISORS

TERRY SWOFFORD, DISTRICT 1  
KEVIN GOSS, DISTRICT 2  
SHERRIE THRALL, DISTRICT 3  
LORI SIMPSON, DISTRICT 4  
JON KENNEDY, DISTRICT 5

December 9, 2014



5B

Mr. Ryan Dulin  
Director, Communications Division  
California Public Utilities Commission  
505 Van Ness Avenue, 3rd Floor  
San Francisco, CA 94012

Dear Mr. Dulin,

The Plumas County Board of Supervisors is in support of Plumas-Sierra Telecommunication's application for CASF funding to provide last-mile broadband services in our area. We are excited about the prospect of PST being able to offer quality, last-mile broadband service to our region.

PST has been our local leader in providing telecommunications services in our communities since 1987. Improved broadband services will enhance Plumas County immensely in recruiting more people to our county in the business aspect as well as those who enjoy our recreation opportunities, but need to stay connected to their jobs elsewhere. Educational opportunities and more services to the public will also be enhanced by the addition of last mile broadband.

Access to high-speed Internet is no longer a luxury, but is essential to our economy. The deployment of broadband technology to our community is critical to attracting new businesses and will encourage economic growth and development that will create good paying jobs for our region.

Sincerely,

A handwritten signature in black ink, appearing to read "Jon Kennedy".

Jon Kennedy, Chair  
Plumas County Board of Supervisors

# BOARD OF SUPERVISORS

TERRY SWOFFORD, DISTRICT 1  
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JON KENNEDY, DISTRICT 5



5c

December 16, 2014

Randy Moore, Regional Forester  
Pacific Southwest Region USFS (Region 5)  
1323 Club Drive  
Vallejo, CA 94592

RE: "Five-Forest Over-Snow Vehicle (OSV) Open Houses," conducted in Lassen County and in Plumas County in November 2014, and, Amendment to Travel Management Rule Subpart C — Over-Snow Vehicle Use

Dear Forester Moore:

As you know, the track record of the U.S. Forest Service in implementing the different subpart provisions of the 2005 Travel Management Rule in the National Forests that are located partially within the borders of Plumas County have been generally characterized by local officials – at best – as “disastrous.” “Subpart B” decisions within National Forests located within Plumas County continue to fester and “Subpart A” decisions that contain a strange determination to postpone NEPA requirements on a piecemeal basis both form the basis of your forests startling unwillingness to even attempt to conduct a coordination relationship to date in good faith.

With your agency’s recent decision to implement “Subpart C” activities, and recognizing that Plumas officials are already very critical at this point in time, it behooves the Plumas County Board of Supervisors to bring its significant concerns to your immediate attention in regard to your recent “Subpart C” activities. That is, Sir, the purpose of this letter.

Reference is made to the “Five-Forest Over-Snow Vehicle (OSV) Open Houses” that were recently scheduled by the Pacific Southwest Region (Region 5) of the US Forest Service, including “workshops” that were recently conducted in Lassen County – November 5, 2014 – and in Plumas County – on November 6, 2014. Concurrently, there are requirements being addressed that are pertinent to “Travel Management Rule Subpart C — Over-Snow Vehicle Use.”

Reference is also made to the information web page created by USFS Region 5 for the public, which is located on the internet at:

<http://www.fs.usda.gov/detail/r5/recreation/travelmanagement/?cid=stelprd3821579>

Randy Moore, Regional Forester  
Pacific Southwest Region USFS (Region 5)  
“Five-Forest Over-Snow Vehicle (OSV) Open Houses,” and,  
Amendment to Travel Management Rule Subpart C — Over-Snow Vehicle Use  
December 16, 2014  
Page 2

As stated on the USFS Region 5 web page:

*The open houses have the following **GOALS**:*

- *Inform the public about the project and the **NEPA process***
- *Explain the project requirements under the **Travel Management Rule Subpart C — Over-Snow Vehicle Use***
- *Explain the project requirements related to the August 26, 2013, **Settlement Agreement** between the Forest Service and Snowlands Network, Winter Wildlands Alliance, and Center for Biological Diversity*
- *Confirm and collect preliminary public input on the **Purpose and Need for Action***

Reference is also made to the July 10, 2014 meeting of the Plumas County Coordinating Council (PCCC). Forest Supervisor Earl Ford of the Plumas National Forest and Forest Supervisor Dave Hays of the Lassen National Forest were both present. A part of the PCCC agenda included the discussion and action on the topic, “Proposed Rule by the Forest Service on 6/18/14: “Use of Over-Snow Vehicles (Travel Management Rule).” During that portion of the PCCC meeting, the members of the Plumas County Coordinating Council were repeatedly assured by the LNF Forest Supervisor and the PNF Forest Supervisor that “coordination” would be practiced by the Lassen National Forest and the Plumas National Forest, respectively.

It is also noted that the Plumas County Board of Supervisors, on July 15, 2014, voted to submit formal comments on “Use by Over-Snow Vehicles (Travel Management Rule).” Plumas County officials await the final decision of the U.S. Forest Service in Washington, DC.

At the November 6<sup>th</sup> Open House in Quincy, the Plumas County Board of Supervisors was represented by 2 Supervisors, the Director of Public Works and the Deputy Director of Public Works. We also understand that a Supervisor from Butte County was present at the November 5<sup>th</sup> and 6<sup>th</sup> Open Houses. Additionally, we have received comments from many constituents that attended either the November 5<sup>th</sup> or the November 6<sup>th</sup> Open House, or both.

All reports received by the Plumas County Board of Supervisors have been remarkably consistent in their assessment of the USFS Open House activities – that is, there was very little value or benefit to the local attendees of the Open Houses. It logically follows, therefore, that the workshop goals set forth on your agency’s information web page fell short of success.

Randy Moore, Regional Forester  
Pacific Southwest Region USFS (Region 5)  
“Five-Forest Over-Snow Vehicle (OSV) Open Houses,” and,  
Amendment to Travel Management Rule Subpart C — Over-Snow Vehicle Use  
December 16, 2014  
Page 3

Specific, critical comments follow for your consideration:

1. Of paramount concern to the Plumas County officials is the utter lack of “coordination” in these matters associated with over-snow vehicles. This is not a new complaint that originates from Plumas County, or from many other Counties. As a result of over-snow vehicle discussions conducted during the July 15<sup>th</sup> PCCC meeting, Plumas County officials were relying upon the promises explicitly set forth by the 2 Forest Supervisors present at the July 15<sup>th</sup> PCCC Meeting, only to be able to conclude today that your Subpart C process being conducted by your agency is quite likely to end up as a “*déjà vu*” of our Subpart B experience.
2. One example in which pre-Open House coordination with the Counties may have been helpful is the use of USFS “Enterprise Team” members to supplement the efforts of the local national forests. In general, the concept of utilizing enterprise team staff to augment the local national forest staffs appears to be beneficial – albeit costly – in regard to work product and deliverables. However, during the Open House, there was no identification of tasks or milestones to help the local officials and the public to better understand your agency approach to the project(s). In particular, pre-Open House coordination with local officials as to the “lead” for the project(s) would have likely resulted in a County recommendation that such an assignment would be better performed by an individual from your existing permanent staff(s) from the local national forests.
3. The decision of your agency to commingle the 5-Forests OSV Settlement Agreement Project with the yet-to-be-finalized Subpart C Rule (Travel Management Rule) is questionable as the proposed amendment to the Travel Management Rule has yet to be finalized by your Washington office. Implementation of the proposed Rule is premature as no decision has been issued by the U.S. Forest Service.
4. In regard to the first goal listed for the Open House (NEPA Process), an explanation of the overall NEPA process was not conducted. For example, there was no useful explanation of the process or procedural steps that would enable the general public to better understand the NEPA process and, in particular, when formal input is necessary to preserve standing, etc.

Randy Moore, Regional Forester

Pacific Southwest Region USFS (Region 5)

“Five-Forest Over-Snow Vehicle (OSV) Open Houses,” and,

Amendment to Travel Management Rule Subpart C — Over-Snow Vehicle Use

Page 4

5. In regard to the second goal listed for the Open House (Travel Management Rule Subpart C — Over-Snow Vehicle Use), there was not a clear and focused presentation that, consistent with a court order issued on March 29, 2013, the U.S. Forest Service is proposing to amend the agency's travel management rule (TMR) to require designation of National Forest System (NFS) roads, NFS trails, and areas on NFS lands where over-snow vehicle (OSV) use is allowed, restricted, or prohibited. The comment period for the U.S. Forest Service to receive formal comments has closed, but the proposed amended rule has yet to be finalized and made effective. Nevertheless, the USFS Region 5 – without clarification – has determined that it would begin the process of Subpart C, in conjunction with the so-called 5-Forests Settlement Agreement Project.

6. In regard to the third goal listed for the Open House (the so-called 5-Forests Settlement Agreement Project), there was no satisfactory explanation of the project requirements and its interrelationship with process to propose amendment to the Subpart C Rule. In fact, a copy of the Settlement Agreement itself apparently was not present at the Open House.

7. In regard to the fourth goal listed for the Open House (Purpose and Need for Action), that portion of the November 6<sup>th</sup> Open House proved to be particularly questionable. The Open House devoted a majority of its time to soliciting comments from the workshop attendees on the “Purpose and Need for Action.” Typically, in the regulatory world, the purpose and need for action would be set forth by a proposing agency in a document that purports the necessity of a new rule or program (or, result in no action). The resultant impression created by the November 6<sup>th</sup> exercise is that the USFS is not yet certain as to the purpose or need for action in regard to over-snow vehicles and it looked to the Open House attendees to identify those matters. The overriding consensus of County officials at the Open House is that the attendees were more interested in preserving the status quo and understanding the rationale against such preservation – but the attendees were not clearly offered an opportunity to receive that input.

8. Our final critique is to disappointingly note that that there was no mention – or any attempt to acknowledge – the special efforts of Supervisor Sherrie Thrall in conducting a “Town Hall Meeting” on August 15, 2014 in order to begin focusing on the upcoming National Forests’ activities pertaining to over-snow vehicles. Management staff from the Lassen National Forest and the Plumas National Forest participated in Town Hall Meeting as panelists, so it is perplexing to understand why such joint efforts were not highlighted in your Open House presentations.

Randy Moore, Regional Forester

Pacific Southwest Region USFS (Region 5)

“Five-Forest Over-Snow Vehicle (OSV) Open Houses,” and,

Amendment to Travel Management Rule Subpart C — Over-Snow Vehicle Use

December 16, 2014

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In closing, the Plumas County Board of Supervisors – in an effort to assist the U.S. Forest Service to conduct a more positive and transparent process – respectfully suggests that the following revisions to your program(s) be considered as the subject of further discussions between your Forest Supervisors and the Board of Supervisors before you advance forward with your projects:

A. Direct your Forest Supervisors that have jurisdiction over national forests that are located partially within the County of Plumas to invoke coordination in its conduct of activities with the County of Plumas, and

B. Conduct separate “projects” for the implementation of the “Five-Forest Over-Snow Vehicle (OSV)” settlement agreement activities and the “Implementation of the Travel Management Rule, Subpart C Amendment,” and

C. Reevaluate your current program of utilizing a enterprise team employee as the lead staff for projects located within national forests within Plumas County.

The courtesy of your prompt reply to this letter will be appreciated.

Sincerely,

Jon Kennedy  
Chair

cc: Honorable Dianne Feinstein  
Honorable Barbara Boxer  
Honorable Doug LaMalfa  
Earl Ford, Forest Supervisor, Plumas National Forest  
Dave Hays, Forest Supervisor, Lassen National Forest  
Tom Quinn, Forest Supervisor, Tahoe National Forest

# BOARD OF SUPERVISORS

TERRY SWOFFORD, DISTRICT 1  
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JON KENNEDY, DISTRICT 5

December 16, 2014



5D

Dr. Brice W. Harris Chancellor  
California Community Colleges Chancellor's Office  
1102 Q St Fl 4,  
Sacramento, CA 95811

Subject: Support - Equine & Ranch Management Bachelor of Science Degree

Dear Dr. Harris:

Recently, Plumas County Board of Supervisors learned that Feather River College (FRC) is pursuing a pilot program to offer students a four year degree. The Plumas County Board of Supervisors fully supports FRC and the Community College Chancellors Office to create the "Equine and Ranch Management Bachelor of Science Degree". The proposed pilot program builds upon a thirty-seven year history of success in agricultural instruction at FRC.

The 21st century workplace increasingly demands a higher level of education. There is demand for education beyond the associate degree that is not currently being met by California's four-year public institutions. Community Colleges like FRC can help fill the gaps by granting baccalaureate degrees in specialized areas in order to meet a growing demand for a skilled workforce.

The Equine and Ranch Management Bachelor of Science Degree is an innovative, hands-on degree that will benefit the livestock and agriculture industries throughout the region and state. We firmly believe that our ranchers, small businesses, and residents will embrace this specialized degree to fill numerous ranch and equine-management positions. Moreover, this degree is a perfect fit for rural Northern California, as it is very difficult for students to travel long distances from school to periodically return home to help out on the family ranch.

If you require any further clarification concerning our support, please feel free to contact me.

Sincerely,

Jon Kennedy, Chair  
Board of Supervisors

# BOARD OF SUPERVISORS

TERRY SWOFFORD, DISTRICT 1  
KEVIN GOSS, DISTRICT 2  
SHERRIE THRALL, DISTRICT 3  
LORI SIMPSON, DISTRICT 4  
JON KENNEDY, DISTRICT 5



December 16, 2014

To Whom It May Concern:

The Plumas County Board of Supervisors is in support of the proposed bicycle event called the "*Grinduro*" proposed to be held in Quincy on October 10, 2015.

The 75-100 mile loop is expected to bring in as many as 350 bicycle enthusiasts in Plumas County. The "*Grinduro*" will be promoted as part of the popular "*Gourmet Century Series*."

We are committed to promoting tourism enhancing opportunities like the "*Grinduro*" event in Plumas County.

Sincerely,

Jon Kennedy, Chair

Plumas County Board of Supervisors

# PLUMAS COUNTY MENTAL HEALTH

Peter Livingston, LCSW, Director  
270 County Hospital Road, Suite 109 Quincy, CA 95971  
(530) 283-6307 FAX (530) 283-6045  
plivingston@kingsview.org



## MEMO

DATE: DECEMBER 1, 2014

TO: HONORABLE BOARD OF SUPERVISORS

FROM: PETER LIVINGSTON, LCSW, DIRECTOR

SUBJECT: AGENDA ITEM FOR BOARD MEETING OF DECEMBER 9, 2014

REGARDING: CONTRACT WITH PLUMAS CRISIS INTERVENTION AND RESOURCE CENTER TO PROVIDE SERVICES TO SUPPORT CORE FUNCTIONS OF THE MENTAL HEALTH DEPARTMENT.

(PML)

**IT IS RECOMMENDED THAT THE BOARD OF SUPERVISORS:** RECEIVE, APPROVE, AND SIGN A CONTRACT IN THE AMOUNT OF \$64,752 BETWEEN PLUMAS CRISIS INTERVENTION AND RESOURCE CENTER AND PLUMAS COUNTY MENTAL HEALTH FOR THE PROVISION OF SERVICES THAT SUPPORT CORE FUNCTIONS OF THE MENTAL HEALTH DEPARTMENT.

**BACKGROUND AND DISCUSSION:** Plumas County Mental Health (PCMH) has a long history of contracting with Plumas Crisis Intervention and Resource Center for the provision of services that support core functions of the Department. Last fiscal year the scope of the previous contracts was expanded by a considerable degree, primarily as a result of increased funding for housing needs that fall more under the scope of MHSA programs and funding streams (Department 70571) as opposed to Core Mental Health programs and funding streams (Department 70570).

A meeting was recently held that included leadership from PCIRC and PCMH, as well as representatives from the following county departments: County Counsel, Auditor, and two members of the Board of Supervisors. A goal of that meeting was to determine the best manner in which to handle contracts with PCIRC that are of varying natures and timing, i.e. contracts that are limited to specific, conscribed projects (such as an experimental Transitional Sober Living project, which is pending); contracts that provide for support to Core Mental Health Functions (such as this contract – Department 70570); and, contracts that provide support under the umbrella of MHSA (Mental Health Services Act) programs and funding streams (Department 70571). For a variety of reasons, it was determined that these three types of contracts should be handled independently of each other.

This contract covers ongoing services that provide support to core functions of PCMH, including: emergency housing in the Mental Health Cabin; funds for access to psychiatric medications on an emergency basis; stipend for the Patient's Rights Advocate; short-term emergency Motel Shelter for Mental Health clients; and support of the 24/7 Crisis Intervention and Resource telephone service.

This contract has been approved as to form by County Counsel and utilizes Plumas County's standard contract form. Attached please find Exhibit A which provides the Scope of Work, Exhibit B which provides the Fee Schedule, and Exhibit C which provides the Project Deliverables.

**FINANCIAL IMPACT:** There are no General Fund dollars involved in this matter. Any costs associated with this matter are covered by a combination of Federal and State funds.

**RECOMMENDATION:** The Mental Health Department requests that the Board approve this contract with PCIRC for the provision of services that provide support to Core Mental Health Functions.

## **EXHIBIT A**

### **SCOPE OF WORK**

- 1) Operate the Mental Health Cabin, including the cost of rent, utilities, and basic maintenance of the location, as well as staff oversight of resident clients. Mental Health Cabin deposits returned during this contract will be refunded to PCIRC. If returned within the term of the contract, returned funds will be expended for contract purposes.
- 2) Pay the cost of psychiatric medications for mental health clients upon referral by PCMHD staff.
- 3) Pay upon invoice a stipend of \$408.50 per quarter to Patient's Rights Advocate to support his/her transportation and other expenses.
- 4) Pay the cost of Motel Shelter for mental health clients upon referral by PCMHD staff.
- 5) Provide staffing for 24/7 Crisis Intervention and Resource support to callers and in-person clients with mental health issues. Refer clients to PCMHD Duty Clinician or the PCMHD office when appropriate. Contact emergency personnel when necessary to protect the health and safety of caller or others.

**EXHIBIT B**  
**FEE SCHEDULE**

**A. Payment**

1) For services satisfactorily rendered, and upon receipt and approval of the invoice(s), the County of Plumas agrees to compensate the Subcontractor for actual expenditures incurred, invoiced on a reimbursement basis.

2) Expenses for the contract will not exceed:

\$28,814.00	Services
\$29,000.00	Staff
<u>\$6,938.00</u>	Administrative Costs
\$64,752.00	

**B. Invoice(s) Shall:**

- 1) Include a financial report and a Deliverables Report (Exhibit C) attached.
- 2) Bear the Subcontractors name, exactly as shown on the Agreement.
- 3) Bear the Subcontractor Agreement Number.
- 4) Identify the expense, billing and/or performance period covered on invoice
- 5) Invoice(s) must be signed by authorized personnel.

**C. PCIRC will invoice for quarterly reimbursement using the Invoice Schedule below:**

<b>Invoice</b>	<b>Invoice Period</b>	<b>Invoice Due Date</b>
First Quarter	July 1 – September 30, 2014	October 15, 2014
Second Quarter	October 1 – December 31, 2014	January 15, 2014
Third Quarter	January 1 – March 31, 2015	April 15, 2015
Fourth Quarter	April 1 – June 30, 2015	<b>June 15, 2015</b>

## **EXHIBIT C**

### **PROJECT DELIVERABLES**

**Numbers correspond to each item on Scope of Work:**

- 1) Client list of those who utilized the Mental Health Cabin during the quarter, with a description of their actual or expected housing situation at exit. A second list will give expenses for the Mental Health Cabin identified as rent, utilities, and/or other.
- 2) Client list of those receiving Medication Assistance, with date of check, payment amount, name of medication, and dosage.
- 3) Copy of Patient's Rights Advocate invoice.
- 4) Client list of those who received Motel Shelter, including number of persons sheltered, vendors, dates, and cost.
- 5) Crisis Line quarterly statistics.

**PLUMAS COUNTY • DEPARTMENT OF PUBLIC WORKS**

1834 East Main Street, Quincy, CA 95971 – Telephone (530) 283-6268 – Fax (530) 283-6323

Robert A. Perreault, Jr., P.E., Director

Joe Blackwell, Deputy Director

*bc***CONSENT AGENDA REQUEST**

for the December 16, 2014 meeting of the Plumas County Board of Supervisors

December 8, 2014

To: Honorable Board of Supervisors

From: Robert Perreault, Director of Public Works

Subject: Project: Bucks Lake Road Rehabilitation Project, Department Work Order #483 in the FY 14/15 Budget

*Robert Perreault*

Request the Board of Supervisors to award the construction contract to Hat Creek Construction from Burney, CA, per Public Contract Code, and to authorize the Plumas County Director of Public Works to sign the construction contract in the base amount of \$819,999.00.

**Background:**

In reference to the Bucks Lake Road Resurfacing Project, sealed bids were opened at 2:00 PM on December 2, 2014. The bid results are listed below. Six bids were received. The bids ranged from 12% under to 1% under the engineer's estimate.

<u>Hat Creek Construction (low bidder):</u>	<u>\$819,999.00</u>
<u>Engineer's Estimate:</u>	<u>\$935,000.00</u>

**WO 483 Bid Summary**

PLUMAS COUNTY DEPARTMENT OF PUBLIC WORKS 12/2/2014

PROJECT: Bucks Lake Road Resurfacing Project

FEDERAL PROJECT NUMBER: RSTPL-5909(106)

LOCATION: C.R. #411 from Snake Lake Road to Slate Creek Road

Ranking	Bidder	Bid
Apparent Low Bidder	Hat Creek Construction	\$ 819,999.00
Second Low Bidder	Dig It Construction	\$ 834,093.58
Third Low Bidder	Knife River Construction	\$ 880,648.30
Fourth Low Bidder	Sierra Nevada Construction	\$ 896,006.90
Fifth Low Bidder	S.T. Rhoades Construction	\$ 908,089.50
Sixth Low Bidder	Lamon Construction	\$ 923,529.60

The contractor (apparent low bidder) (Hat Creek Construction) has met the Federal Disadvantaged Business Enterprise Goal of 5%. The company is an established firm in northern California with extensive work for both Caltrans and FHWA on projects in Plumas County.

The project work is part of the construction budget for Department's Work Order #483. WO #483 is 100% reimbursable from the State Transportation Improvement Program (STIP). The work consists of hot mix asphalt overlay, guardrail upgrades, and a polyester concrete overlay on the Rock Creek Bridge deck. Per State requirements, the County must award by December 31, 2014, unless the State grants a time extension. The work will commence in early summer of 2015, depending on the weather.

All bid submittals and the entire breakdown of the bid results are available for public review in the headquarter offices of the Department of Public Works, during normal working hours, located at 1834 East Main Street, Quincy, CA.

**Recommendation:**

Public Works staff respectfully recommends that the Board of Supervisors award the construction contract to Hat Creek Construction from Burney, CA, per Public Contract Code, and to authorize the Plumas County Director of Public Works to sign the construction contract in the base amount of \$819,999.00.