

BOARD OF SUPERVISORS

Terrell Swofford, 1st District
Kevin Goss, Chair 2nd District
Sharon Thrall, Vice Chair 3rd District
Lori Simpson, 4th District
Jeff Engel, 5th District

**AGENDA FOR REGULAR MEETING OF JANUARY 13, 2015 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

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

1. 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) ELECTIONS

Certify the Whitehawk Ranch Community Services District Special Election of January 06, 2015

B) VICTIM WITNESS

Adopt **RESOLUTION** authorizing the Sheriff to submit Grant Application to CalOES of \$107,716 for Victim Witness Assistance Program; and authorize the Chair and the Sheriff to sign Agreement including Certification of Assurance of Compliance and any extensions or amendments

2. DEPARTMENTAL MATTERS

A) PROBATION – Dan Prince

Adopt **RESOLUTION** amending the Plumas County Position Allocation for Budget Year 2014-2015 within Probation Department 20400; and authorize the Probation Department to recruit and fill 1.0 FTE Administrative Assistant I/II position. **Roll call vote**

B) SOCIAL SERVICES – Elliott Smart

Authorize the Department of Social Services to recruit and fill vacant 1.0 FTE Benefits Assistance Counselor I/II position. Discussion and possible action

C) ALCOHOL & OTHER DRUG SERVICES - Louise Steenkamp

Authorize the Department of Alcohol & Other Drug Services to recruit and fill vacant 1.0 FTE Substance Use Disorders Specialist I/II. Discussion and possible action

3. BOARD OF SUPERVISORS

- A. Consider request of Sustainable Forest Action Coalition (SFAC) for a contribution from Plumas County of \$500 for holding economic workshops in collaboration with Chico State. Discussion and possible action
- B. Adopt **RESOLUTION** Advocating Re-Authorization for Secure Rural Schools and Community Self-Determination Act (SRS) in the 114th Congress. **Roll call vote**
- C. Adopt **RESOLUTION** Advocating Re-Authorization for Federal Payment In Lieu of Taxes (PILT) Program in the 114th Congress. **Roll call vote**
- D. Correspondence
- E. Weekly report by Board members of meetings attended, key topics, project updates, standing committees and appointed Boards and Associations
- F. Appointments

CHESTER CEMETERY DISTRICT

Appoint Barbara Scally to the Chester Cemetery District Board replacing Wayne Lichti

NOON RECESS

1:00 P.M. AFTERNOON SESSION

4. INTEGRATED WASTE MANAGEMENT TASK FORCE – John Sciborski

Discussion and possible action to consider establishing a "Business License" in Plumas County

5. PUBLIC WORKS – Robert Perreault

Solid Waste: Discussion and possible action on matters pertaining to the draft, revised Solid Waste Franchise Contracts dated November 03, 2014 with Feather River Disposal and InterMountain Disposal

6. CLOSED SESSION

ANNOUNCE ITEMS TO BE DISCUSSED IN CLOSED SESSION

- A. Conference with Legal Counsel: Existing litigation pursuant to Subdivision (d) (1) of Government Code §54956.9 – County of Plumas v. BCM Construction, et al., Plumas Superior Court Case No. CV14-00168
- B. Conference with Legal Counsel: Initiation of litigation pursuant to Subdivision (d)(4) of Government Code §54956.9 - Plumas National Forest Travel Management Plan
- 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 20, 2015, Board of Supervisors Room 308, Courthouse, Quincy, California.

1B

Memorandum

DATE: January , 2015

TO: Honorable Board of Supervisors

FROM: Sheriff Greg Hagwood

RE: Agenda Item for the meeting of January , 2015

It is recommended that the Board:

Adopt a resolution for the Plumas County Victim Witness Assistance Program authorizing the Sheriff to submit the grant application to CalOES and to sign the Grant Award Agreement. Approve and sign the grant award certification.

Background and Discussion:

The California Office of Emergency Services (CalOES) administers the Victim Witness Assistance Program and oversees the project.

The FY 14/15 grant award is \$107,713.

CalOES requires the Board to adopt a resolution authorizing the Sheriff (Victim Witness Project Director) to sign and approve the Grant Award Agreement including any extensions or amendments on behalf of the Plumas County Board of Supervisors, that grant funding will not be used for supplanting expenditures controlled by the Board and that the award is not subject to local budget or hiring freezes.

A Certification of Assurance of Compliance is required to be signed by the Sheriff and the Board as part of the grant application package.

A copy of the complete application is on file with the Clerk of the Board.

PLUMAS COUNTY BOARD OF SUPERVISORS

RESOLUTION # _____

WHEREAS the County of Plumas, Office of the Sheriff, desires to undertake a certain project designated Plumas County Victim Witness Program to be funded in part from funds made available through the California Office of Emergency Services (hereafter referred to as Cal OES).

NOW, THEREFORE, BE IT RESOLVED that the Sheriff of the County of Plumas is authorized, on its behalf to submit an application to CalOES for FY 14/15 Victim Witness Program funding and is authorized to sign and approve on behalf of the Plumas County Board of Supervisors the Grant Award Agreement, contingent upon the Grant Award Agreement's approval as to form by County Counsel

BE IT FURTHER RESOLVED that the Chair of the Board of Supervisors is authorized to sign the Certificate of Assurance of Compliance, attached to the grant application, on behalf of the Board of Supervisors.

I hereby certify that the foregoing is a true copy of the resolution adopted by the Board of Supervisors of Plumas County in a meeting thereof held on _____ by the following:

Vote:

Ayes:

Noes:

Absent:

Signature: _____ Date: _____

Typed Name and Title: Kevin Goss, Chair

ATTEST: Signature: _____ Date: _____

Typed Name and Title: Nancy L. DaForno, Clerk of the Board



JA

PLUMAS COUNTY PROBATION DEPARTMENT
DAN PRINCE, CHIEF PROBATION OFFICER
270 County Hospital Rd., Ste. 128., Quincy, CA 95971
(530) 283-6200 Fax (530) 283-6165

DATE: December 30, 2014
TO: Honorable Board of Supervisors
FROM: Dan Prince, Chief Probation Officer
SUBJECT: Probation Department Reorganization

Recommendation:

1. Adopt RESOLUTION to amend the 2014-2015 Position Allocation for Probation Department 20400 to reflect the change of 1.0 FTE Legal Services Assistant I/II to 1.00 FTE Administrative Assistant I/II.
2. Approve recruitment of the Administrative Assistant I/II position.

Background:

Probation is seeking approval to amend the current vacant Legal Services Assistant I/II position to an Administrative Assistant I/II position. This change would allow coverage of a wider range of required duties within the Probation Department where needed, such as assisting the Department Fiscal Officer and the Chief Probation Officer in financial matters. The Legal Services Assistant position does not require accounting experience, whereas the Administrative Assistant position does. Additional accounting and other finance related assistance is a growing need due to the increase and complexity of state and federal grants and reimbursement programs that the Department is required to administer.

The Probation Department is seeking approval to recruit for the Administrative Assistant I/II position should the BOS approve the amendment to the Position allocation.

The Administrative Assistant I/II position would result in a nominal increase to the General Fund; approximately \$1,373.00 a year. It is anticipated that the additional expense can be absorbed by the same grant funds that the position would be required to assist with without impacting the general fund.

Gayla Trumbo, Director of Human Resources, has been consulted and provided the existing Administrative Assistant job classification and range.



DEPARTMENT OF SOCIAL SERVICES AND PUBLIC GUARDIAN

JB

Courthouse Annex, 270 County Hospital Road, Suite 207, Quincy, California 95971

ELLIOTT SMART
DIRECTOR

(530) 283-6350
Fax: (530) 283-6368
Toll Free: (800) 242-3338

DATE: DECEMBER 16, 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 JANUARY 13, 2015

RE: REQUEST TO FILL A VACANT BENEFITS ASSISTANCE COUNSELOR I/II
POSITION IN THE DEPARTMENT OF SOCIAL SERVICES

It is Recommended that the Board of Supervisors

Authorize the Department of Social Services to fill a vacant, funded and budgeted Benefits Assistance Counselor (BAC) I/II position effective as soon as possible.

Background and Discussion

The Department of Social Services has incurred a vacancy at the Benefits Assistance Counselor (BAC I/II) level. As explained in more detail on the attached position classification form, this position is responsible for performing eligibility determinations for CalFresh assistance (formerly the Foodstamp program) and for the Medi-Cal and CMSP programs. The position became vacant on December 15, 2014 due to a promotion.

The Board is aware that the Department has experienced high levels of applications for assistance and continuing cases particularly in the CalFresh (Foodstamp) program. The combined effect of vacant positions and high case loads makes it essential that the Department move forward immediately to fill the vacant position. A description of the duties and other matters related to filling this position appears in the attached forms.

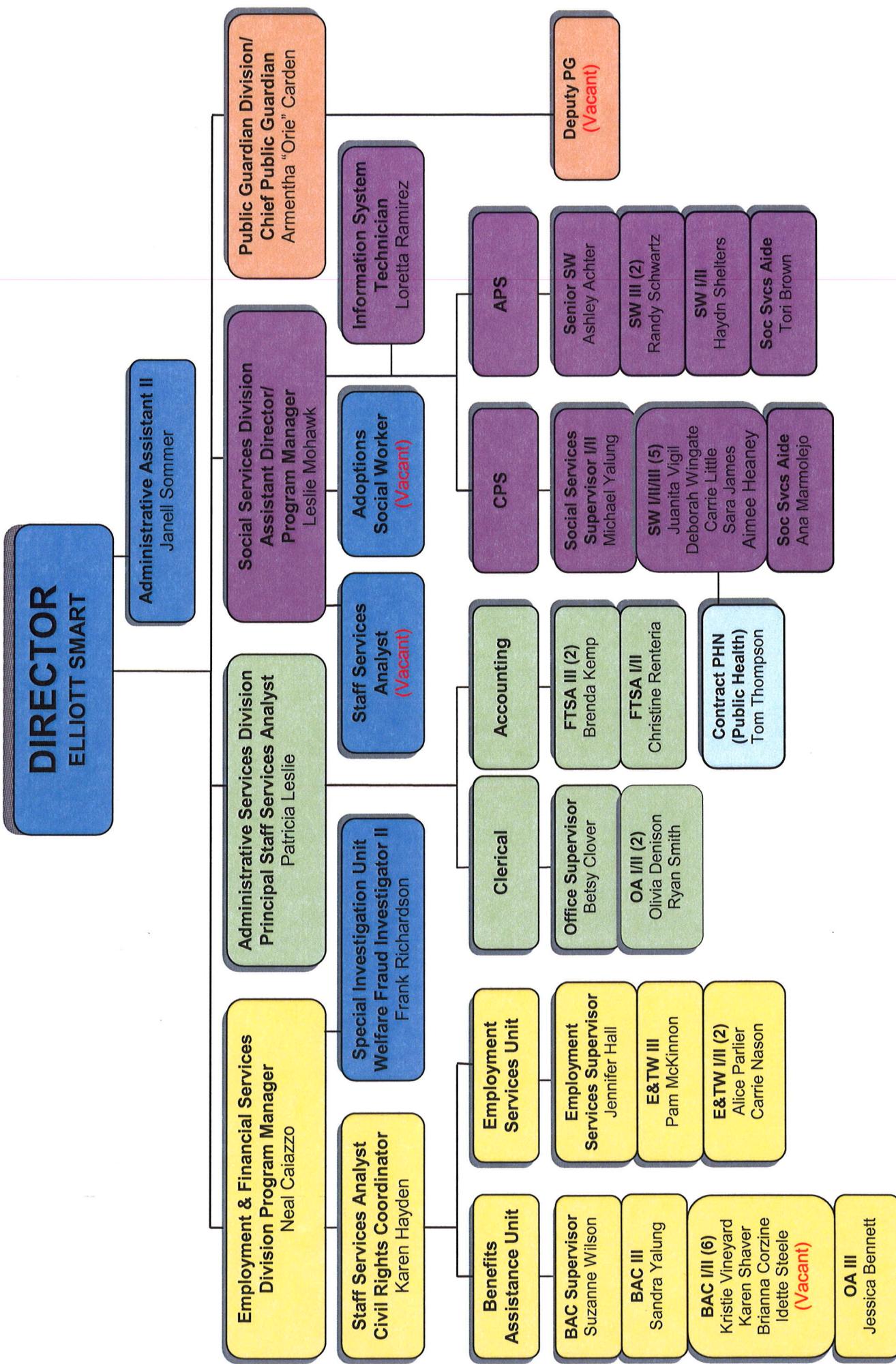
Financial Impact

The position is budgeted in the approved Department of Social Services budget for FY 2014-2015. Funding to support the position comes from federal pass through dollars, State General Fund dollars and 1991 Realignment funds. There is no impact to the County General Fund.

Copy: Neal Caiazzo, Program Manager
 Pat Leslie, Principal Staff Services Analyst

Enclosures (2)

PLUMAS COUNTY DEPARTMENT OF SOCIAL SERVICES & PUBLIC GUARDIAN





ALCOHOL AND OTHER DRUG SERVICES

2c

270 County Hospital Road, Suite 111, Quincy, CA 95971
Treatment (530) 283-7050 Prevention (530) 283-6118
<http://bit.ly/PlumasCountyAOD>

Date: December 30, 2014

To: Honorable Board of Supervisors

From: Louise Steenkamp, AOD Director

Agenda Item: Agenda Items for January 13, 2015 BOS Meeting

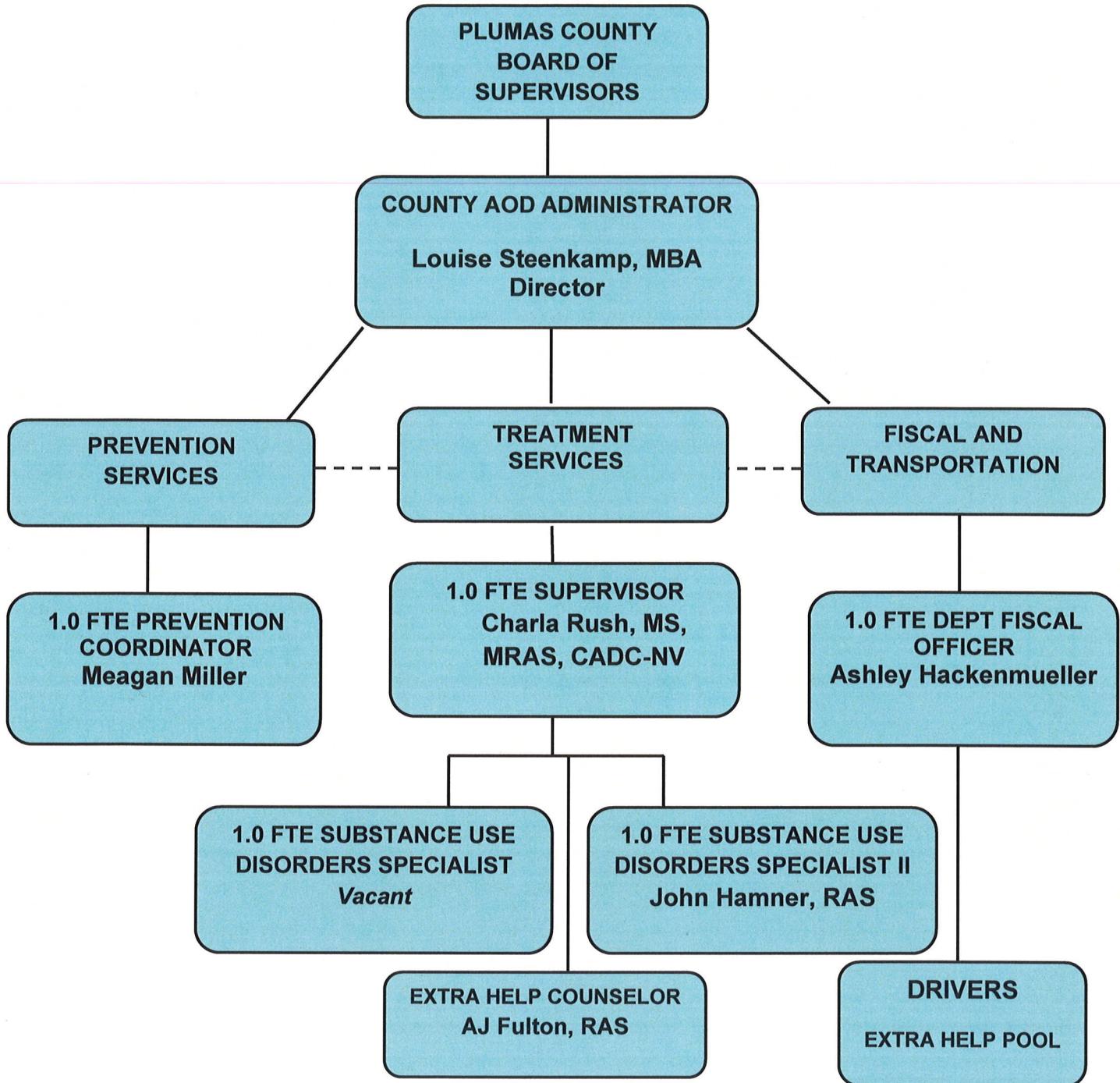
Item Description: Approval to Fill Substance Use Disorders I/II Position, Allocated in FY14-15 Approved Budget

Recommendation:

It is recommended that the Board of Supervisors approve a request to fill 1.0 FTE Substance Use Disorders Specialist I/II, Allocated in FY14-15 Approved Budget, a position vacated due to an internal promotion.

Background:

In November 2014, the department recruited for and filled the position of Alcohol and Other Drug Clinician Supervisor. The successful candidate was a qualified existing employee, a Substance Use Disorders Specialist II. The internal promotion left a vacancy for the SUDS I/II position, fully allocated and funded for fiscal year 14/15. Both positions are consistent with the departmental plans to achieve planned capacity building, recommendations of the Grand Jury Report, and compliance with the California Department of Health Care Services multi-year contract.



3A



**Participating
Representation from
the following:**

CALIFORNIA

Amador

Butte

Calaveras

Del Norte

El Dorado

Glenn

Inyo

Lassen

Modoc

Nevada

Placer

Plumas

Sacramento

Shasta

Siskiyou

Sierra

Tehama

Trinity

Tuolumne

Yuba

OREGON

Coos

Curry

Douglas

Jackson

Klamath

Josephine

Lake

NEVADA

Nye

Sustainable Forest Action Coalition
542 Main St., Placerville, CA 95667

Organization Representatives
Laurel Brent-Bumb: (530) 621 5885
chamber@eldoradocounty.org

Bill Wickman: (530) 283 0973
billwickman@sbcglobal.net
109 Cottonwood Ct. Quincy

July 2, 2014

To: All SFAC Supporters

The SFAC has worked for over two years with staff from the Forest Service Region 5 Regional Office to bring awareness and a meaningful process to include social and economic input to all Forest Plan and individual project level NEPA decisions. The SFAC maintains that the Forest Service, in general, has not met their requirements as outlined in the NEPA law and subsequent CEQ regulations when it comes to analyzing the social and economic benefits of proposed projects or in their Forest Plans.

In general, there is a lack of comparison of the environmental versus social and economic benefits. When we review sections of the Council on Environmental Quality (CEQ) established by Title II of the NEPA Act, we find areas of concern over how NEPA project analysis is accomplished. We feel that the agency has taken a narrow interpretation of the "Human Environment". CEQ defines Human Environment;

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)

CEQ then defines 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.

All agency NEPA projects should provide a Purpose and Need statement in relation to Social and Economics (S/E). As discussed below, S/E is an element of most Forest Service NEPA documents that has been generally overlooked or deficient in content to truly be analyzed along with the environmental elements that are discussed in detail in all NEPA decisions.

If you look at Forest Service Manual, section 1920 Land Management Planning, there is a very important section that often plays second fiddle to all the resource issues on any given project and within the Land Management Plan. In most instances, there is only a fleeting reference to any specific social and economic discussion or analysis within the document. When you consider that there are hundreds of pages of information on environmental issues, it is no wonder that our counties and communities do not fair well with Forest Service projects. The specifics that I would like to discuss relate to:

1921.72 – Social and Economic Sustainability

The overall goal related to social and economic elements of sustainability is to contribute to sustaining social and economic systems that are affected by Forest Service management within the plan area (36 CFR 219.10(a)). For effective evaluation, the Responsible Official should identify and understand the social and economic systems related to the plan area.

1921.72a – Addressing Social and Economic Sustainability in Plans

The Responsible Official should collaboratively develop plan components to gain broad and diverse perspectives about sustaining social and economic systems in the plan area (see FSM 1921.6). In addressing contributions to sustaining social and economic systems in the plan, the Responsible Official should:

1. Establish desired conditions that contribute to sustaining social and economic systems using an interdisciplinary and collaborative approach;
2. Establish plan objectives, such as important roles and contributions the Forest Service can play, to achieve or maintain desired conditions; and
3. Establish performance measures to evaluate progress in achieving desired conditions.

1921.72b – Evaluating Contributions to Social and Economic Sustainability

In evaluating contributions to sustaining social and economic systems, the Responsible Official should:

1. For economic systems, consider the changing conditions and trends that affect relevant economic indicators such as employment, income, capital, housing, and fiscal health for important economic units such as individuals, households, industries, communities, regions, state and local governments, tribes, and the nation.
2. For social systems, consider the changing conditions and trends that affect relevant social indicators such as health, safety, and quality of lifestyle for important social units such as individuals, families, communities and the nation.
3. Consider how plan components contribute to sustaining social and economic systems.
4. Consider the performance of the plan components in achieving desired conditions for sustaining social and economic systems.
5. Periodically determine whether the plan components, especially the desired conditions, for contributing to sustainable social and economic systems remain valid.
6. Determine whether the evaluations indicate the need for change in the plan.

Given the fact that most public land forested geographic locations in California and Oregon have lost all of their capacity to economically treat products produced from Forest Service projects, it is time that the agency address the issue that this social and economic impact is having on their ability to accomplish projects. In addition, what these losses mean to the communities that the agency serves.

Just a few topics that need to be addressed to make a complete informed decision within NEPA documents in relation to forest health projects would be;

- Impact of reduced forest management and the effects on rural counties and communities;
- The loss of forest products infrastructure, both mills and biomass facilities, and how that loss affects the ability to economically accomplish projects
- What does each forest health project mean to the local workforce as far as number of jobs supported or created over current standards?
- Discuss the relationship between wages and benefits for mill/co-generation and woods workers to that of jobs related to recreation and tourism.
- Discuss not only the jobs created directly to forest and forest infrastructure, but also the indirect jobs that such job sustainability means to the communities.
- Discuss the Secure Rural Schools Act, its social and economic benefits to the counties and

communities. What has that meant in relation to the previous National Forest Fund (NFF) deposits and receipts before and after the decline in the timber supply. What is the declining scale and the impact in relation to the current President's budget and the proposal to go to zero in five years?

- Discuss the impact if you plan on using Stewardship contracts to accomplish the projects and the fact that there is not legal provision under that legislation to collect revenue generated from those contracts back into NFF.

A quick discussion of how the current social and economic situation that surrounded the most recent mill closures within the geographic area of consideration is worth discussing for consideration of providing a complete Social and Economic Analysis within all project documents.

Given all of the above, the SFAC and its Social and Economic (S/E) Sub-committee are now ready to take the lead with the California State University Chico Economic Development Department in cooperation with the Region 5 Regional Office, a series of Round-tables to further develop how S/E should be included and analyzed in all Forest Plans and individual NEPA projects. Attached are three documents that have been developed by the S/E sub-committee with CSU Chico and the Forest Service. The document titled "NE Socioeconomic Roundtable Proposal 06-27-14" is the most recent draft, but not yet complete. It does outline an Estimated Cost for each session. I feel that the estimate of \$30 per participant should be held to \$20 to encourage more participation. Given that difference, the estimate for each session would become \$7,100. Laurel and I have discussed that it is time for us, as your co-spokespersons, to request support for this important effort. Once S/E Purpose and Need and proper analysis is accomplished, it will finally provide the opportunity for all of our counties to become engaged and participate in the objection process as well as intervener status when necessary.

Donations to the cause will be run through the El Dorado County Chamber where Laurel serves as the CEO. We will do a monthly balance report and update at each of our five scheduled yearly meetings. If someone has a more appropriate suggestion, we are open. At this time we are asking for consideration of \$500 per County who supports the SFAC, or a \$100 contribution from individual businesses or individuals. When checks are made out, they should be to the El Dorado Chamber of Commerce and on the memo line indicate SFAC. You will see that all funding will go to cover expenses associated with the CSU Chico Economic Development Department and direct expenses for the sessions. We are hoping to be able to hold the first session for the NE part of California and then a session more in the Central California region. It is also our desire to expand the effort into Southern Oregon after we have this same discussion during our August 22nd meeting with both the Region 5 and 6 Regional Office staff.

Thank you for your consideration.

Sincerely,

Bill Wickman

Laurel Brent Bumb

Bill Wickman and Laurel Brent Bumb

Co-Spokespersons for SFAC

RESOLUTION NO. 15-**RESOLUTION OF THE PLUMAS COUNTY BOARD OF SUPERVISORS
ADVOCATING RE-AUTHORIZATION FOR SECURE RURAL SCHOOLS AND
COMMUNITY SELF-DETERMINATION ACT (SRS) IN THE 114TH CONGRESS**

WHEREAS, Counties across the United States expressed concern that large areas of land designated under the 1891 Forest Reserve Act would no longer be available for economic development, thwarting all future tax proceeds intended to support local community development; and

WHEREAS, Congress took action to mitigate the impact on county government, and in 1907 began providing counties with 10 percent of gross receipts from timber harvests in national forests to help offset the revenue loss, which then grew to more than 25 percent through enactment of the National Forest Revenue Act of 1908 to support county roads and public schools; and

WHEREAS, From 1908 to 2000, the United States Forest Service managed forest resources on national forest lands for long-term revenues and during that same period of time counties across the United States shared in these revenues in lieu of tax revenues that could have otherwise been generated had these lands remained in private hands; and

WHEREAS, In the 1990s, the volume and value of timber harvested on national forest lands was drastically reduced, which led Congress to enact the Federal Secure Rural Schools and Community Self-Determination Act of 2000 (16 U.S.C. Sec. 7101 et seq.), which provided a six-year guarantee payment option that was independent of the revenue generated on the national forest lands; and

WHEREAS, The Secure Rural Schools and Community Self-Determination Act of 2000, which has been extended several times, most recently by the "Helium Stewardship Act of 2013 (Public Law 113-40), expired on September 30, 2013, resulting in a lapse in funding in 2014 and future years to critical programs in schools and counties across the United States, including California; and

WHEREAS, California's forested counties and schools located within those counties are dependent on federal revenue-sharing programs, including federal forest payments, for maintaining local roads, and providing vital local services and programs; and

WHEREAS, County public works programs will be crippled without stable, predictable, long-term funding supported by the Federal Secure Rural Schools and Community Self-Determination Act, causing the local road network to suffer long-term degradation, and putting communities at risk for public safety emergencies due to cuts in staffing and operational activities; and

WHEREAS, Specifically in Plumas County Secure Rural Schools is vitally important in funding our county roads and schools; and

WHEREAS, A number of efforts were made in the 113th Congress in both the United States House of Representatives and the United States Senate to reauthorize the Federal Secure Rural Schools and Community Self-Determination Act of 2000 Act:

NOW, THEREFORE, BE IT RESOLVED that the Plumas County Board of Supervisors respectfully urges the 114th Congress to reauthorize and fund the Federal Secure Rural Schools and Community Self-Determination Act of 2000 to provide a long-term, stable source of funding for counties and schools to maintain vital programs and avoid any interruption in county services and school operations.

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 13th day of January, 2015 by the following vote:

AYES:

NOES:

ABSENT:

Chair of the Board

ATTEST:

Clerk of the Board

3c

RESOLUTION NO. 15-

**RESOLUTION OF THE PLUMAS COUNTY BOARD OF SUPERVISORS
ADVOCATING RE-AUTHORIZATION FOR FEDERAL PAYMENT IN LIEU OF TAXES
(PILT) PROGRAM IN THE 114TH CONGRESS**

WHEREAS, Much of the land in the western United States is owned by the federal government, and it is common that some counties located in the west have more than 90 percent of their jurisdiction occupied by federal land; and

WHEREAS, Because this land is now held by the United States Government, it is removed from the local property tax rolls and exempt from local property tax; and

WHEREAS, A number of federal agencies, including the U.S. Forest Service, the U.S. Park Service, the Bureau of Land Management, and the U.S. Fish & Wildlife Service, account for nearly 640 million acres owned and occupied in the United States; and

WHEREAS, In 1976 Congress passed and President Ford signed legislation to create the Federal Payment in Lieu of Taxes program (PL 94-565) to provide payments to counties and other local governments to offset losses in tax revenues due to the presence of tax-exempt federal land within their jurisdictions; and

WHEREAS, The Federal Payment in Lieu of Taxes program replaces the lost property tax revenue and provides county government funding for essential services such as law enforcement, firefighting, search-and-rescue operations, construction and maintenance of roads, and other vital services; and

WHEREAS, Specifically in Plumas County the Federal Payment In Lieu of Taxes Program is vitally important in funding our county roads; and

WHEREAS, The Federal Payment in Lieu of Taxes program was reformed in 2008 under the Emergency Economic Stabilization Act (PL 110-343) to modify the program from a discretionary program which is subject to annual appropriations of Congress to a fully-funded mandatory program until Federal Fiscal Year 2012; and

WHEREAS, There have been two one-year reauthorizations, the most recent as part of the enactment of both H.R. 3979, the National Defense Authorization Act, and H.R. 83, the Federal Fiscal Year 2015 Omnibus Spending Bill, which, when combined, provide nearly \$450 million in Federal Fiscal Year 2015 funding for the Federal Payment in Lieu of Taxes program; and

WHEREAS, A number of efforts were made in the 113th Congress in both the United States House of Representatives and the United States Senate to reauthorize the Federal Payment in Lieu of Taxes program for several consecutive years as a mandatory program in order for counties to budget accordingly:

NOW, THEREFORE, BE IT RESOLVED that the Plumas County Board of Supervisors respectfully urges the 114th Congress to reauthorize and fund the Federal Payment in Lieu of Taxes program for several years, commencing with Federal Fiscal Year 2016, in order to provide a long-term, stable source of funding for counties in order to maintain vital programs and avoid any interruption in county services.

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 13th day of January, 2015 by the following vote:

AYES:

NOES:

ABSENT:

Chair, Board of Supervisors

ATTEST:

Clerk of the Board



4

PLUMAS COUNTY INTEGRATED WASTE MANAGEMENT TASK FORCE

c/o 1834 EAST MAIN STREET • QUINCY, CA 95971 • (530) 283-6268

John Sciborski, Chair
Robert Meacher, City Manager, Portola
Robbin Anderson
City Alternate: Todd Roberts
County Alternate: Tom Yagerhofer

AGENDA REQUEST

for the January 13, 2015 meeting of the Board of Supervisors

January 5, 2015

To: Honorable Board of Supervisors

From: John Sciborski, Chair, PCIWMTF

Subject: Solid Waste Task Force Request for the Board of Supervisors to discuss the possibility of establishing Business Licenses for businesses within Plumas County; discussion and possible action.

John Sciborski
RAP

BACKGROUND

At the November 24, 2014 meeting of the Plumas County Integrated Waste Management Task Force, one of the agenda items discussed pertained to the proposed, draft Mandatory Commercial Recycling Ordinance. State Law requires that such a local ordinance be adopted by the County in accordance with AB 341, "Mandatory Commercial Recycling," adopted in 2011.

During such discussions, it became apparent that the State is requiring data collection of information that is not readily available to County staff, primarily because Plumas County does not have a "business license regulation" in place. Such a regulation would provide a mechanism to enforce solid waste and recycling requirements that the State of California has levied upon cities and counties.

RECOMMENDATION

The Solid Waste Task Force respectfully recommends that the Board of Supervisors – at one of its future meetings -- agendize a discussion on this topic to possibly establish a Business License requirement for all businesses in the County, similar to the program already in place in the City of Portola and many other jurisdictions

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 January 13, 2015 meeting of the Board of Supervisors

January 5, 2015

To: Honorable Board of Supervisors

From: Robert Perreault, Director of Public Works

Robert A. Pearson

Subject: Board of Supervisors to Conduct Discussions with Public Works staff on matters pertaining to the Draft, Revised Solid Waste Franchise Contracts, both dated November 3, 2014, with Feather River Disposal and InterMountain Disposal; discussion and possible action.

OVERVIEW OF THIS AGENDA REQUEST

The purpose of this Agenda Request is to afford the Department of Public Works staff an opportunity to discuss various outstanding issues and policies with the Board of Supervisors in regard to the topic of finalizing draft, revised solid waste franchise contracts. Public Works staff only seeks guidance from the Board. Public Works staff does not recommend final adoption or establishment of hearing dates at this time.

BACKGROUND

Generally speaking, the County of Plumas presently conducts its daily operations in the functional area of solid waste through the use of two (2) Franchise Contracts, one contract with Feather River Disposal ("FRD") – a subsidiary company of Waste Management, Inc. – and one contract with InterMountain Disposal, Inc. ("IMD")

During 2011, the Board of Supervisors voted to invoke the termination of the 5-year "evergreen clause" and Public Works staff was directed to prepare new draft contracts, with the new contracts to contain no evergreen clause and to revise the existing procedure of requiring gate fees to appear directly in the County Code.

Public Works staff – primarily John Kolb and Bob Perreault – have been preparing draft, revised Franchise Contracts for consideration by the County officials and the General Public. The R3 Consulting Group has been advising Public Works staff on an as-requested basis. During such activities, there have been a significant number of

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RE: Discussion on Matters Pertaining to the Draft, Revised Franchise Contracts

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instances in which Public Works staff negotiated with the staffs of Feather River Disposal and InterMountain Disposal.

The latest editions of the draft, revised franchise contracts have been, and continue to be, available for public review and comment by being posted on the Department's internet web page.

On November 3, 2014, Public Works staff completed its latest update of the revised Franchise Contracts. The November 3rd draft revised franchise contracts were distributed and announced to be available to the public at the beginning of the Board of Supervisors meeting that was conducted on November 4, 2014. Both documents can be viewed on the internet at:

- Feather River Disposal, Inc.: <http://www.countyofplumas.com/DocumentCenter/View/12119>
- InterMountain Disposal, Inc.: <http://www.countyofplumas.com/DocumentCenter/View/12118>

Since November 4, 2014, hardcopies of the draft, revised Franchise Contracts, both dated November 3, 2014, have been available for public review at the Office of the Clerk of the Board of Supervisors during regular office hours as well as at the headquarter offices of the Department of Public Works.

Notwithstanding the efforts of Public Works staff, there are a few issues that remain unresolved between Public Works staff and the Franchise Contractors' staffs, which require participation and policy direction input from the Board of Supervisors. Attached is a list of such issues, dated January 5, 2015.

The Plumas County Integrated Waste Management Task Force has been meeting and discussing matters pertaining to the draft, revised franchise contracts, but has yet to finalize their position on these issues, which will subsequently be submitted to the Board of Supervisors.

Recommendation:

Public Works staff respectfully recommends that the Board of Supervisors discuss, comment and provide direction to staff on each of the topics listed on the attached listing.

Proposed, Revised Solid Waste Franchise Contracts, dated November 3, 2014

Board of Supervisors and Public Works Staff Discussion Items

January 13, 2015 Meeting of the Board of Supervisors

Preface: As stated in the overview statement of the Agenda Request associated with this matter, the purpose of this discussion is to afford the Department of Public Works staff an opportunity to discuss various outstanding issues and policies with the Board of Supervisors in regard to the topic of finalizing draft, revised solid waste franchise contracts. Public Works staff only seeks guidance from the Board. Public Works staff does not recommend final adoption or establishment of hearing dates at this time.

ISSUES IDENTIFIED BY PUBLIC WORKS STAFF:

Legend: FRD = Feather River Disposal

IMD = InterMountain Disposal, Inc.

1. Initial Rates.

InterMountain Disposal's attorney, Atty. David Cohen, has placed considerable emphasis on the perceived need to conduct a comprehensive solid waste program rate study before a replacement franchise contract is executed.

Public Works staff contends that a comprehensive solid waste program rate study is not needed at this time, primarily because the revised contracts have been written to continue and reflect the existing solid waste program requirements. While there will be a limited number of revised program requirements (such as State imposition of Mandatory Commercial Recycling), such program elements are a small percentage of any proposed revenue stream and can be incorporated under terms of the existing franchise contract provisions.

That is not to say that there are not significant possible other revisions that could be incorporated as a new program requirement. It is the position of Public Works staff, however, that the costs of such new requirements, or tasks, are individually estimable on a stand-alone basis. As such, new services could be added to the existing franchise contracts for immediate implementation or such implementation could await finalization of the proposed, revised solid waste franchise contracts. Such new services could include mandatory curbside waste collection and residential recycling at curbside (not mandated by the State) and, an additional residential container size (suitable for a single residential occupant). It should be noted that any new service that results in an increase in fees will necessitate a Proposition 218 action.

The provisions of the existing franchise contracts require annual, audited financial statements to be submitted in March 2015, at which time decisions will be made in regard to the need, or not, for a fee increase in accordance with the existing franchise contracts.

2. Fee for collection of commercial recycling.

This matter is a larger issue in the FRD franchise area than in the IMD area. FRD staff suggests an across the board increase for commercial rates to cover the costs of State-mandated Mandatory Commercial Recycling. Public Works staff has requested FRD to submit a fiscal analysis of the anticipated cost associated with the State's new mandate, but has yet to receive such data, primarily because the overall scope of services to be provided by the Contractor is still under discussion. Note: There are two ways of paying for commercial recycling – either as a separate billing item to the individual commercial customer receiving the recycling service, or, as an additional billable item that is rolled into the existing commercial rate structure, as it is now imposed in accordance with the existing franchise contracts. Public Works staff also notes that there is a desire to continue the practice of optional self-hauling of recyclables by commercial customers.

3. Use of Contractor's Equipment.

Reference is made to Paragraph 18. In the existing franchise contract with FRD, copy attached. FRD staff refuses to consider any situation for which the County would need to use FRD's equipment for solid waste collection during urgency, or emergency, instances. IMD has been less demonstrative in regard to this matter. By way of background comment, in a dire emergency, the Plumas County will have the right of eminent domain, but no mention of that right is in the proposed contract language, and the preliminary language in the draft agreement asserting the County's right to use the contractor's equipment has been removed at the insistence of FRD.

However, Public Works staff has conducted specific discussions with County Counsel on this matter. Public Works staff respectfully suggests that the Board of Supervisors specifically discuss this topic as the Board may yet direct staff to continue inclusion of the existing franchise contract provisions into the proposed, revised solid waste franchise contracts.

4. Attorney's fees in the event of litigation.

Public Works staff has included a provision in the proposed, revised solid waste franchise contracts that – in regard to legal disputes – each party shall bear the cost of its own attorney fees. Opposing that position, InterMountain Disposal's attorney, Atty. David Cohen, disagrees with the County staff position.

5. Operating Ratio.

The Franchise Contractor's "Targeted Rate of Return" or "Target Profit" has been replaced with a term labelled "Operating Ratio", which is the ratio of the Contractor's expenses to the income that is generated through the rates. The Contractors are requesting that the Operating Ratio be specified in the contract. Staff suggests that this Operating Ratio range from 8% to 12%, and that this range of figures be used as a factor to determine whether the RRI (Refuse Rate Index) is to be applicable to the rates after the previous year's audited financial statements have been reviewed and accepted by the Board of Supervisors.

6. Additional Issues that are identified by Public Works staff.

There are certain evolving issues, known to Public Works staff, that warrant discussion as part of the focus on the proposed, revised solid waste franchise contracts. At the January 13, 2015 Board meeting, Public Works staff will briefly identify and comment further on the following issues:

Mandatory Commercial Recycling

Green Waste Issues

Carpet Recycling Program

Revised Scope of the Household Hazardous Waste Collection Program to Eliminate Used Paint

Pertinent revisions to the Plumas County Code

7. This listing does not include any additional Discussion Items that may be under the purview of:

Issues that have yet to be identified by Counsel for FRD

Additional Issues that may have yet to be identified by FRD staff

Additional Issues that may have yet to be identified by FRD staff

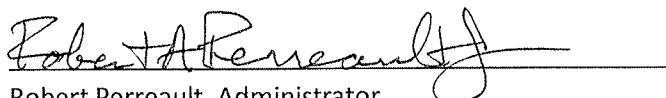
Issues that have yet to be identified by County Counsel

Issues that have yet to be identified by the Integrated Waste Management Task Force

Issues that have yet to be identified by Plumas County Board of Supervisors

Issues that have yet to be identified by the General Public

In closing, the reader is respectfully reminded that this listing does not constitute a complete inventory of all solid waste-related topics that require further policy discussions with the Board of Supervisors. Instead, this listing is intended to be limited to only those issues that have a direct bearing on the drafting of the proposed, revised solid waste franchise contracts.



Robert Perreault, Administrator

Plumas County Solid Waste Franchise Contracts

Attachment

expenses, and attorneys' fee incident to any alleged damages resulting from **COUNTY**'s actions or occupancy at either the Gopher Hill or the Chester landfills. This indemnification also applies to any action of any kind by any governmental agency for any closure or post-closure claims, for post-closure monitoring, maintenance or cleanup work for any conditions at either landfill.

18. **FRANCHISEE Default:** **COUNTY** also contracts with Intermountain Disposal Inc. to serve other areas of the **COUNTY**. **FRANCHISEE** will fulfill Intermountain's contract obligation with **COUNTY** in the event Intermountain ceases operation or is otherwise unable to meet its contract obligations. In this event, **COUNTY** will compensate **FRANCHISEE** under the terms of the contract with Intermountain and **FRANCHISEE** will otherwise carry out Intermountain's contract obligations as if **FRANCHISEE** was the original contracting party. If both **FRANCHISEE** and Intermountain cease operations or are unable to meet their respective contract obligations, **COUNTY** may utilize the **FRANCHISEE**'s equipment to collect and dispose of refuse for 90 days, at actual cost at time of use, until the **FRANCHISEES** or one of them are able to resume contractual obligations. If at the end of 90 days neither **FRANCHISEE** can resume operations, then **COUNTY** may contract with other companies acceptable to Refuse Inc., the owner of Lockwood landfill.

19. **Accounting Practices and Review:** **FRANCHISEE** shall maintain all accounting books and supporting records according to generally accepted accounting principles as promulgated by the