



Staff report for meeting date 10/21/2021

Prepared by Rae Bell

Agenda item 4. a) Correspondence

Correspondence since last regular meeting:

Incoming:

Outgoing: Copy of final budget sent to Sierra County Auditor Van Maddox, Copy of resolution 2021-084 sent to CDF along with signed copy of 50/50 grant agreement, Copy of resolution 2021-085 sent to CDF to replace resolution 2021-083, letter regarding Wayman Dam project to Sierra County Board of Supervisors, thank you card to Cheryl Durret for donation of \$50 for EMT supplies, thank you card to Zack Kostik for donation of his Top Cop award to the Pike Department, thank you letter to Top Cop for the donation of \$3,000 to the Pike Fire Department in Zack Kostik's name cc'd Zack, Audit documents sent to Boden Klein and Sneezby for fiscal year 20-21.

Agenda item 4. b) 5 Board member/Staff reports

- In June the district declared 3 firetrucks as surplus property and authorized staff to sell them. Staff is currently working on figuring out values for the trucks and looking at optional ways to sell them in compliance with the rules for Special Districts. One option that we are looking at is an online auction site called govdeals.com
- At the Sierra County Board of Supervisors Meeting held on October 5th an agreement to authorize passing the PG&E community resource center rent for Station 2 in Alleghany to Pliocene Ridge CSD was approved. Another item related to this was on the October 19th BOS agenda. It has to do with determining the County's expenses related to the resource centers. Hopefully these are the last two items needed for the County to fulfill its prior promise to forward the funds (after expenses) to Pliocene Ridge CSD. PG&E occupied Station 2 for one day last week. Even though the PSPS was cancelled, they are still obligated to pay the \$100 per day rent.
- Pliocene Ridge CSD recently received \$5,000 in covid relief money from the County. A thank you note will be sent.

Agenda item 4. b) 6 Firewise Communities – The County is working on assisting the Sierra County Firesafe Council with applying for funding specifically for developing evacuation plans. A presentation about it is in the October 19th Board of Supervisor's meeting documents.

The firewise committees for both Pike and Alleghany will be meeting soon. Because of COVID concerns I am going to suggest that we do another direct mailer rather than hold community meetings.

Agenda item 4. b) 7 Wayman Dam Project – After Pliocene Ridge CSD’s special meeting held on September 24th, I sent a letter to the Board of Supervisors for their October 5th meeting and Denise Ruane also submitted a letter. (Both letters are attached at the end of this document). I was a little surprised when the Board of Supervisors went ahead and earmarked \$20,000 of the Title III fund to the project at that meeting. It was explained that all they did is set the money aside and there is a time-constraint on it. Based upon the information provided in both mine and Denise’s letters, the Board of Supervisors did not see an issue with allocating the money. County Council was present and he also didn’t see an issue (without giving a formal legal opinion). It was pointed out that the money has been “vetted” by the USFS and the project meets their requirements.

I do wish to address two statements made in Denise’s letter: 1. It states that I will be paid “prevailing wage” for administering the project. There is no such thing as prevailing wage for administration. The resolution that was passed by the Pliocene Ridge Board on Sept. 24th states that I will be paid “per the terms of my contract”. The hourly rate in my contract is \$20 per hour. It is true that any labor hired to do the actual work will have to be paid prevailing wage. 2. The letter questions the source of my statement that: most of the attendees at the Sept. 24th meeting felt that the public benefit of the project outweighed the private benefit. This statement is based on observation: Out of 11 attendees at the meeting, 3 directors voted in favor of the resolution to take on the project, others who spoke in favor of the project were myself, Lee Adams, Zack Kostik and Bill Adasiewicz for a total of 7. Dan Guyer Abstained, Denise Ruane spoke against the use of public funds for the project with Vicky Tenney’s and Roland Robertson’s opinions unknown to me. Either way, 7 is a majority out of 11 attendees.

I do see that Denise is framing the public benefit question differently that I am. She states that the Primary purpose of the project must be public. I do think that we need to find the actual legal code regarding this and research it further. If this is the way that the law is written then it would have to be determined if having the water there in the event of a fire is “primary” over the fact that it is available on a daily basis to the permit holders.

I think that this item should be listed as an “action item” on next month’s agenda while more research is conducted. The other thing to consider is that the project will cost a LOT more money if the district does it because of the prevailing wage rules. It might be better to get buy-in from the residences immediately surrounding the pond and others in Pike and do it as a private project if the Forest Service ever issues a permit.

I recently contacted Heather Newell with the Forest Service for an update on the permit status and I have not heard back as of this writing. It will be a “long shot” for the permit to be issued and enough funding found within one-year to take advantage of the \$20,000 allocated by the Board of Supervisors.

Agenda item 4. b) 8 Firehouse Projects: After I sent out the update on the Alleghany Firehouse project, I was informed that there is a State law on the books: gov code 61131 (b) that limits loan terms for Community Services Districts to 5 years. In other words, a 40-year loan should not be pursued.



Pliocene Ridge Community Services District

100 Pike City Road
Pike City, CA 95960

plioceneridge.org

plioceneridge@gmail.com

September 26, 2021

Sierra County Board of Supervisors
PO Drawer D
Downieville, CA 95936

Re: Wayman Dam project in Pike City/Title III fund allocation request

Dear Supervisors:

At a special meeting held on Friday September 24th, the Pliocene Ridge CSD board of directors appointed me as the district's representative for the Wayman Dam Project. William "Bill" Adasiewicz of Pike City has been spearheading this project since 2015. Following is a summary of the project followed by a concern that I am hoping you can help resolve.

- The Wayman Dam or Pond is situated on Federal Land within the community of Pike City. It was built in the 1860s and has been used since that time by some (not all) residents of Pike. The Wayman Ranch Pipeline Association has a special use permit from the Forest Service to utilize the dam. The association is a group of three property owners: William Adasiewicz, Daniel Guyer and Rayette Ringle.
- Currently the pond holds an estimated 6,000 to 10,000 gallons of water. Bill estimates that if the pond is dredged out the capacity can be increased to a minimum of 600,000 gallons and possibly much more. Several years ago, the pipeline association installed a fire hydrant that is fed by the pond and is readily available on Pike City Road. This year, they replaced 1,200 feet of cement pipe with PVC pipeline attached to that hydrant.
- The workplan for the proposed project includes the installation of a standpipe for drafting that will be accessible to large trucks (water tenders/firetrucks).
- According to Bill, the Forest Service has requested document after document over the years. All document requests have been met.
- The Forest Service has conducted a biological survey and the required archeological survey. (It sounds like the project is "shovel ready" but to-date there is no permit.)
- The original estimate for the work is now five years old, it was for up to \$40,000. It is unknown exactly how much material can be safely removed from the pond and that will have a direct impact on how much the project costs. The more material removed, the better, as it will represent additional water storage capacity. An updated estimate has been requested, but probably won't be ready in time for the October 5th BOS meeting.
- Pliocene Ridge CSD provided a letter of support for the project to the Forest Service in 2015, but to-date, no matching funds for the project have been set-aside or solicited by Pliocene Ridge CSD.

Now, to bring up the concern: at the special meeting held last Friday, a member of the public opined that it would be a misuse of public funds to fund the Wayman Dam Project. In her opinion the benefit to the Wayman Ranch Pipeline association members would be an illegal gift of public funds for private gain.

The majority of the attendees at the meeting felt that the public benefit of a minimum of 600,000 gallons of water readily available to fight fire within the community of Pike outweighs the potential private benefit to the Pipeline Association members.

My understanding is that the water recharge rate of the pond is more than adequate to meet the water needs of the association members. Increasing the capacity of the reservoir will not impact the amount of water use allowed under the State issued water right held by Daniel Guyer.

It could be argued that the project would increase the amount of water available to the pipeline association members in the event of a severe drought. Based on my understanding this would not meet the definition of a “measurable and material benefit” as defined by the Fair Political Practices Commission.

I am requesting that you, the Sierra County Board of Supervisors, as the administrators of the Title III funds seek legal council on this issue before any decision is made to allocate money towards the project. Your decision will likewise inform Pliocene Ridge CSD as to the legality of using public funds for the project.

The fact that Daniel Guyer, sits on the Pliocene Ridge CSD Board has created a very uncomfortable position for him. Dan has abstained from all votes regarding the project to-date and has not been directly involved in the Wayman Dam Project. After last Friday’s meeting, he is concerned to the point of considering stepping down from the Pliocene Ridge CSD Board. Daniel Guyer has been on the Pliocene Ridge CSD Board since 2007 and we would hate to lose him. I am wondering if there is another agency that could take on this project. As a non-profit corporation can the Firesafe Council receive Title III funds? I would be willing to assist with the administrative side of things, regardless of which agency oversees the project.

I cannot stress enough that the majority of the community members who I have spoken to whole-heartedly support this project. In the event of a catastrophic wildfire, it would greatly enhance the firefighting ability of all responding agencies.

Your time and consideration are appreciated.



Rae Bell Arbogast
Secretary/Treasurer

Denise Ruane
95 Barrango Lane
North San Juan, CA 95960
530/288-0305

October 4, 2021

Sierra County Board of Supervisors
PO Drawer D
Downieville, CA 94936

Re: Wayman Dam Project

To the Board of Supervisors:

There has been a request for Title III public funding for a local project known as the Wayman Dam Project. There is more than one conflict-of-interest related to the Wayman Dam project:

First, this project has been designed by and was introduced by the would-be beneficiaries of the project, rather than by any fire incident/s or agency or need for increased water reserves. Thankfully, there is no recent record of any agency or organization experiencing an overall lack of water while fighting a fire in the Pike area. The Wayman Dam project was not created by the need for firefighting water reserves, but by the decrease in water supply available to the regular water users due to accumulated silt and a dilapidated system. The Pliocene Ridge Community Services District (PRCSD) did not approach the Wayman Dam Pipeline Association with the project suggesting a need for increased water reserves for firefighting, but the Wayman Dam users/water rights holders created and designed the project, and have approached the PRCSD requesting funding.

Second, as has been pointed out, the PRCSD President is one of the Wayman Dam private water rights holders/Pipeline Associates who stands to benefit personally from the project. This conflict of interest has neither been presented to nor explained to the PRCSD Board.

Third, the PRCSD representative for this project will be paid (the entire PRCSD Board, and indeed our first responders, are 99.9% unpaid volunteers) prevailing wage hourly for all Wayman Dam-related services; there will be no such earnings if the project receives no Title III funding. Personal objectivity in this project presentation cannot be expected under such circumstances. In support of such a statement, as a participant, I can assure the Board of Supervisors that the PRCSD special meeting attendees (as described in the PRCSD letter to the BOS dated September 26th) never discussed dam capacity, nor a possible public benefit of any number of gallons of water, much less did a majority of us express an opinion, one way or another, regarding possible public benefit outweighing the private benefit. Such a conversation simply never occurred.

October 4, 2021

It is true, however, that a question of illegal gifting of public funds was discussed during said meeting. It is my understanding that publicly funded projects may result in private benefit, but that benefit must be secondary to the public benefit. The public must be the primary beneficiary. The primary beneficiaries of the Wayman Dam Project would be the pipeline associates/current private water-rights holders/regular users of the reservoir. Their benefit would be primary due to their historically held water-rights and resultant regular use of the pipeline system and water. As stated by one of those water-rights holders during the PRCSD special meeting last week, "We use that water to irrigate our fields." Clearly, private benefits are inherent to the project: rights to private and regular use of what would be an upgraded water system with substantially increased holdings, and any related and/or resultant increases in private property values.

Any public benefit, however, would be incidental by definition - there would need to be a fire incident nearby requiring more water than is currently available - before any public benefit would be recognized from this project. Historically, the Wayman Dam water use has been strictly private.

As a 25-year Pike resident, I question the claim the Wayman Pond reservoir has been used historically for fire suppression in Pike. It would be interesting to see any supporting data. Documentation from the PRCSD suggests the necessary piping and hydrant have only recently been installed, and the standpipe required for drafting to large trucks would be installed as part of the proposed project. Certainly, the pond is not now, nor has it been, accessible for helicopter use. However, over the last 25 years I have witnessed another pond in Pike, which already has necessary clearance for truck and helicopter access, and does not necessitate any public funding for continued use in fire suppression, being used actively during fires at least three and possibly four times. It is therefore disingenuous to imply, as was implied during last week's PRCSD meeting, that Wayman Dam Project completion would be necessary for Pike to have adequate helicopter fire-fighting capabilities. Those capabilities already exist locally in Pike, and a pond other than the Wayman, in fact, has been used actively and historically for fire suppression.

Having personally solicited and disbursed thousands of dollars for the Pike City Volunteer Fire Department, I believe the funds in question would be more effectively spent for equipment - for the "Purchase of capital equipment such as the purchase of a fire engine, a search-and-rescue snowmobile, or other emergency response equipment", or "Expenses of non-disposable personal protective equipment and electronic aids such as GPS devices in anticipation of responding to emergencies" - as specifically described as Title III reimbursable expenses - with guaranteed public benefit.

Thank you for your consideration.

Denise Ruane