

Amador County Board of Supervisors

ACTION MINUTES

DATE: Tuesday, January 22, 2013
TIME: 8:30 a.m.
LOCATION: County Administration Center, 810 Court Street, Jackson, California

The Board of Supervisors of the County of Amador met at the County Administration Center, 810 Court Street, Jackson, California, on the above date pursuant to adjournment, and the following proceedings were had, to wit:

Present on Roll Call:

Richard M. Forster, Chairman, District 2
Theodore F. Novelli, Supervisor, District 3
Brian Oneto, Supervisor, District 5
John Plasse, Supervisor, District 1

Absent:

Louis D. Boitano, District IV

Staff:

Charles T. Iley, County Administrative Officer
Gregory Gillott, County Counsel
Jennifer Burns, Clerk of the Board

NOTE: These minutes remain in *Draft* form until approved by Minute Order at the next regular meeting of the Board of Supervisors. Any packets prepared by County Staff are hereby incorporated into these minutes by reference as though set forth in full. Any staff report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Board members in their decisions which are contained in the staff reports are part of these minutes by reference only. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes by reference.

REGULAR SESSION: At 9:00 a.m., the Board reconvened into regular session. The Board did not meet in Closed Session prior to this time.

PLEDGE OF ALLEGIANCE: Chairman Forster led the Board and the public in the *Pledge of Allegiance*

AGENDA: Approval of agenda for this date; any and all off-agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code.)

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Plasse and unanimously carried to approve the Regular Agenda as presented.

Absent: Supervisor Boitano

PUBLIC MATTERS NOT ON THE AGENDA: Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador County Board of Supervisors; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note - there is a three (3) minute limit per person.

Veteran's Services: Supervisor Novelli took this time to announce the Veteran's Health Clinic that was held on January 10, 2013 at the American Legion Hall was a success with approximately 71 veterans receiving service. He noted another clinic is scheduled for May 2013. In addition he stated the screening panel which was convened to select a Veteran's Service Officer Candidate has made a selection. Due to background processing Supervisor Novelli is not at liberty to identify the individual by name at this time, but added he feels a good choice was made.

CalPERS: Supervisor Novelli took this time to express concern relative to recent articles that describe some CalPERS employees embarking on achieving pay increases and overtime pay. Supervisor Novelli stated this is disconcerting as Counties and Cities are faced with comparing actuarials that result in employers being expected to offset the increases relative to their own employee benefits. Supervisor Novelli stated he would like the Board to take action relative to this issue and requested this matter be placed on an upcoming Administrative Committee Agenda.

Amador Community College Foundation: Supervisor Plasse took this time to announce the ACCF has recently launched its first "for credit" science college class. He stated the fully interactive video conference class is being held at the Amador County Transportation Commission Teleconference Center. Supervisor Plasse noted he is hopeful this is the first of many more class offerings to come at this location.

CONSENT AGENDA: Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and possible action, and made a part of the regular agenda at the request of a Board member(s).

Chairman Forster advised the following items are hereby added to the Consent Agenda for today's date: (Added, see page xxx)

General Services Administration: Approval to dismiss with the formal bid procedures for the purchase of (2) used vehicles from Jeff Holman Auto Center.

General Services Administration: Approval to award Bid No. 12-21 to Crop Production Services in the amount of \$29,157.64 for the purchase of 1500 lbs. of Diuron 80 DF, \$7,758.00, 15 gallons Milestone VM Ultra, \$4,844.39, 120 gallons of Buccaneer Plus, \$2,004.15, 100 gallons of R-11, \$1,724.00, 300 gallons of Hasten Oil, \$5,091.19, 100 gallons of Garlon 4, \$7,542.50, 10 gallons of Rodeo, \$193.41.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Oneto, and unanimously carried to approve the Consent Agenda as amended.

Absent: Supervisor Boitano

REGULAR AGENDA:

Gun Control: Discussion and possible action relative to the recent gun control debate and potential future legislation regarding firearms law.

Supervisor Oneto addressed the Board and stated there has been some drastic and horrific shootings recently which has resulted in pending legislation which could restrict firearm purchase, use and ownership. He continued by stating legislation should not be drafted in a time of crises and infringed on others without thinking it through. He provided some history of killings throughout the world that were facilitated by the government because firearms ownership was restricted or forbidden by citizens. He referred to the second amendment off the United States Constitution wherein it states "A well regulated Militia, being necessary to the security of a free State, the right of the people to keep and bear Arms, shall not be infringed." He continued by noting in his opinion, the right to bear firearms is a very important critical right and a knee jerk reaction to drafting legislation that could infringe or forbid gun ownership is not the stance he feels this Board should take.

Supervisor Plasse concurred with the statements made by Supervisor Oneto and reiterated that often times government historically has had a tendency to make far too many decisions based on an emotional response to events, and reactions driven by emotions rather than cognitive consideration of what long term effects may be and how they could prove to be a threat to rights of the citizens of the United States.

Supervisor Novelli concurred with previous statements but added he feels there are a lot of unknowns right now in regards to the proposed legislation or executive orders and although he is a gun advocate and a military veteran he does not have enough information at this time to form a solid opinion. He continued by stating he would like to hear from other Counties, Cities, State representatives, and law enforcement entities to ascertain their stand in this matter. He also stated he would like Supervisor Boitano to have an opportunity to comment on this issue.

Supervisor Forster also concurred with previous statements and added to the discussion by stating in addition to the comments made earlier he feels concentration needs to begin to be focused on mental health issues and keeping guns out of the hands of those that are not mentally capable to assume the responsibility of gun ownership.

At this time, Chairman Forster opened this matter up for comments from the public and the following individuals wished to speak relative, but not limited to supporting the Board taking a stance supporting the second amendment and the right to bear Arms.

Supervisor Oneto stated for the record that Mr. Ken Mazzanti could not be present today, but wanted the record to reflect he is in support of the second amendment.

Mr. Terry Nielsen, District III
Mr. Dave Wardall, District II
Mr. John Heissenbuttel, District III
Mr. Paul Molinelli Sr., District I

Further discussion ensued with the following direction being given with the suggestion being made to vote on this issue now to get the Board's stance on record, but bring back to the next meeting for reconsideration to allow Supervisor Boitano the opportunity to participate in the discussion and vote.

ACTION: **Direction given pursuant to the following motion.**

MOTION: **It was moved by Supervisor Oneto, seconded by Supervisor Plasse and unanimously carried to authorize the Chairman's signature on a letter of support stating the Amador County Board of Supervisors supports the second amendment as being necessary to the security and freedom of the citizens of Amador County and the Nation; and forward the letter to President Barrack Obama, Vice-President Joe Biden and all State and Federal Legislator.**

Absent: **Supervisor Boitano**

Kirkwood Out-Valley Transmission Line: Discussion and possible action relative to a presentation by Kirkwood Public Utility District representatives regarding the status of the subject project.

Ms. Michelle Gamble, Senior Engineer, Resource Concepts Inc., summarized the subject project and referred to a packet of information that is incorporated in full in the Board packet for today's date.

Discussion ensued with the following action being taken,

ACTION: **Direction given to Ms. Gamble or her designee to provide the Board with periodical updates as this project moves forward.**

Minutes: Discussion and possible action relative to approval of the December 18, 2012 Board of Supervisors Meeting Minutes.

ACTION: **The December 18, 2012 Board of Supervisors Meeting Minutes will be held over for approval at a future meeting.**

CLOSED SESSION may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). **At 10:15 a.m., the Board convened into closed session.**

REGULAR SESSION: At 10:30 a.m., the Board reconvened into regular session. Chairman Boitano reported the following issue was reviewed in closed session:

Conference with County Counsel – Potential Litigation [Government Code 54956.9(b)]:

One Claim

ACTION: Direction given to staff.

****10:30 A.M.****

PUBLIC HEARINGS:

Health and Human Services Agency: Discussion and possible action relative to a public hearing to consider a transfer of funds from the Mental Health Realignment Trust Fund to the Health Realignment Trust Fund; and a transfer from the Social Services Realignment Trust Fund to the Health Realignment Trust Fund for fiscal year 2011/2012.

Chairman Forster opened the public hearing at this time. Hearing no public comment the following action resulted.

ACTION #1: Direction given pursuant to the following motion.

MOTION #1: It was moved by Supervisor Plasse, seconded by Supervisor Novelli and unanimously carried to approve the following resolution approving a transfer of funds in the amount of \$194,532.04 from the Social Services trust fund to the Health trust fund for fiscal year 2011/2012.

Absent: Supervisor Boitano

RESOLUTION NO. 13-011

Resolution approving a transfer of funds in the amount of \$194,532.04 from the Social Services trust fund to the Health trust fund for fiscal year 2011/2012.

ACTION #2: Direction given pursuant to the following motion.

MOTION #2: It was moved by Supervisor Plasse, seconded by Supervisor Novelli and unanimously carried to approve the following resolution approving a transfer of funds in the amount of \$80,260.59 from the Mental Health trust fund to the Health trust fund for fiscal year 2011/2012.

Absent: Supervisor Boitano

RESOLUTION NO. 13-010

Resolution approving a transfer of funds in the amount of \$80,260.59 from the Mental Health trust fund to the Health trust fund for fiscal year 2011/2012.

CLOSED SESSION may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). **At 10:45 a.m., the Board convened into closed session.**

REGULAR SESSION: At 11:20 a.m., the Board reconvened into regular session. **Chairman Boitano reported the following issue was reviewed in closed session:**

Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6. County Negotiator: Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, Diane Blanc, Human Resource Director and Diana Doughtie, IEDA. Employee Organization: All Units

ACTION: None. Update only.

Conference with County Counsel - Existing Litigation [Government Code 54956.9(a)]: County of Amador v. Kenneth L. Salazar, Secretary of the Interior; et al: In the United States District Court for the District of Columbia, Case No. 1:05-CV-00658 (RWR)

ACTION: Nothing to report.

County of Amador v. Department of the Interior, Ken Salazar, Secretary of the Interior; et al, In the United States District Court for the Eastern District of California. Case No. 2:12-CV-01710-JAM-CKD

ACTION: Nothing to report.

SEIU Local 1021 v. County of Amador; State of California Public Employment Relations Board, Case No. SA-CE-809-M

ACTION: None. Update only.

Conference with County Counsel – Potential Litigation [Government Code 54956.9(b)]: Buena Vista Rancheria [Government Code 54956.9 (b)]

ACTION: Nothing to report.

Claim of Richard Hopp

ACTION: Denied pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Novelli and unanimously carried to deny the subject claim due to liabilities and damages of the County being disputed.

Confidential Minutes: Review and approval of the confidential minutes of December 18, 2012.

ACTION: The confidential minutes of December 18, 2012 will be held over for approval at a future meeting.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

January 22, 2013

NOTE: Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and possible action, and made a part of the regular agenda at the request of a Board member(s).

1. **BUDGET MATTERS** None

2. **TAX MATTERS**

- A. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 011-070-036-000 (Allen, Vera M. Estate); APN 011-080-020-000 (Allen, Vera M. Estate & J. & J. Allen Trust); APN 030-730-009-000 (Carnell, Logan J. & Desiree N.); APN 044-130-005-000 (Armstrong, Billie B. Revocable Living Trust 2005).
- B. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 015-010-054-000 (Klaft, Joel S. & Holstine, Margaret A.); APN 020-264-021-000 (Anderson, Marvin C. & Helena Revocable Family Trust); APN 030-210-042-000 (Kuiee-Zawadzki, Marek & Philomena A. M.).
- C. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 008-100-023-000 (Humphries, Donald A. & Leslie A.); APN 015-460-008-000 (Renfro, Robert T. Sr.); APN 044-040-028-000 (Lefever, Vern & Mary Trust).

3. **RESOLUTIONS**

- A. **Surveying & Engineering:** Approval of a resolution issuing two Certificates of Compliance to *Gary Hartwick* (APN 08-340-018 and 11-050-006).
- B. **Surveying & Engineering:** Approval of a resolution issuing two Certificates of Compliance to *Richard W. Sanders and Lindy L. Sanders* (APN 15-010-055, 15-010-056 and 15-020-037).
- C. **Building Department:** Approval of a resolution authorizing recordation of Agreement to Limit Uses of Agricultural Structure to *Christine Hagen Trustee--Permit #AG01011*.
- D. **Transportation and Public Works:** Approval of a resolution accepting the *Plasse Road Overlay Project* as completed by Vintage Paving Company.

4. **AGREEMENTS**

- A. **Environmental Health Department:** Approval of a Food Safety Training and Certificate Agreement for professional services with the California Association of Environmental Health Administrators (CAEHA).

- B. **Sheriff's Office:** Approval of a Jail Services Agreement between El Dorado County Sheriff and Amador County Sheriff to allow inmates from Amador County to be housed in El Dorado County when deemed necessary by the Sheriff of Amador County or his designee.
- C. **Health and Human Services:** Approval of an agreement with *BHC Sierra Vista Hospital, Inc.* to provide Psychiatric Inpatient Treatment Services to Amador County clients.
- D. **Health and Human Services:** Approval of an agreement with *BHC Heritage Oaks, Inc.* to provide Psychiatric Inpatient Treatment Services to Amador County clients.
- E. **Health and Human Services:** Approval of an agreement with *Sutter Center* (Sutter Health Sacramento Sierra Region) for Psychiatry to provide Psychiatric Inpatient Treatment Services to Amador County clients.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Juvenile Justice Commission:** Approval of the re-appointment of the following people to a 4 year term to the above referenced commission immediately:
 - *Gregory Brewer's* term will run from 1/22/13 to 1/21/17
 - *John Stettler's* term will run from 1/22/13 to 1/21/17
- B. **Law Library Committee:** Approval of the re-appointments of the following persons to the above referenced commission for the term January 1, 2013 through December 31, 2013:
 - *Alexandra Asterlin*
 - *John Allen*
 - *Laura Einstadter*
 - *Michael McEnroe*
 - *Gail Smyth*
- C. **California State Association of Counties (CSAC) EIA Board of Directors:** Approval of the appointment of Supervisor Theodore Novelli to the subject Board and Supervisor John Plasse as the Alternate member.
- D. **Commission on Aging:** Approval of the re-appointment of *Louis Nunn* and *Kathleen Clark* to the subject commission for three year terms that will expire on January 11, 2016.

7. **MISCELLANEOUS**

- A. **Health and Human Services:** Approval of a request to fill one full-time *Eligibility Worker I* due to an employee's termination.
- B. **Health and Human Services:** Approval of a request to fill a *Behavioral Health Care Clinician I* due to previous employee not completing their probationary period.
- C. **Health and Human Services:** Approval to recruit an *Extra Help Crisis Worker* due to the previous employee vacating this position.

- D. **General Services Administration:** Approval to dismiss with the formal bid procedures for the purchase of (2) used vehicles from Jeff Holman Auto Center. (Added, see page xx)
- E. **General Services Administration:** Approval to award Bid No. 12-21 to Crop Production Services in the amount of \$29,157.64 for the purchase of 1500 lbs. of Diuron 80 DF, \$7,758.00, 15 gallons Milestone VM Ultra, \$4,844.39, 120 gallons of Buccaneer Plus, \$2,004.15, 100 gallons of R-11, \$1,724.00, 300 gallons of Hasten Oil, \$5,091.19, 100 gallons of Garlon 4, \$7,542.50, 10 gallons of Rodeo, \$193.41. (Added, see page xx)

8. **GENERAL CORRESPONDENCE**

- A. Notice of Proposed Regulatory Action dated January 4, 2013, from the State Fish and Game Commission relative to Amending Sections 354, 360, 361, 362, 363, 364 and 708, Title 14, California Code of Regulations, relating to *Mammal Hunting Regulations* for the 2013-2014 season, which is published in the California Regulatory Notice Register dated January 4, 2013. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.
- B. Application for *Alcoholic Beverage License* dated January 3, 2013 for Ard Aven Winery located at 15315 Willow Creek Road, Plymouth, CA 95669.
- C. Application for *Alcoholic Beverage License* dated January 8, 2013 for Amador 360 located at 18590 Highway 49, Suite 1, Plymouth, CA 95669.
- D. Application for *Alcoholic Beverage License* dated January 10, 2013 for Colina De Oro #4 located at 17810 Hwy. 49, Plymouth, CA 95669.
- E. Memorandum from the Environmental Health Department relative to a recap of activity during November, 2012 totaling \$31,561.85.
- F. Memorandum from the Building Department relative to a recap of activity during December, 2012 totaling \$16,046.95.
- G. Auditor's check register dated January 7, 2013 totaling \$673,286.88.
- H. Auditor's check register dated January 14, 2013 totaling \$261,565.74.
- I. Letter of Commendation to the Public Works road crew dated January 4, 2013, from Mike Israel for sanding Clinton Road—especially the curve by Contini Mine Road.
- J. Letter of Commendation to Public Works road crew dated December 27, 2012, from Supervisor Novelli for the work they did in clearing snow and ice on Upcountry Roads.
- K. Letter of Commendation to Public Works road crew dated January 9, 2013, from Renee' Mikkelsen for the brushing done on Spagnoli Mine Road.

RICHARD M. FORSTER, Chairman
Board of Supervisors

ATTEST:

JENNIFER BURNS, Clerk of the
Board of Supervisors, Amador County,
California