

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, April 9, 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 II
Theodore F. Novelli, Vice-Chairman, District III
Brian Oneto, Supervisor District V
John Plasse, Supervisor, District I

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.

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 8:30 a.m., the Board convened into closed session.**

REGULAR SESSION: **At 9:00 a.m., the Board reconvened into regular session. Chairman Forster reported the following issues were reviewed in closed session:**

Conference with Real Property Negotiators:

APN: 005-020-015-000 (OpQ Propane) (Terms & Conditions) County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins, General Services Director

ACTION: **Direction given to staff.**

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: **Update only.**

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

ACTION: **Update only.**

Confidential Minutes: Review and approval of the confidential minutes of March 26, 2013.

ACTION: The confidential minutes of March 26, 2013 were held over for approval at a future meeting.

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.)

Chairman Forster advised the following items were added as Addenda to the Agenda for today's date.

Amador Council of Tourism: Discussion and possible action relative to a presentation by Ms. Maureen Funk, ACT Executive Director, relative to the proposed 2013 State Fair Booth model and funding request for facilitation of construction of the same.

California State Association of Counties: Discussion and possible action relative to approval of the Chairman's signature on a letter of opposition relative to sequestration of payments to states under the Secure Rural Schools Program.

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 amended.

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.

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 made a part of the regular agenda at the request of a Board member(s).

Chairman Forster advised the following item has been added as an Addendum to the agenda for today's date:

Surveying Department: Approval of a Resolution of Intention to vacate portions of a Public Utility Easement for Bernon R. Erickson, Jr. and Ann Dethloff; and scheduling of Public Hearing for same.

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

Absent: Supervisor Boitano

REGULAR AGENDA

Jackson Valley Rehabilitation Project: Discussion and possible action relative to approval of the Chairman's signature on a letter of recommendation to be sent to Caltrans, District 10, encouraging construction of a westbound SR-88 left-turn lane at Martin Lane, as part of the subject Project.

Supervisor Forster summarized this item by explaining Caltrans has hired George Reed, Inc. to carry out a multi-million dollar rehabilitation and shoulder widening project on State Route 88 from State Route 124 to the San Joaquin County line. This project is funded with Caltrans State Highway Operation and Protection Program (SHOPP) funds. Construction was started in 2011/12 and will continue through the coming 2012/13 summer season. He continued by stating when the Jackson Valley Rehabilitation Project was designed a traffic study was done at Martin Lane and Highway 88 to determine if a left turn lane was warranted. The results of the study indicated no sufficient traffic warrants or deaths have occurred in the area at this time, thus the turn lane was left out of the overall project plan. Supervisor Forster stated residents in the area are concerned fell strongly that this project is a safety issue and should be considered by CalTrans.

Supervisor Novelli concurred with Supervisor Forster and recognized how dangerous the intersection is.

Supervisor Plasse also concurred and stated this matter is scheduled to appear on an upcoming Amador County Transportation Commission agenda to determine if ACTC can assist in some manner to encourage Caltrans to make a determination outside of their current policy structure with the understanding that environmental concerns are not an issue and preliminary analysis show right of way and funding are not issues at this time.

Supervisor Oneto commented relative to this matter by stating he questions the emphasis in the project being on recovery zone requirements. He noted a left turn lane is greatly needed in this area and feels the likelihood of a motorist getting rear ended or broadsided in that area is far greater than lack of recovery zone accidents.

Mr. John Gedney, CalTrans District 10, addressed the Board and stated Caltrans considered the addition of a turn lane and Caltrans traffic operations conducted an investigation and responded by stating “based on our traffic count data and collision history, a westbound left turn lane is not recommended at this time. The matter was then brought to Caltrans Deputy District Director of Program/Project Management Dinah Bortner for further analysis and reconsideration during one of ACTC’s quarterly SHOPP coordination meetings in September 2012. The matter was investigated and Caltrans further responded by stating “there would be no objection to having a left turn lane at this intersection; however, the need for one does not reach the threshold for State funding.” This implies that Caltrans cannot use its State funds to add the turn lane to the current SHOPP project or create a separate stand-alone project for future SHOPP program funding. In addition, Caltrans’ investigation determined that although the proposed left turn lane would fit within State right of way; a mandatory design exception would be required because “a left turn lane at this location would put the travel way within the mandatory clear recover zone of two PG&E power poles. Mr. Gedney continued by stating he agrees with assessment made earlier regarding policies and procedures and in fact Cal Trans does sometimes feel “handcuffed” by procedures. However, policies and procedures to provide design immunity for any potential lawsuits or accidents that could occur in the future. Mr. Gedney continued by stating CalTrans values the process, but recognizes the need to develop better working partnerships with local agencies. Mr. Gedney encouraged the Board to continue its efforts to have the turn lane project added to the current SHOPP project, however if that deems impossible, consider applying for the Highway Safety Improvement Program (HSIP). Mr. Gedney stated he feels this project would be a perfect candidate for the HSIP as it allows concessions for projects that don’t reach the threshold required by SHOPP.

Mr. Frank Costa, District II resident, addressed the Board and expressed his concern relative to safety issues at the intersection.

Further discussion ensued with the following

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Novelli, seconded by Supervisor Plasse and unanimously carried to approve the Chairman's signature on a letter of recommendation to be sent to Caltrans District 10, encouraging construction of a westbound SR88 left-turn lane at Martin Lane, as part of the Jackson Valley Rehabilitation Project.

Absent: Supervisor Boitano

Senate Bill 132 (SB 132): Discussion and possible action relative to approval of the Chairman's signature on a letter of opposition regarding the subject legislation that would establish the Mountain Lion to be a specially protected mammal under the laws of the State and make it unlawful to take, injure, possess, transport, import, or sell any mountain lion or any part or product thereof.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Novelli and unanimously carried to approve the Chairman's signature on a letter of opposition regarding Senate Bill 132.

Absent: Supervisor Boitano

Assembly Bill 134 (AB134): Discussion and possible action relative to approval of the Chairman's signature on a letter of support relative to the subject legislation which would exempt from the Public Records Act, the names and home addresses of California citizens who possess a California Concealed Weapons Permit.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Plasse and unanimously carried to approve the Chairman's signature on a letter of support relative to Assembly Bill 134.

Absent: Supervisor Boitano

Senate Bill 296 (SB 296): Discussion and possible action relative to approval of the Chairman's signature on a letter of support for the subject legislation which would increase local assistance funding for County Veterans Service Officers.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Novelli, seconded by Supervisor Plasse and unanimously carried to support Senate Bill 296.

Absent: Supervisor Boitano

Assembly Bill 350 (AB 350): Discussion and possible action relative to the Chairman's signature on a letter of support for the subject legislation which expands the diameter of a tree stump exempted from the Forest Fire Prevention Exemption under the Timber Harvest Plan.

Supervisor Oneto requested language be added to the letter stating it is the belief of the Board that the number of acres treated to reduce the risk of catastrophic fire would be greatly increased, if under California Forest Practice Rules (CFPR), it was made easier to treat surface fuels.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Plasse and unanimously carried to approve the Chairman's signature on a letter of support for Assembly Bill 350 with the addition of language outlined above.

Absent: Supervisor Boitano

Amador Council of Tourism: Discussion and possible action relative to a presentation by Ms. Maureen Funk, ACT Executive Director, relative to the proposed 2013 State Fair Booth model and funding request for facilitation of construction of the same.

Ms. Maureen Funk, ACT Executive Director, addressed the Board and presented the Board with a model of the proposed 2013 State Fair Booth exhibit. The theme will encompass the 75th anniversary of the Amador County Fair.

Ms. Diane Bennett, addressed the Board and commended Ms. Funk on the design of the booth, but requested in future years a notice be sent out to local residents that may be interested in constructing the booth or providing other ideas for construction or design.

Mr. Chuck Iley, County Administrative Officer, advised \$5,000.00 is currently budgeted for the fair booth.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Novelli and unanimously carried release the budgeted monies to the Amador Council of Tourism for costs relative to the 2013 State Fair Booth.

Absent: Supervisor Boitano

Minutes: Review and approval of the March 26, 2013 Board of Supervisors meeting minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Novelli and unanimously carried to approve the March 26, 2013 Board of Supervisors meeting minutes.

Absent: **Supervisor Boitano**

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

PUBLIC HEARINGS

Surveying Department: Discussion and possible action relative to a public hearing to consider a request for an abandonment of a ten foot (10') wide public utility easement and a Certificate of Merger from The Reed Leasing Group, LLC, a California Limited Liability Company. The merger consists of merging Parcel 1 as shown and delineated on the map "Parcel Map No. 2071 for Norman D. Borth, et. ux.," and recorded in Book 38 of Maps and Plats, at pages 73 and 74; and Parcel "B", as shown and delineated on the map "Record of Survey Bamert Property", and recorded in Book 12 of Maps and Plats, at 43, all in the Records of Amador County. The abandonment of the ten foot (10") wide public utility easement is coincident and westerly of the line common with said Parcel 1 and Parcel B. The Property is located on the northerly side of Jackson Valley Road, approximately one-half mile from the westerly junction with State Highway 88, in the Jackson Valley area.

Mr. George Allen, Surveyor, addressed the Board and summarized the staff report as incorporated in full in the Board packet for today's date.

Ms. Susan Grijalva, Planning Director, addressed the Board and stated the property that is under consideration for merger is the same property that has a pending use permit amendment to extend the permit for mining on the westerly property. The merger would allow for the project to expand into the parcel to the east in the event the project is approved. Ms. Grijalva continued by stating if the amendment is approved a merger will need to be done, however if the merger is approved there is nothing that precludes the county from denying the amendment request. The merger is not required in order to approve the amendment but if the project is approved then a merger would be required.

Supervisor Forster stated this issue is somewhat ministerial in that the Board hears these matters quite often. He confirmed with Ms. Grijalva, Planning Director, that whatever decision is made to day does not set precedence on any future actions or requests that might come before the Planning Commission or Board of Supervisors.

Chairman Forster opened the public hearing at this time. The following individuals wished to speak.

Ms. Carrie Watt, representing Reed Leasing Group
Mr. Frank Costa, District II
Ms. Sharon May, District II resident

ACTION #1: Public Hearing closed pursuant to the following motion.

MOTION #1: It was moved by Supervisor Oneto, seconded by Supervisor Novelli and unanimously carried to close the Public Hearing.

Absent: Supervisor Boitano

Discussion ensued with the following action being taken.

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

MOTION #2: It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to approve abandonment of a public utility easement for the Reed Leasing Group, LLC, and approval of a resolution approving issuance of a certificate of merger.

Absent: Supervisor Boitano

RESOLUTION NO. 13-037

Resolution approving abandonment of a public utility easement for the Reed Leasing Group, LLC, a California Limited Liability Company.

RESOLUTION NO. 13-038

Resolution issuing a certificate of merger to the Reed Leasing Group, LLC, a California Limited Liability Company.

California State Association of Counties: Discussion and possible action relative to approval of the Chairman's signature on a letter of opposition relative to sequestration of payments to states under the Secure Rural Schools Program.

Supervisor Forster stated California State Association of Counties (CSAC) along with the Rural County Representatives of California (RCRC), Association of California School Administrators (ACSA), California School Boards Association (CSBA) and Small School Districts' Association (SSDA), have drafted and sent a letter to Chief Thomas L. Tidwell, United States Forest Service, expressing strong concern with the Administration's recent attempt to recapture a portion of the 2012 fiscal year Secure Rural School's (SRS) allocations.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Novelli and unanimously carried to approve the Chairman's signature on a letter of strong opposition relative to sequestration of payments to states under the Secure Rural School Program in general, but specifically to any of the 2012 funds being sequestered. In addition if sequestration does occur it is the Board's preference that all funds be taken solely from Title II monies.

ADJOURNMENT: Until Tuesday, April 23, 2013, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

April 9, 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** None

3. **RESOLUTIONS**
 - A. **Planning Department (13-034):** Approval of a resolution acknowledging receipt of a Notice of Non-Renewal for a portion of California Land Conservation Act Contract No. 35, from Rene F. Lefevre and Patricia M. Lefevre, Trustees for the Lefevre Trust.
 - B. **Human Resources (13-035):** Approval of a resolution recognizing employees who have reached twenty, thirty, thirty-five and forty years of service with the County of Amador in 2013.
 - C. **Human Resources (13-036):** Approval of a resolution proclaiming the week of April 21st to April 27th as *National Volunteer Week* and recognizing the invaluable service volunteers provide to our community.
 - D. **Surveying Department (13-033):** Approval of a Resolution of Intention to vacate portions of a Public Utility Easement for Bernon R. Erickson, Jr. and Ann Dethloff; and scheduling of Public Hearing for same. (Added, see page 3 of Regular Agenda)

4. **AGREEMENTS**
 - A. **Area 12 Agency:** Approval of an Amendment to Area 12 Agency on Aging Joint Exercise of Powers Agreement (JPA) Modifying the Advisory Council Meeting Requirement contained in Article III, C., (3) from Ten Times in Each Calendar Year to Six Times in each calendar year.
 - B. **Health and Human Services:** Approval of an annual renewal of the Title X Family Planning Program contract with the California Family Health Council, Inc., (CFHC) for calendar year 2013 Federal Funding.

- C. **Health and Human Services:** Approval of a California Department of Public Health TB Control Branch Special Needs Funds Award and Real-Time Allotment Award to carry out the programs' TB control efforts and to perform complex tuberculosis case management.

5. **ORDINANCES**

- A. **Environmental Health:** Approval of the adoption of an ordinance that revises or establishes new Environmental Health Department fees relative to cottage food operations, major subdivisions, environmental impact reports, spill prevention control and counter measure plans and body art facility permits and registration.

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS** None

7. **MISCELLANEOUS**

- A. **Community Development Department:** Approval to advertise internally for the position of Supervising Building Inspector to fill a need of supervision within the Building Department. This position will be tasked with daily scheduling of building department staff and providing input for performance evaluations.
- B. **Environmental Health:** Approval of a Late Fee Payment Policy formalizing notification to businesses of the availability of annual fee payment plans, structure of payment plans, and enforcement actions to be held in abeyance while business remains in substantial compliance with the payment plan.

8. **GENERAL CORRESPONDENCE**

- A. A notice from the *U.S. Fish and Wildlife Service* dated March 18, 2013, announcing the opening of an information gathering period regarding the status of the fisher (*Martes pennant*) throughout the range of its West Coast distinct population segment (DPS) in the United States. The fisher is a medium-sized mammal of the mustelid family and occupies mixed conifer hardwood forests. Comments may be submitted via email to FisherWestDPS@fws.gov or via website at: <http://www.regulations.gov> Search for Docket No. FWS-R8-ES-2013-0054.
- B. Notice of Findings from the *State Fish and Game Commission* dated March 19, 2013 relative to a petition submitted to list the Clear Lake hitch (*Lavinia exilicauda chi*) as a threatened species.
- C. A notice from the State Central Valley Regional Water Quality Control Board relative to a Board meeting at the Rancho Cordova office on April 11, 2013. Copies of the items to be considered by the Board are posted on the Board's website at: http://www.waterboards.ca.gov/centralvalley/board_info/meetings/
- D. Application for *Alcoholic Beverage License* dated March 28, 2013 for *Bucbous Bow Brewing Company* located at 27480 Whitmore Drive, Pioneer, CA 95666-9336.

- E. Application for *Alcoholic Beverage License* dated March 28, 2013 for *Estey Family Vineyard, Inc.* located at 21271 Latrobe Road, Plymouth, CA 95669.
- F. Memorandum from the Environmental Health Department relative to a recap of activity during March 2013 totaling \$ 29,916.00.
- G. Auditor's check register dated March 25, 2013 totaling \$ 474,828.06.
- H. Auditor's check register dated April 1, 2013 totaling \$ 235,074.46.
- I. Letter of Commendation dated March 26, 2013 from John Begovich thanking the Public Works road crew for brushing Argonaut Lane.

RICHARD M. FORSTER, Chairman
Board of Supervisors

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

Deputy