

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: August 21, 2013

From: JON HOPKINS, DIRECTOR
(Department Head - please type)

Phone Ext. X759

- | | |
|-------------------------------------|----------------|
| <input checked="" type="checkbox"/> | Regular Agenda |
| <input type="checkbox"/> | Consent Agenda |
| <input type="checkbox"/> | Blue Slip |
| <input type="checkbox"/> | Closed Session |

Meeting Date Requested:

08/27/13

Department Head Signature [Signature]

Agenda Title: Discussion regarding Closure of fuel tanks and Fuel RFP

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
General Services has researched the cost effectiveness of continuing the operation of the fuel tanks verses contracting with an outside provider. The research shows a cost savings to the County by using an outside provider. Using an outside provider may require the closure of the fuel tanks currently operated by the County.

Recommendation: Discussion and possible action.

Recommendation/Requested Action:

See above.

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts N/A

Possible savings to FY 13/14 Budget

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A

Resolution Attached: Yes No N/A

Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____

Counsel _____

Auditor _____

GSA Director Hop

CAO _____

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

GSA-Jon Hopkins; County Counsel-Greg Gillott

FOR CLERK USE ONLY

Meeting Date 8-27-13 Time _____ Item # 5

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____
Completed by _____
of _____

A new ATF is required from _____
Department _____
For meeting _____
of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
Clerk or Deputy Board Clerk

Save

GENERAL SERVICES ADMINISTRATION

MAIL: 12200-B Airport Road, Jackson, CA 95642


LOCATION: 12200-B Airport Road, Martell, CA

PHONE: (209) 223-6744 FAX: (209) 223-0749 E-MAIL: jhopkins@co.amador.ca.us



MEMORANDUM

TO: Board of Supervisors

FROM: Jon Hopkins, GSA Director 

DATE: August 22, 2013

SUBJECT: Discussion regarding Fuel Service Operations

General Services has researched the cost effectiveness of continuing the operation of the fuel tanks versus contracting with an outside provider. The research shows a **potential** cost savings to the County by using an outside provider (spreadsheet attached). The savings is only based upon the difference in our recovery cost (maintenance, inspections, staffing) versus an estimated overhead and profit cost from a local wholesaler and does not include the market cost of fuel. The market cost of fuel currently provided to the County by various suppliers greatly fluctuates. At this time, there is no way to know what the market cost would be to the County if we were to close our tanks and can only be determined through initiating an RFP. If after discussions with the Board it is determined there is a potential for a cost savings, an RFP for fuel service operations should be initiated.

This may also initiate the closure of the fuel tanks currently operated by the County. The tanks can be temporarily closed for up to a year with the following requirements.

- Tanks must be cleaned and triple rinsed and the rinsate properly disposed.
- Gas tanks inerted with dry ice.
- All fill, product line, probe and other ports and piping sealed and disconnected, vent lines to remained connected.
- All power must be disconnected except cathodic protection.
- Visual inspection every three months of all caps and plugs and tank content.

Attached for reference is a memo from Christine Poe, Executive Assistant dated August 19, 2013, regarding the fuel study detailing the analysis of costs associated with keeping the tanks vs. contracting with an outside provider. Also attached is a draft letter to outside agencies for review and consideration if fuel tanks were to be closed.

Time is of the essence as the estimated cost for our five (5) year tank lining inspection is approximately \$19,040.00 which must be performed prior to October 25, 2013. This cost could be applied to tank removal costs if the County decides to cease providing fuel services. As there may be a lapse between the times services would cease to when a contract could be executed with another provider, the County can enter into a temporary contract with a local wholesaler in order to provide fuel after October 25, 2013.

Recommendation: Discussion and possible action.

cc: Chuck Iley, County Administration Officer
File

Fuel Costs Analysis

Based on 214,001 Gallons of unleaded & diesel fuel for 12 months (May 2012 thru April 2013)

EVALUATION CRITERIA

	Other Costs	County	Wholesaler
A. Testing			
A.1. Annual Costs		0.004	
A.2. Every Three Year Costs		0.002	
B. Certification(s)			
B.1. Inspection (Required every 5 years for underground tanks)		0.017	
C. Maintenance			
C.1. Annual Costs		0.004	
C.2. Quarterly Returns		0.020	
D. OPIS			
D.1. Annual Cost		0.070	
E. Overhead (staff costs, profit, etc.)			
E.1. Annual Costs		0.101	
F.1. Tank Removal	\$50,000.00		
F.2. Tank Replacement	\$126,200.00		
TOTAL ANNUAL COSTS & 5 YEAR TANK LINING		0.218	0.120
Estimated Annual Savings			\$20,972.098

	Wholesale	Retail Low	Retail High
Sample price cost comparison 8.15.13			
Unleaded 87	3.586	3.739	3.959
Diesel #2	3.894	3.919	4.349

Tax Definitions

- FET - Federal Excise Tax*
- SET - State Excise tax
- LUST - Leaking Underground Storage Tank Fee. Goes into a State Super Fund site clean up
- Fed Oil Spill - National Federal tax for Super fund Site clean up
- UST - Underground Storage Tank Fee. All underground storage tanks are assessed a \$0.02 per gal thru put fee
- Lead - State tax for the cleanup of lead from old underground storage tanks

AB32: This is the new taxes and fees assessed as part of the implementation of AB32 for the administration of carbon credits.

*The County is exempt from FET for both Gas and Diesel

All Taxes Charged in the fuel prices		
	GAS	DIESEL
FED	0.183	0.243
SET	0.395	0.1
LUST	0.001	0.001
FED OIL SPILL	0.00019	0.0019
UST	0.02	0.02
LEAD	0.0011	0
AB32#1	0.001462	0.001703
AB32#2	0.001453	0.001693
AB32#3	0.001539	0.00179
CA Sales Tax	2.25%	9.44
TOTAL TAXES	0.60645	0.37109



INTERNAL MEMORANDUM

To: Jon Hopkins, GSA Director

From: Christine Poe, GSA Executive Assistant *CPoe*

Date: August 19, 2013

Subject: Fuel Study

As you requested below is a summary of information obtained from the recent fuel study completed by myself and Mari Galino.

Amador County consumed 214,001 gallons fuel from May 1, 2012 through April 30, 2013 at a cost of \$785,142.17. This usage includes the following funds: General, Social Services, Health, Road, Mental Health, GSA Motor Pool, GSA Support Services, and Air District. In addition, these calculations include the various outside agencies that utilize our fueling station.

Information was requested from a local fuel company to compare their fuel costs to ours. Based on the information provided their calculations show a savings of approximately \$.02 per gallon or \$4,451 per year if we contracted with their company. This amount did not take into consideration our staffing costs.

However after running the calculations on our own direct costs we came up with a greater savings of \$.098 per gallon should we decide to change our service to the an outside fuel provider. Below is the detail of how this amount was obtained.

Testing for the Air District in the amount of \$550.00 and monitoring in the amount of \$450.00 is required each year. Every three years a tank/lines tightness test is required costing \$1057.60 and a cathodic protection test in the amount of \$272.00. Every five years a tank lining inspection is required costing approximately \$19,040.00.

Underground storage tank quarterly returns costs for the past year were \$4394.18. Miscellaneous costs for filters, powerated belts and outside maintenance were \$859.00. Labor and administrative expenses average out to be \$21,724.00. All of these expenses total \$32,228.27 annually. Currently a surcharge is added to the per gallon amount to recover these costs.

The price companies charge for fuel is based on the OPIS (Oil Price Information Service) rack pricing. These numbers can change several times a day. OPIS freezes supplier prices and averages by rack location at key times throughout the day so buyers and sellers can index their purchases to an unbiased, third-party price at a fixed point in time.

The fuel provider contacted quoted the County a contracted rate of \$.12 above OPIS for three years. When the costs were calculated for the current in house fueling station based on the operating costs it appears the cost to the County is currently \$.218 above OPIS. Therefore contracting with a fuel provider would create a savings to the county of \$.098 per gallon or an annual savings of \$20,972.10 based on 214,001 gallons of fuel.

Should the County decide to enter into a contract for fuel the current tanks will need to be removed properly which will cost approximately \$50,000.00 to \$60,000. However if the County continues to operate the in-house fuel station there is a possibility the tanks will have to be removed and replaced with above ground tanks in the future. The cost to replace these tanks would be \$126,200.00. This amount does not include the cost to of the required concrete foundation pad, engineering and any required permits.

One additional item of consideration is the benefit the County provides to outside agencies. Currently the County of Amador provides fuel to ACRA, Amador Transit, Senior Services/Common Grounds, City of Jackson, City of Sutter Creek, Central Sierra Child Support Agency, Amador Tuolumne Community Action Agency, American Legion Ambulance, and Amador Fire Protection District. Hunt & Sons, Inc. did confirm they would offer the same contract terms to these agencies if the County did decide to use their service.

In conclusion, if the County determines it would be most cost effective to contract with an outside provider and could make that transition prior to the 5 year inspection due in October the funds budgeted for that inspection could be used towards the closure of the tanks. Currently there is \$25,000.00 budgeted for that inspection.

GENERAL SERVICES ADMINISTRATION

MAIL: 12200-B Airport Road, Jackson, CA 95642

LOCATION: 12200-B Airport Road, Martell, CA

PHONE: (209) 223-6744 FAX: (209) 223-0749 E-MAIL: jhopkins@co.amador.ca.us



August 14, 2013

Outside Agency
Jackson, CA 95642

RE: Fuel Services

To Whom It May Concern:

Currently the County of Amador provides fuel for the operation of your vehicles. This letter serves to notify your agency effective October 25, 2013, we will no longer provide this service.

The County analyzed its fuel service operations and concluded savings may be achieved by using local vendors. Although our research revealed a cost savings, until proposals are received and a contract executed, there are no guarantees.

In our research with one vendor the County was assured the agencies we currently provide service to would be given the same contract pricing as the County. Therefore, one of the requirements in the Request for Proposals (RFP) will be to extend the same terms and conditions to you that the County negotiates for a three (3) year period. If you wish to take advantage of this opportunity, please make your request in writing to me authorizing the use of your name and business in the RFP for the purpose of informing proposers that you (the Entity) may wish to enter into a separate contract with the successful proposer. Although an RFP and contract development takes time, we anticipate executing a contract sometime prior to the first of the year, if not sooner.

The date above is also the date required to perform our costly five year tank lining inspection. In order to divert these expenses and shift them toward tank removal costs, we must cease to provide service by this date. As there may be a lapse between the times we cease service to when we execute a contract with another provider, the County will enter into a temporary contract with Hunt & Sons, Inc. located in Martell. If you also wish to take advantage of the terms the County will receive with this temporary contract, please indicate this in your written response and we will assist you in coordinating a separate temporary contract with Hunt & Sons, Inc.

The County of Amador is aware this is short notice, but we are committed to assisting you with this transition from being your fuel service provider to an outside source in any way possible and are available for any questions or concerns. If you would like to discuss these changes or have any questions please contact me directly at 209-223-6759.

Sincerely,

Jon Hopkins
Director of General Services

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: August 21, 2013

From: Richard M. Forster, Chairman
(Department Head - please type)

Phone Ext. _____

- Regular Agenda
- Consent Agenda
- Blue Slip
- Closed Session

Meeting Date Requested:
August 27, 2013

Department Head Signature _____

Agenda Title: Administrative Agency

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to reimbursement of architectural fees to Amador County Recreation Agency for work performed at Pine Grove Town Hall.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? N/A

Name Administrative: August 19, 2013

Committee Recommendation:

Comments:

Request Reviewed by:

Chairman _____

Counsel SG

Auditor EDL

GSA Director HOJ

CAO Q

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 8-27-13 Time _____ Item # 6

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on

A new ATF is required from

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by

Department
For meeting
of

ATTEST: _____

Clerk or Deputy Board Clerk

Save

Invoice No. C-10091-1

Amador County Recreation Agency

INVOICE

Customer

Name County of Amador, Chief Administrative Officer
 Address _____
 City _____ State _____ ZIP _____
 Phone _____

Misc

Date 8/14/2013
 Order No. _____
 Rep _____
 FOB _____

Qty	Description	Unit Price	TOTAL
1	Reimbursement of Architect Fees, Prop 40 Pine Grove Town Hall Thank you for supporting ACRA SECOND BILLING	\$1,500.00	\$ 1,500.00

Payment

Select One...

Comments _____
 Name _____
 CC # _____
 Expires _____

Tax Rate(s)

SubTotal	\$ 1,500.00
Shipping	
TOTAL	\$ 1,500.00

Office Use Only

ACRA 10877 Conductor Blvd., Suite 100, Sutter Creek, Ca. 95685 (209)223-6349

Everybody gets to PLAY!

County Grants Account Profit & Loss All Transactions

	Nov 2, 12
Income	
Grant Projects	
Pioneer Park RR SS	119,698.00
River Pines	
Paid to ACRA General Account	5,479.18
Donations	1,345.00
River Pines - Other	180,001.00
Total River Pines	186,825.18
Pine Grove Town Hall	
Income	374,244.85
Total Pine Grove Town Hall	374,244.85
Volcano Armory Hall	
Income	325,255.15
Total Volcano Armory Hall	325,255.15
Lodge Hill	95,000.00
Plymouth Restrooms	36,489.00
Pioneer Park Roofs	89,312.00
Total Grant Projects	1,226,824.18
Total Income	1,226,824.18
Expense	
GSA Support Service Charge	54.49
Grants	
Plymouth Restroom Project	36,489.00
Prop 40 Lodge Hill	95,000.00
Prop 40 Park Grant	196.65
Prop 40 Pine Grove Town Hall	
Administration	18,478.22
Prop 40 Pine Grove Town Hall - Other	354,916.88
Total Prop 40 Pine Grove Town Hall	373,395.10
Prop 40 Volcano Armory Hall	
Administration	24,263.87
Prop 40 Volcano Armory Hall - Other	301,731.80
Total Prop 40 Volcano Armory Hall	325,995.67
Prop 40 Pioneer Park Roofs	79,194.02
Prop 40 Pioneer Park RRSS	
Administration	3,560.00
Prop 40 Pioneer Park RRSS - Other	124,980.01
Total Prop 40 Pioneer Park RRSS	128,540.01
Prop 40 River Pines	
Donated In-Kind Services	1,345.00
Grant Account	172,092.03
General Account	7,148.03
Administration	12,009.50
Total Prop 40 River Pines	192,594.56
Total Grants	1,231,405.01
Total Expense	1,231,459.50
Net Income	-4,635.32

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
08/27/13	

To: Board of Supervisors

Date: August 20, 2013

From: Greg Gillott
(Department Head - please type)

Phone Ext. 366

Department Head Signature 

Agenda Title: Amador County Employees Association's Petition For Decertification of Service Employees International Union, Local 1021 as the Exclusive Representative for the General Unit

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to "ACEA" petition for Decertification of "SEIU".

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A


Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____

Counsel 

Auditor 

GSA Director 

CAO 

Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

BOS

FOR CLERK USE ONLY

Meeting Date 8-27-13 Time _____ Item # 7

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

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Completed by _____
A new ATF is required from _____ Department _____
For meeting of _____


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ATTEST: _____
Clerk or Deputy Board Clerk



GREGORY GILLOTT
County Counsel

JENNIFER MAGEE, DEPUTY
GRACE PAK, DEPUTY
ANGELA CREACH, PARALEGAL
JULIE BROWN, LEGAL SECRETARY

STAFF REPORT

TO: Board of Supervisors
 FROM: Greg Gillott
 County Counsel
 DATE: August 20, 2013 
 RE: Amador County Employees Association’s Petition for Decertification of Service
 Employees International Union, Local 1021 as the Exclusive Representative for the
 General Unit

BACKGROUND

By letter dated June 26, 2013, the Amador County Employees Association (“ACEA”) petitioned the County to hold a representation election regarding the decertification of Service Employees International Union (“SEIU”), Local 1021 as the exclusive representative for the County’s General Unit employees and the concurrent certification of ACEA as the exclusive representative. ACEA also filed its decertification petition with the Public Employment Relations Board (“PERB”). This is ACEA’s second attempt to decertify SEIU. ACEA had previously filed a decertification petition with the County on September 21, 2012.

In response to ACEA’s first decertification attempt, on October 9, 2012, the County voted to move forward with the request by ACEA to call for an election regarding the possible decertification of SEIU. On October 8, 2012, SEIU, in anticipation of the County’s action, filed an unfair practice charge alleging that Sections 18 and 19 of the ERP contained a decertification bar that violated the Meyers-Milias-Brown Act (“MMBA”). On December 7, 2012, the Office of the General Counsel issued a complaint alleging that the County maintained an unlawful local rule in violation of the MMBA when it voted to move forward with the processing of ACEA’s decertification petition.

On January 23, 2013, a formal hearing was held regarding the local rule violation allegation. The Administrative Law Judge found that Section 18(b) of the Amador County Employment Relations Policy (“Amador Policy”) violated the MMBA and instructed the County to apply PERB Regulations for the filing of decertification/certification petitions with respect to when petitions may be filed if there is an existing MOU, (i.e., within the “window period”). The PERB Board affirmed the Administrative Law Judge’s decision. The PERB decision did not address Section 4 of the Amador Policy, which is at issue here.

Staff Report

TO: Board of Supervisors
DATE: August 20, 2013
PAGE: 2

With respect to the current decertification petition, ACEA maintains that it is supported by over thirty percent of the employees in the General Unit and ACEA has provided interest petitions signed and dated by those employees as evidence of that support. ACEA also contends that its petition is timely filed. The County’s current Memorandum of Understanding (“MOU”) with SEIU expires on September 30, 2013. ACEA requests that a secret ballot election be held immediately.

ANALYSIS

Upon receipt of any petition for decertification, the Board is required to verify the proof of employee support. Section 19 of the Amador Policy requires that ACEA’s petition must be supported by at least 30% of the General Unit members employed at the time of the filing of the petition in order to have sufficient support for a decertification petition.¹ In addition, and most critical at this point, Section 4, subsection 2 of the Amador Policy requires that the support be “signed and dated by employees within six months” of the date the proof is submitted.

The Clerk of the Board of Supervisors has reviewed ACEA’s petition, along with the employee interest petitions. Upon her initial review, the Clerk has determined that all of the supporting employee petitions are dated more than six months prior to the filing of the decertification petition on July 26, 2013, with most signed and dated in September 2012. As such, these supporting employee interest petitions are not timely and cannot be used to support ACEA decertification effort.

In anticipation of the County’s application of Section 4 to its decertification petition, ACEA filed an unfair practice charge on July 8, 2013 challenging that and other sections of the Amador County Policy alleging that it constitutes an unreasonable local rule in violation of State law. (Cal. Gov’t Code §§ 3500 – 3511.) Although under PERB Regulation 61010, similar supporting petitions are valid for 12 months from the date of signature, the 6-month requirement of Section 4 is a reasonable local regulation, allowed under State law, and is consistent with similar provisions of other local jurisdictions. It is the opinion of this Office that ACEA’s challenge will be unsuccessful.

RECOMMENDATION

Reject ACEA’s petition for decertification due to its failure to submit employee support in compliance with Section 4 of the Amador Policy because all of the employee support petitions are dated more than six months prior to the filing of ACEA’s decertification petition on July 26, 2013.

¹ There is disagreement regarding the number of employees in the General Unit as of the time of the Petition; however, that issue does not need to be resolved in order for the Board to take action on ACEA’s petition for decertification.

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: August 21, 2013

From: Richard M. Forster, Chairman
 (Department Head - please type)

Phone Ext. _____

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>August 27, 2013</u>	

Department Head Signature _____

Agenda Title: 2012-2013 Final Grand Jury Report

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Discussion and possible action relative to the County's response to the subject report.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate)	Staffing Impacts
_____	_____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
Committee Review? N/A <input type="checkbox"/> Name: _____ Committee Recommendation: _____	

Request Reviewed by:

Chairman _____	Counsel <u>GC</u>
Auditor <u>EPA</u>	GSA Director <u>HP</u>
CAO <u>JB</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date <u>8-27-13</u>	Time _____	Item # <u>8</u>
Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___		
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	

Distributed on _____	A new ATF is required from _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	Department _____ For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk

Save

County Administration

Recommendation #1: The County continue to use budget strategies to maintain a healthy reserve. The BOS should strive to maintain a contingency fund that is 3% of county expenditures as economic times improve.

Response: Agree.

Recommendation #2: The County annual budget documents need to contain a glossary of terms, a narrative on the county's financial health and a fully graphed and charted summary of the county's financial situation

Response: Agree. The upcoming budget will contain a partial implementation, and this recommendation should be fully implemented in the 14/15 budget documents. Clarifying the budget has been a goal of the CAO for some time now.

Recommendation #3: all budget proposal documents given to the BOS from any department, commission, or agency overseen by the BOS be presented in a standardized format. The BOS should develop a standardized format for budgets submitted to them.

Response: Agree. However, the CAO is unsure as to the nature of this finding, as it is his belief that this already occurs. Identical spreadsheets for each budget are sent out to the Departments by the CAO office, with the same spreadsheet being modified and returned as the official budget request. There are no significant format differences amongst the budgets.

Recommendation #4: The CAO's office should start the budget workshops with a short refresher course to the BOS on governmental accounting.

Response: Agree. This will be implemented in the next budget cycle.

Recommendation #5: All Supervisors have opportunities to take classes on the processes of government, which highlight the differences between private business and government business. This should be required for all incoming Supervisors and could be completed online.

Response: Agree. New Supervisors are already required to attend the new Supervisor Institute that is taught by CSAC. This practice will continue.

Recommendation #6: Concentrated training be developed for all members of the BOS on general governmental accounting and budget development specific to the County. Training should be developed by the Office of the County Administrative Officer (CAO). This training should occur at the beginning of every term of each supervisor.

Response: Agree. A program will be designed and implemented when ready.

**Department Head Response to
Amador County Civil Grand Jury
Final Report**

This response to the Board of Supervisors was prepared by James A. Foley, to the Grand Jury's findings and recommendations submitted 6-21-13 regarding the Health and Human Services Department.

FINDINGS

Finding #1: Amador County has applied for funding under the CSS, PEI and INN programs since 2008-2009. They have applied for funding under the remaining MHSA programs in 2012-2013.

Response to finding # 1:

Respondent disagrees. Specifically, Amador County has requested, and received, all available MHSA funding including the following: CSS funding for FY 2005/2006 through FY 2013/2014, PEI funding for FY 2007/2008 through FY 2013/2014, INN for FY 2008/2009 through FY 2013/2014, WET for FY 2006/2007 through 2008/2009 (this is all that was available), and CFT 2007/2008 and 2008/2009 (also all that is available).

Finding #2: The County accounting system is out of date. It does not allow the tracking of expenses at the level the County Behavioral Health Department requires. Mental Health is a division of Behavioral Health.

Responses to findings # 2:

Respondent agrees that Mental Health is a division of Behavioral Health. Respondent does not have direct information about the adequacy of the County wide accounting system. Respondent disagrees, Behavioral Health expenses are tracked, in MAXIME, at three levels: 1) department, 2) program and 3) element level. Example: INN, CSS, etc. are tracked within Behavioral Health in MAXIME allowing the tracking of expenditures within each MHSA program element.

Finding #3: The MHD reconciles the MAXIME reports to the County expenditure reports monthly.

*Response to finding # 3:
Respondent agrees.*

Finding #4: MHSA reports are located in 2 separate locations on the County's website. The reports that are available on the website are out-of-date drafts and are not the final approved reports. This makes it difficult to compare historical data with more recent reports.

Response to finding # 4:

Respondent agrees. Behavior Health recently funded the new www.amador.networkofcare.org website. There you will find a new section dedicated to the Mental Health Services Act. Currently, Behavioral Health staff are transferring over all previous plans and updates. Once complete the other two websites will be eliminated and the county site will re-direct viewers to the new site.

RECOMMENDATIONS

Recommendation # 1: The Grand Jury recommends that the County implement the recommendation in the "2011-2012 County of Amador Audit Report" for governmental trust accounts:

"...recommend that the County integrate the activity of these funds into operating funds of the County to better reflect the revenue and expenditure activity throughout the year. In addition, by integrating these funds into operating funds, the County will ensure that all activity is properly budgeted for. If the County wishes to establish separate funds rather than blending the activity into existing funds, it may do so. The benefit of reporting the activity in an operating fund instead of a fiduciary fund is that revenues and expenditures can be associated with a department and a function."

Response to Recommendation # 1: The Grand Jury recommendation is for MHSA funds to be integrated into operating funds. The quote from the Audit Report is regarding fiduciary / trust funds – which are different than MHSA funds. MHSA funds are already directly deposited into a subaccount within our Behavioral Health operating fund

(11700). The subaccount is an asset account called MHSA Prop 63 (101235). When MHSA expenditures are incurred, the monies are transferred into (101170) Behavioral Health Account from which all monies are spent (per design of the auditor's office). By using this process all MHSA monies are carefully tracked.

Recommendation # 2: The MHD needs to increase transparency by providing budget monitoring status in an easy-to-read format and post it on the County's website. An example would be located at www.sccgov.org/sites/MHD

Response to Recommendation # 2: Fiscal and budgetary planning are currently performed in conjunction with the community and key stakeholders in a public forum via the bi-monthly MHSA / cultural competency steering committee (per statutory regulations). These meetings are open to the public and reflect a fully transparent process. Minutes from these meetings are not yet available upon the county website but are available upon request.

Recommendation # 3: MHD needs to consolidate and update the website to include easier ways to find information about MHSA. They also need to provide a link directly under the "Services" category of the County's website. This will make it easier to locate the plan, budgets, and expenditures for the average resident.

Response to Recommendation # 3: Respondent agrees with this recommendation. As stated above - in response to management's concerns around this issue Behavioral Health recently funded the new www.amador.networkofcare.org website. There you will find a new section dedicated to the Mental Health Services Act. Currently, Behavioral Health staff are transferring over all previous plans and updates. Once complete the other two websites will be eliminated and the county site will re-direct viewers to the new site.

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: August 14, 2013

From: Susan Grijalva
 (Department Head - please type)

Phone Ext. 380

- Regular Agenda
- Consent Agenda
- Blue Slip
- Closed Session

Meeting Date Requested:

08/27/13

Department Head Signature Susan Grijalva

Agenda Title: McLaughlin Family Trust Boundary Line Adjustment

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Consideration of Agricultural Advisory Committee's recommendation to find that the proposed Boundary Line Adjustment for parcels 021-180-044, 021-180-045, 012-180-051, 021-180-052, 021-180-053, & 021-180-054 meets the requirements of the California Land Conservation Act, subject to the following conditions:

- 1) require a new contract for the proposed 298-acre Agricultural Preserve; and
- 2) require the applicant file a Notice of Non-renewal for the existing 5.0-acre parcel and for the proposed 62.5-, 63.3-, and 120.5-acre parcels; and
- 3) obtaining the recision of the Joint Land Management Agreement in effect for all affected parcels, identified as Document No. 2001-0007857-00 in the Amador County Records.

See attached staff report.

Recommendation/Requested Action:

Find the proposed BLA meets the findings required by County Code 19.24.036D & Gov't Code 51257, subject to the above conditions.

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? N/A

Name Agricultural Advisory Committee

Committee Recommendation:
Committee recommends approval

Comments: _____

Request Reviewed by:

Chairman [Signature] Counsel _____

Auditor [Signature] GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Planning, Surveying, Assessor

FOR CLERK USE ONLY

Meeting Date 8-27-13 Time _____ Item # 9

Board Action: Approved Yes _____ No _____ Unanimous Vote: Yes _____ No _____

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

A new ATF is required from _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by _____

Department _____
 For meeting of _____

ATTEST: _____
 Clerk or Deputy Board Clerk

STAFF REPORT TO THE AMADOR COUNTY BOARD OF SUPERVISORS FOR MEETING OF AUGUST 27, 2013.

REVIEW OF REQUEST FOR A BOUNDARY LINE ADJUSTMENT TO CREATE A 298+/- ACRE AGRICULTURAL PRESERVE FROM 6 PARCELS CURRENTLY INCLUDED IN CONTRACT NO. 137. McLAUGHLIN FAMILY TRUST.

Located along Shake Ridge Road at its intersection with Ram's Horn Grade, in the Lockwood area.

Contract #137 presently includes six parcels totaling 549.4 acres (individually, 5.0, 40.0, 88.7, 100.8, 155.9, and 159.0 acres). The proposed contract status and acreage of the parcels is as follows:

Compliance Parcel / APN	Existing Acreage	Adjusted Acreage	Proposed Status
#1 (021-180-045)	5.0	5.0 (unchanged)	Non-renewal
#2 (021-180-051)	100.8	62.5	Non-renewal
#3 (021-180-052)	88.7	63.3	Non-renewal
#4 (021-180-044)	40.0	40.0 (unchanged)	Remains in Contract #137
#5 (021-180-053)	159.0	258.1	Remains in Contract #137
#6 (021-180-054)	155.9	120.5	Non-renewal

The agricultural income and improvements for each proposed parcel, as provided by the applicant, are included in the attached information.

Compliance Parcels #1 and #4 are not included in the Boundary Line Adjustment and will remain unchanged in size and shape. The Board must review the proposal for findings that the proposed 298-acre agricultural preserve meets the criteria of the "AG" zoning district required by County Code Sections 19.24.036 D2 (Parcels 160 acres or more in size) by having the potential ability to produce an annual gross income from agriculture of not less than \$5,476, or shall have permanent agricultural improvements thereon with a value of not less than \$27,381.

The remainder parcel is used for pasture, a walnut orchard, and Daffodil Hill, with an estimated annual income of \$13,350. Improvements include 2 barns, a corral, and a well. The estimated value of the agricultural improvements is \$34,000.

AGRICULTURAL ADVISORY COMMITTEE ACTION:

At their July 22, 2013 meeting, the Agriculture Advisory Committee recommended to the Board of Supervisors approval of the request with the findings that the proposal meets the criteria of County Code Section 19.24.036 D2 (income and improvement requirements for parcels 160 acres or larger in size) and subject to the following conditions:

G:\PLAN\WPDOCS\Williamson Act Program\Ag Committee 2013\SR 08.27.13.BOS.doc

- 1) require a new contract for the proposed 298-acre Agricultural Preserve; and
- 2) require the applicant to file a Notice of Non-renewal for the existing 5-acre parcel and for the proposed 62.5-, 63.3-, and 120.5-acre parcels; and
- 3) obtaining the rescission of the Joint Land Management Agreement in effect for all affected parcels, identified as Document No. 2001-0007857-00 in the Amador County Records.

The Agriculture Advisory Committee reviewed this proposal at their January 23, 2006 meeting and recommended approval, to the Board of Supervisors, with the findings that the remainder parcel will meet the criteria set forth in County Code Section 19.24.036 E2, the remainder parcel meets the agricultural income or improvement requirements as required for parcels 160 acres or larger in size and subject to the requirement that a joint land management agreement be entered into.

RECOMMENDED ACTION: If the Board concurs with the recommendation of the Agricultural Advisory Committee the following motion is recommended for adoption:

Motion: Find the proposal meets the criteria set forth in County Code Section 19.24.036 D2 (income or improvement requirements for parcels 160 acres or larger in size) subject to the following conditions:

- 1) require a new contract for the proposed 298-acre Agricultural Preserve; and
- 2) require the applicant to file a Notice of Non-renewal for the existing 5-acre parcel and for the proposed 62.5-, 63.3-, and 120.5-acre parcels; and
- 3) obtaining the rescission of the Joint Land Management Agreement in effect for all affected parcels, identified as Document No. 2001-0007857-00 in the Amador County Records.

Chair Allen recommended that County Counsel review the proposal for compliance with the Government Code since property would be removed from the total acreage under contract once the nonrenewal was complete. Mr. Allen further recommended that the item be tabled until County Counsel could comment on the matter.

A motion was made by Rich Pember, seconded by Mike Boitano, and carried to table the item pending County Counsel's review.

NOTE: This item was reopened later in the meeting.

ITEM NO. 2 REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TWO PARCELS OF CONTRACTED LAND TOTALING 202.72+ ACRES (167.72+ ACRES AND 35.0+ ACRES) RESULTING IN CONTRACTED PARCELS OF 197.92+ ACRES AND A 5.0+ ACRES. THE 5.0+ ACRE PARCEL WILL BE TRANSFERRED TO A MEMBER OF THE IMMEDIATE FAMILY. WATERS TRUST, FRED WATERS, TRUSTEE (CONTRACT NO. 306).

Chair Allen introduced the item, noted the requirements for creating a family member parcel under the County Code, and asked Mr. Waters to comment on his application. Mr. Waters explained that a 35-acre compliance parcel would be converted to a 5-acre tract which would be conveyed to the owner's step-grandson.

Chuck Beatty noted that the request met the requirements of County Code Section 19.24.036(E) (2) which allows 5-acre parcels for immediate family members.

Chair Allen asked if the parties to the lot adjustment would be required to sign a joint management agreement for the property covered by Contract 306.

Chuck Beatty stated that staff would prepare the agreement and that it would be approved by the Board of Supervisors when the Boundary Line Adjustment is approved.

A motion was made by Dan Port, seconded by Mike Boitano, and carried to find the proposal meets the criteria/requirements of County Code Section 19.24.036(E) (2), and to recommend to the Board of Supervisors approval of the Boundary Line Adjustment for parcels covered by Contract 306 to create a 5-acre parcel for an immediate family member subject to the parties entering into a joint land management agreement as required by County Code.

ITEM NO. 3 REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN FOUR PARCELS OF CONTRACTED LAND TOTALING 526.4+ ACRES (159.0+, 155.9+, 129.8, and 81.7+ ACRES) RESULTING IN CONTRACTED PARCELS OF 280.1+, 120.5+, 63.3+, and 62.5+ ACRES. A NOTICE OF NON-RENEWAL WILL BE FILED ON THE 120.5+, 63.3+, and 62.5+ ACRE PARCELS. McLAUGHLIN TRUST, MICHAEL RYAN, TRUSTEE (CONTRACT NO. 137).

 **DRAFT**

 **DRAFT**

Chair Allen introduced the item and noted that he had the same concerns with this application as with Item #1 in that the amount of land under contract would be decreased following the non-renewal of the proposed adjusted parcels.

Discussion followed concerning whether the future non-renewal status of parcels violated the state statutes for Boundary Line Adjustments of William Act properties by eventually reducing the amount of land covered by a contract.

Mike Ryan noted that the McLaughlin family could seek non-renewal on all of their contracted property without seeking a Boundary Line Adjustment, and that the property would still be considered contract land for at least 9 years.

Susan Grijalva pointed out that the Committee and the Board of Supervisors have historically approved Boundary Line Adjustments on contracted land with the requirement that non-renewal be filed on any parcel that may not individually meet the criteria. However, since the parcels are under a single contract, as a whole they meet the criteria. The Committee's review is whether the parcels not being non-renewed continue to meet the criteria once the contract expires.

In the past, Boundary Line Adjustments have been approved that resulted in non-renewal of portions of contracted property because there was no immediate loss in contracted property. Regardless of a property owner's intent to seek non-renewal during the Boundary Line Adjustment application process, they always have the opportunity to apply to reinstate the contract at a later date.

A motion was made by Dan Port, seconded by Rich Pember, and carried to recommend to the Board of Supervisors approval of the Boundary Line Adjustment subject to entering into a new California Land Conservation Act contract for the proposed 298-acre agricultural preserve, and filing a Notice of Non-renewal on the parcels as identified in the application. Chair Allen voted against the motion.

~~ITEM NO. 1 REOPENED:~~

~~A motion was made by David Bassett, seconded by Denise Tolbert, and carried to reopen Item No. 1 in light of the discussion had for Item No. 3, above.~~

~~A motion was made by Mike Boitano, seconded by Dan Port, and carried to recommend to the Board of Supervisors approval of the Boundary Line Adjustment subject to requiring a Notice of Non-renewal on the 20-acre parcel. Chair Allen voted against the motion.~~

~~**ITEM NO. 4 REVIEW OF REQUEST FOR INCLUSION INTO THE CALIFORNIA LAND CONSERVATION ACT FOR 40.1 ACRES LOCATED ON THE EAST SIDE OF UPTON ROAD, APPROXIMATELY ONE-HALF MILE NORTH OF STEINER ROAD. SUBMITTED BY VICTORIA DELPART ON BEHALF OF JERRY & ANDREA BAARTMAN.**~~

STAFF REPORT TO: AMADOR COUNTY AGRICULTURAL ADVISORY COMMITTEE
FOR MEETING OF: JULY 22, 2013

ITEM #3 REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT RESULTING IN 4 PARCELS APPROXIMATELY 62.5, 63.3, 120.5, and 258.1 ACRES IN SIZE (portion of CONTRACT NO. 137), SUBMITTED BY MICHAEL RYAN, TRUSTEE FOR THE McLAUGHLIN FAMILY TRUST.

Located along Shake Ridge Road at its intersection with Ram's Horn Grade, in the Lockwood area (APNs 021-180-44, 021-180-045, 021-180-051, 021-180-052, 021-180-053, and 021-180-054).

Contract #137 presently includes six parcels totaling 549.4 acres (individually, 5.0, 40.0, 88.7, 100.8, 155.9, and 159.0 acres). The proposed contract status and acreage of the parcels is as follows:

<u>Compliance Parcel / APN</u>	<u>Existing Acreage</u>	<u>Adjusted Acreage</u>	<u>Proposed Status</u>
#1 (021-180-045)	5.0	5.0 (unchanged)	Non-renewal
#2 (021-180-051)	100.8	62.5	Non-renewal
#3 (021-180-053)	88.7	63.3	Non-renewal
#4 (021-180-044)	40.0	40.0 (unchanged)	Remains in Contract #137
#5 (021-180-053)	159.0	258.1	Remains in Contract #137
#6 (021-180-054)	155.9	120.5	Non-renewal

The agricultural income and improvements for each proposed parcel, as provided by the applicant, are included in the attached information.

Compliance Parcels #1 and #4 are not included in the Boundary Line Adjustment and will remain unchanged. The Committee must review the proposal for findings that the proposed 280.1-acre parcel meets the criteria of the "AG" zoning district required by County Code Sections 19.24.036 D2 (Parcels 160 acres or more in size) by having the potential ability to produce an annual gross income from agriculture of not less than \$5,476, or shall have permanent agricultural improvements thereon with a value of not less than \$27,381. Additionally, California Government Code Section 51257 requires the County to find the following:

51257. (a) To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all (emphasis added) of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.*
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.*
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.*
- (4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.*
- (5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.*
- (6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.*
- (7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.*
- (b) Nothing in this section shall limit the authority of the board or council to enact additional conditions or restrictions on lot line adjustments.*

In the event the Committee is able to make the findings listed above, staff recommends the BLA be conditioned as follows:

- 1) The final configuration of the BLA is substantially the same as proposed; and
- 2) An amended California Land Conservation Act contract for the adjusted parcel to remain under contract must be executed upon finalizing the BLA, and a petition for non-renewal must be filed for parcels 1, 2, 3, and 6.

REQUEST TO FORM AGRICULTURAL PRESERVE

I hereby request the Board of Supervisors of Amador County to establish my property, described below, in an agricultural preserve in accordance with the provisions of the California Land Conservation Act of 1965. In the event that the Board elects to establish such a preserve, I also request that the Board direct the Planning commission to initiate hearings to rezone said land to an "AG," Exclusive Agriculture zone. I also request that the Assessor consolidate the tax parcels on said land wherever possible. I understand the inclusion of said land in an agricultural preserve is conditioned on the execution of a land conservation contract between myself and Amador County.

Item A Signature(s) of all owner(s), owner(s) of interest, and lien holder(s) as shown on the attached title report.

MCLAUGHLIN FAMILY TRUST
 BY: [Signature]
MICHAEL EDWARD RYAN, TRUSTEE

Item B Attach current title report.

Item C Attach legal description of all property included in this request.

Item D Attach Assessor's parcel map(s) of property. Outline exactly that property included in this request. Show on map(s) how property is used and summarize on the table below. List uses and acreages within request only. Attach additional sheets if necessary.

Assessor's Parcel No.	Acres	Agricultural Uses		Compatible Uses	
		Description	Acres	Description	Acres
021-180-044	40 ±	DRY PASTURE	5		
		TIMBER	35		
PARTIAL 021-180-051	50 ±	DRY PASTURE	15		
		TIMBER	35		
PARTIAL 021-180-052	18 ±	DRY PASTURE	5		
		TIMBER	13		
PARTIAL 021-180-053	150 ±	DRY PASTURE	75	DAFFODIL HILL	10
		TIMBER	55		
		WALNUT ORCHARD	10		
PARTIAL 021-180-055	40 ±	DRY PASTURE	5		
		TIMBER	35		
Total Acres in request.	298 ±				

Are there uses on the property which are not listed on either the agricultural or compatible use lists? NO
 If so, explain below.

Item E

AGRICULTURAL PRODUCTION FROM THE LAND

Use	Crop	Production	Comments
Dry Pasture		Animal Units	
Irrigated Pasture		Animal Units	
Field Crops		Tons Per Acre	
		Tons Per Acre	
Row Crops		Tons Per Acre	
		Tons Per Acre	
Orchard	WALNUTS	0-1 Tons Per Acre	VARIES ANNUALLY "DRY" FARMING
Other			

Item F

OTHER INCOME FROM THE LAND

Hunting		Fishing		Mineral		Other	
\$	N/A Per Year	\$	N/A Per Year	\$	N/A Per Year	\$	DAFFODIL HILL Per Year 10,000.00

Item G

LEASES

			Acres
1. Portion of subject property which is owner operated.			223 ±
2. Portion(s) leased or rented to others. Provide Name & Address of lessee(s).	Use	Cash Rent Per Acre	
DON & CHRIS SWETT 8251 S HWY 49, JACKSON, CA 95642	PASTURE	\$ 18.00/AC	75 ±
3. Portion(s) share cropped to others. Provide Name & Address of lessee(s)	Crop	% to Owner	N/A
If operating expenses are shared by owner, explain:			

Item H

IMPROVEMENT AND INCOME STATEMENT

1.

PERMANENT AGRICULTURAL IMPROVEMENTS

Type of Improvement	Estimated Value
Barn(s) (2)	30,000.00
Corral(s) (1)	INCL
Fences	3,000.00
Wells (1)	1,000.00
Water Systems	N/A
Other (specify)	N/A
TOTAL	34,000.00

2.

ESTIMATED INCOME

Use	Estimated Annual Income
WALNUT ORCHARD	2,000.00
PASTURE (SWETT LEASE)	1,350.00
DAFFODIL HILL	10,000.00
TOTAL	13,350.00

I certify that the information presented in this application is true and correct to the best of my knowledge.

NAME: MICHAEL EDWARD RYAN, TRUSTEE
 ADDRESS: PO BOX 756
 CITY: JACKSON, CA 95642
 PHONE: (209) 223-6364

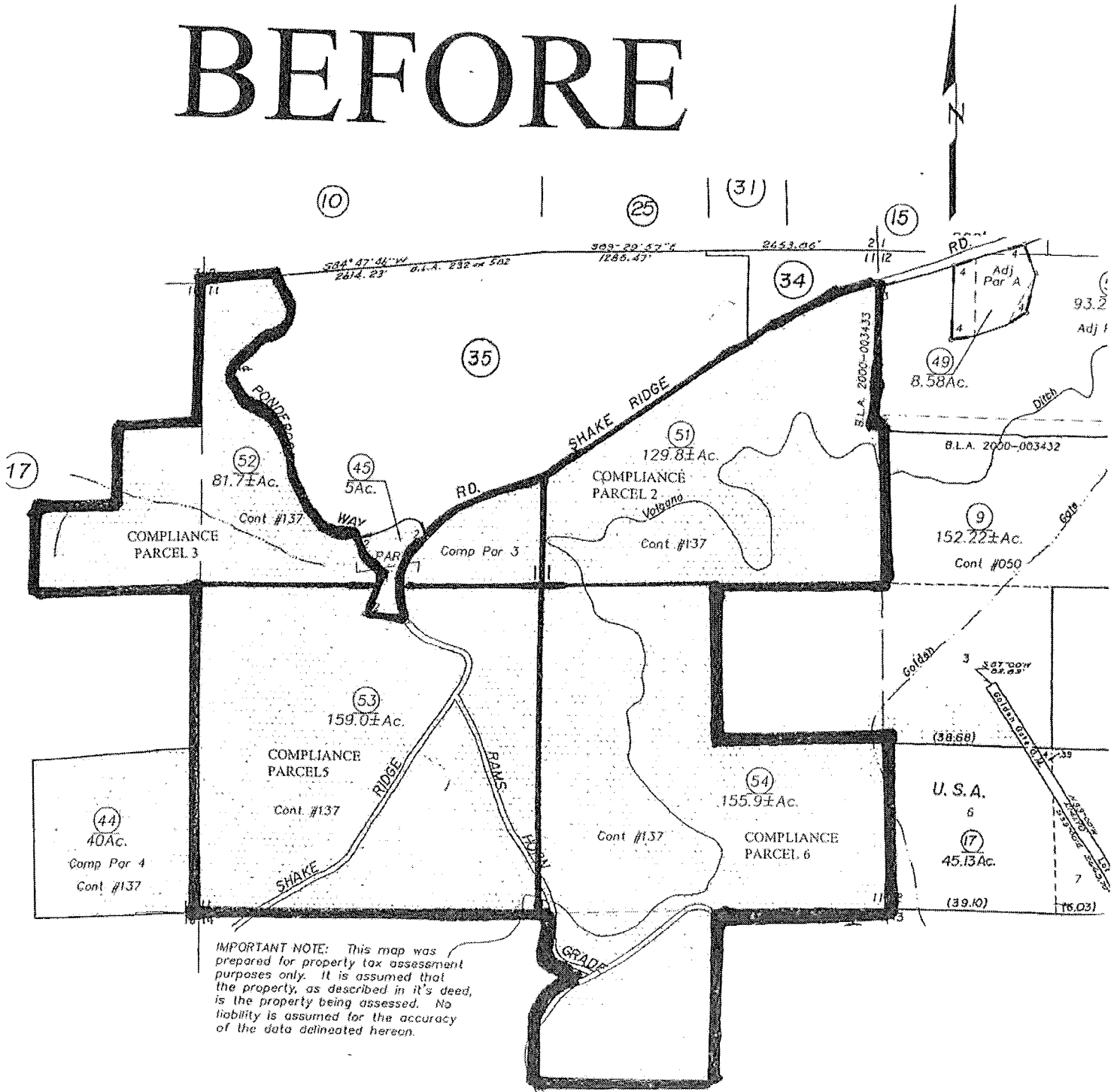
Michael Ryan, TRUSTEE
 Signature of person who prepared application.
2-7-2013
 Date

Additional persons to be notified concerning action on this request:

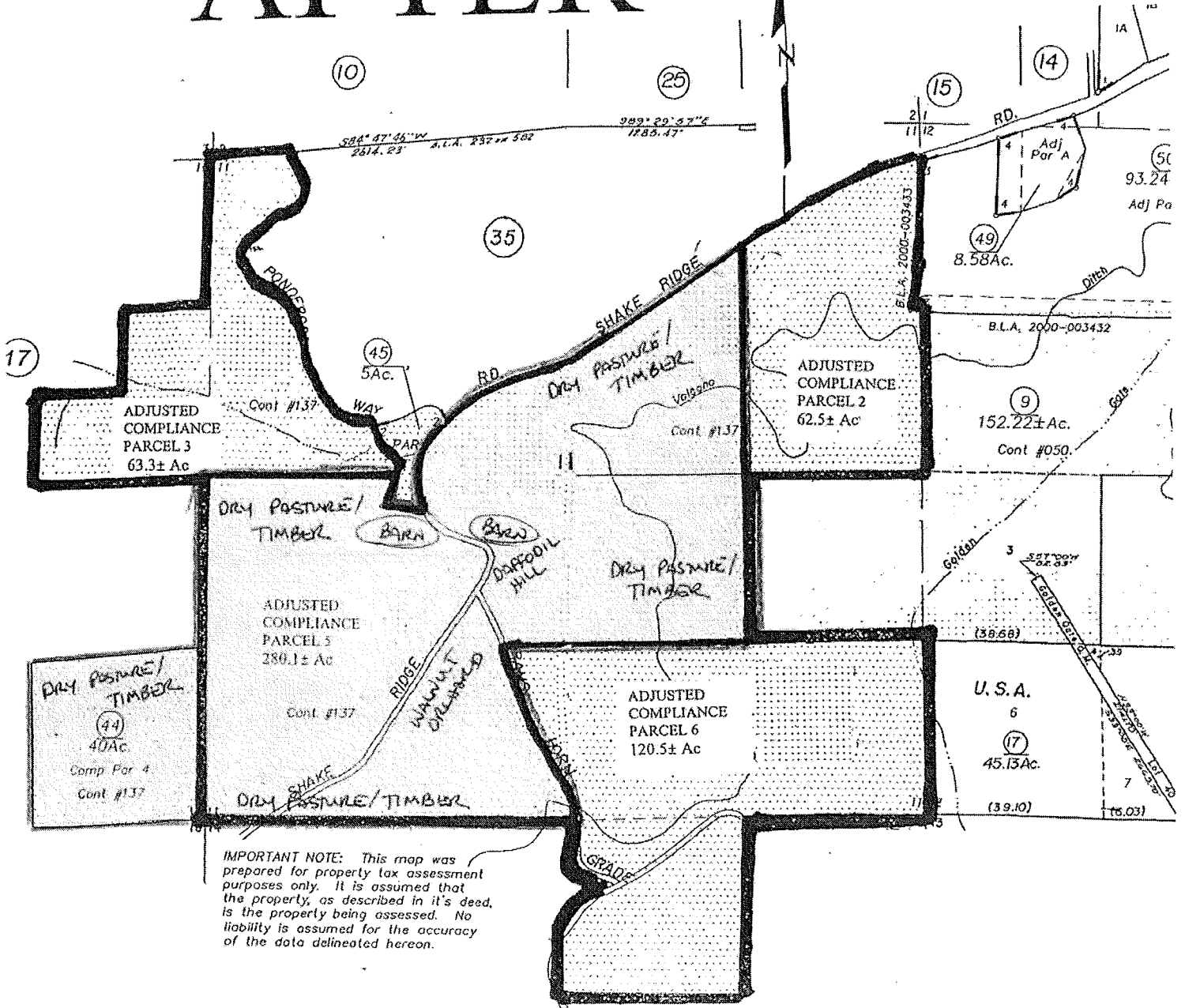
NAME: GERLGE W. RYAN, TRUSTEE
 ADDRESS: 34 SUMMIT ST, STE F
 CITY: JACKSON, CA 95642
 PHONE: (209) 223-1534

NAME: MARTIN A. RYAN, TRUSTEE
 ADDRESS: 385 SILKSWORTH LN
 CITY: SUTTER CREEK, CA 95685
 PHONE: (209) 223-6500

BEFORE



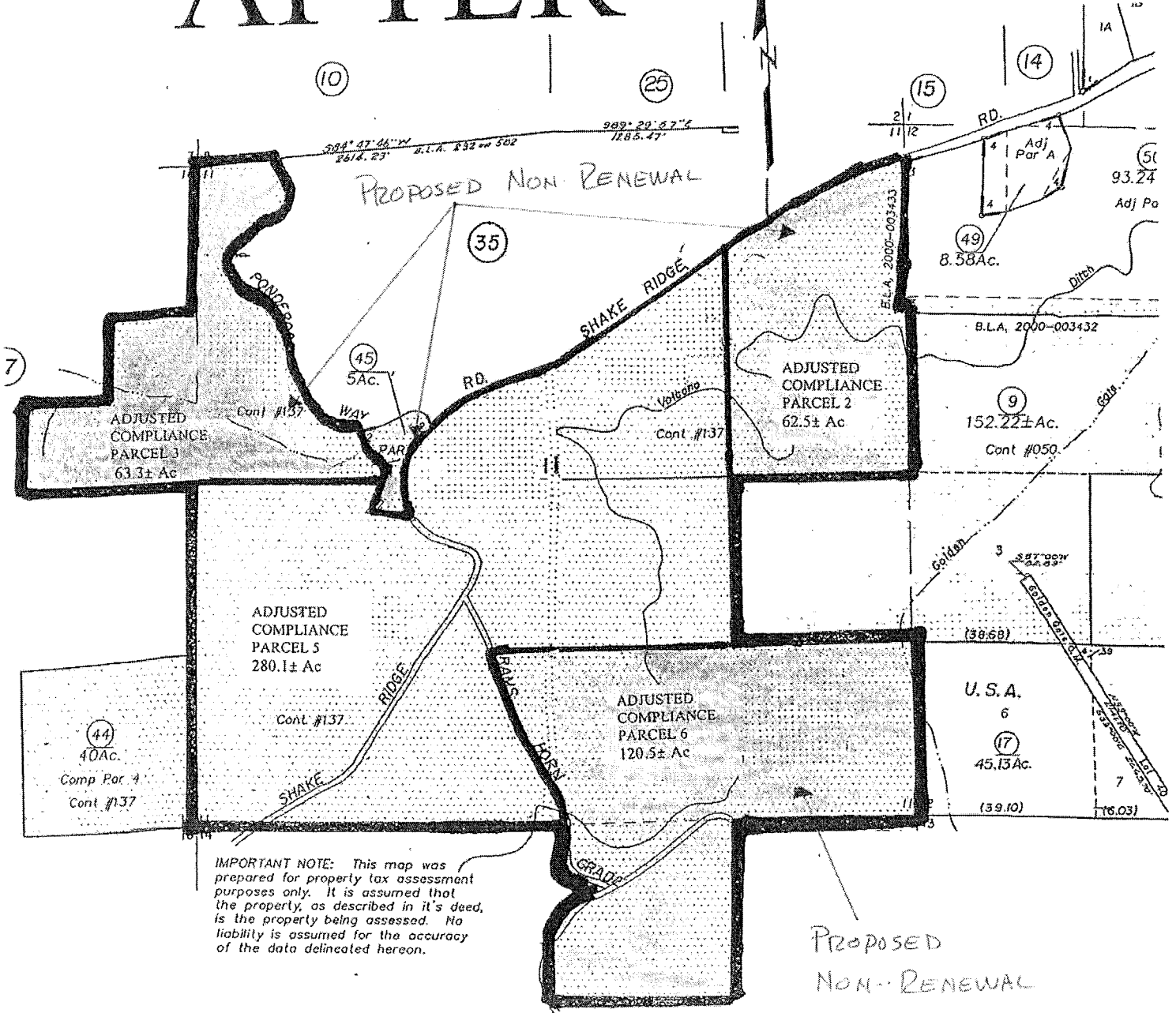
AFTER



IMPORTANT NOTE: This map was prepared for property tax assessment purposes only. It is assumed that the property, as described in it's deed, is the property being assessed. No liability is assumed for the accuracy of the data delineated hereon.

○ TO REMAIN UNDER CONTRACT

AFTER



AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: August 14, 2013

From: Susan Grijalva
 (Department Head - please type)

Phone Ext. 380

- Regular Agenda
- Consent Agenda
- Blue Slip
- Closed Session

Meeting Date Requested:

08/27/13

Department Head Signature *Susan C. Grijalva*

Agenda Title: Waters Family Trust - 5-acre Parcel for Family Member

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Consideration of Agricultural Advisory Committee's recommendation to find that the proposal to create a 5-acre parcel for an immediate family member within APN 008-010-049 and 008-010-054 meets the requirements of the County Code Section 19.24.036 (E) and California Government Code 51230, and to find that the remainder parcel continues to meet the "AG" zoning district criteria for parcels over 160 acres, subject to the owners entering into a Joint Land Management Agreement for the affected parcels.

See attached staff report.

Recommendation/Requested Action:

Find the proposed BLA meets the findings required by County Code 19.24.036E & Gov't Code 51230, subject to the above conditions.

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? N/A

Name Agricultural Advisory Committee

Committee Recommendation:
Committee recommends approval

Comments: _____

Request Reviewed by:

Chairman _____ Counsel _____

Auditor *EDJ* GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Planning, Surveying, Assessor

FOR CLERK USE ONLY

Meeting Date 8-27-13 Time _____ Item # 10

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____
 Completed by _____
 A new ATF is required from _____
 Department _____
 For meeting _____
 of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
 ATTEST: _____
 Clerk or Deputy Board Clerk

STAFF REPORT TO AMADOR COUNTY BOARD OF SUPERVISORS FOR MEETING OF AUGUST 27, 2013:

REVIEW OF REQUEST FOR A BOUNDARY LINE ADJUSTMENT TO CREATE A 5-ACRE FOR FAMILY MEMBER PARCEL (CONTRACT NO. 306) – WATERS RANCH.

Located at the intersection of Old Sacramento Road and Greilich Road.

This application is a proposal to create a 5-acre parcel as a home site for an immediate family member of the landowner. The Board must review the application to determine if the proposal meets the criteria set forth in Section 19.24.036 E.2 (see attached) and furthermore to determine that the creation of this parcel does not reduce the remainder parcel's ability to continue to meet *either* the agricultural income (\$5,476) or improvement criteria (\$27,381) as required for parcels 160 acres or larger, in size.

The remainder parcel is used for cattle grazing and hay farming with an estimated gross annual income of \$20,000. The improvements include three barns, a corral, fencing, 3 wells, and sub-irrigation with a total estimated value of \$253,000.

AGRICULTURAL ADVISORY COMMITTEE ACTION:

At their July 22, 2013 meeting, the Agricultural Advisory Committee recommended to the Board of Supervisors approval of the request with the findings that the proposal meets the criteria of County Code Section 19.24.036 E2; that the remainder parcel meets the agricultural income or improvement criteria required for parcels 160 acres or larger in size; and subject to the parties entering into a Joint Land Management Agreement as required by County Code Section 19.24.036 E2.

RECOMMENDED ACTION:

If the Board concurs with the recommendation of the Agricultural Advisory Committee the following motion is recommended for adoption:

Motion: Find the proposal meets the conditions and findings set forth in County Code Section 19.24.036 E2 ("AG" zone district regulations) and approve the request subject to entering into a Joint Land Management Agreement as required by County Code.

~~Chair Allen recommended that County Counsel review the proposal for compliance with the Government Code since property would be removed from the total acreage under contract once the nonrenewal was complete. Mr. Allen further recommended that the item be tabled until County Counsel could comment on the matter.~~

~~A motion was made by Rich Pember, seconded by Mike Boitano, and carried to table the item pending County Counsel's review.~~

~~NOTE: This item was reopened later in the meeting.~~

~~**ITEM NO. 2** REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TWO PARCELS OF CONTRACTED LAND TOTALING 202.72+ ACRES (167.72+ ACRES AND 35.0+ ACRES) RESULTING IN CONTRACTED PARCELS OF 197.92+ ACRES AND A 5.0+ ACRES. THE 5.0+ ACRE PARCEL WILL BE TRANSFERRED TO A MEMBER OF THE IMMEDIATE FAMILY. WATERS TRUST, FRED WATERS, TRUSTEE (CONTRACT NO. 306).~~

~~Chair Allen introduced the item, noted the requirements for creating a family member parcel under the County Code, and asked Mr. Waters to comment on his application. Mr. Waters explained that a 35-acre compliance parcel would be converted to a 5-acre tract which would be conveyed to the owner's step-grandson.~~

~~Chuck Beatty noted that the request met the requirements of County Code Section 19.24.036(E) (2) which allows 5-acre parcels for immediate family members.~~

~~Chair Allen asked if the parties to the lot adjustment would be required to sign a joint management agreement for the property covered by Contract 306.~~

~~Chuck Beatty stated that staff would prepare the agreement and that it would be approved by the Board of Supervisors when the Boundary Line Adjustment is approved.~~

~~A motion was made by Dan Port, seconded by Mike Boitano, and carried to find the proposal meets the criteria/requirements of County Code Section 19.24.036(E) (2), and to recommend to the Board of Supervisors approval of the Boundary Line Adjustment for parcels covered by Contract 306 to create a 5-acre parcel for an immediate family member subject to the parties entering into a joint land management agreement as required by County Code.~~

~~**ITEM NO. 3** REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN FOUR PARCELS OF CONTRACTED LAND TOTALING 526.4+ ACRES (159.0+, 155.9+, 129.8, and 81.7+ ACRES) RESULTING IN CONTRACTED PARCELS OF 280.1+, 120.5+, 63.3+, and 62.5+ ACRES. A NOTICE OF NON-RENEWAL WILL BE FILED ON THE 120.5+, 63.3+, and 62.5+ ACRE PARCELS. McLAUGHLIN TRUST, MICHAEL RYAN, TRUSTEE (CONTRACT NO. 137).~~

 DRAFT

 DRAFT

**STAFF REPORT TO: AMADOR COUNTY AGRICULTURAL ADVISORY
COMMITTEE**
FOR MEETING OF: JULY 22, 2013

**ITEM #2 REVIEW OF REQUEST TO CREATE A 5 ACRE FOR FAMILY MEMBER
PARCEL (CONTRACT NO. 306) – WATERS RANCH, FRED WATERS,
TRUSTEE**

Located along Old Sacramento Road at the intersection with Greilich Road

This application is a proposal to create a parcel approximately 5 acres in size as a home site for an immediate family member of the landowner. The Committee must review the application to determine if the proposal meets the criteria set forth in Section 19.24.036 E.2 (below) and furthermore to determine that the creation of this parcel does not reduce the remainder parcel's ability to continue to meet either the agricultural income or improvement criteria as required for parcels 160 acres or larger, in size.

The remainder parcel is used for cattle grazing and oat hay production. The estimated value of the agricultural improvements and estimated gross annual income can be found in the attached information. If the Committee recommends approval of this request it should be conditioned upon the signing of a joint land management agreement between the two parties as required by County code (below).

County Code Section 19.24.036 E.2 requirements for subdivisions and boundary line adjustments:

The subdivision shall meet the goal of the providing of residential parcels for immediate family members of the landowner while continuing the agricultural use of the resulting parcels.

The remainder parcel shall meet all county qualifications set forth in the contract and the AG district regulations.

All the resulting parcels shall remain subject to the same contract as the original parcel. Any notice of nonrenewal of the contract shall be filed by all of the owners of all of the resulting parcels.

The number of resulting parcels shall conform to the maximum density limitations set forth in the general plan for the area and subsection D hereof. No new parcel may be less than five acres in size and is permitted only if the remainder parcel meets said subsection D requirements. If one new parcel is created, the remainder parcel shall be no less than seventy-five acres. One additional new parcel may be created for every additional forty acres in the remainder parcel.

All of the resulting parcels shall be subject to one written agreement for joint agricultural management as one agricultural unit. The written agreement for joint agricultural management shall have been reviewed and approved by the board of supervisors and shall have been recorded in the office of the Amador County recorder as a covenant running with the land. Said written agreement shall be between the landowner and the immediate family members who take title to

any resulting parcel after the subdivision. The written agreement shall require that the land which is subject to the contract, which shall include all of the resulting parcels shall be operated under the joint agricultural management of the parties subject to the terms and conditions and for the duration of the contract. The resulting parcels jointly managed under one agreement and one contract shall total at least forty acres in size multiplied by the number of resulting parcels (e.g., one new five-acre parcel requires a seventy-five acre remainder parcel).

The landowner or his/her immediate family shall have owned the original parcel for at least ten years prior to the application for the subdivision.

New parcels shall be located where they are not disruptive to the agricultural use of the remainder parcel.

The landowner may transfer title and the right to occupy the resulting parcels only to members of his/her immediate family.

A member of the immediately family who is the transferee of the landowner or successor transferee shall not voluntarily sell, lease, or rent any new parcel or improvement thereon while the land is subject to the contract except to a member of the immediate family of the transferee.

REQUEST TO FORM AGRICULTURAL PRESERVE

I hereby request the Board of Supervisors of Amador County to establish my property, described below, in an agricultural preserve in accordance with the provisions of the California Land Conservation Act of 1965. In the event that the Board elects to establish such a preserve, I also request that the Board direct the Planning commission to initiate hearings to rezone said land to an "AG," Exclusive Agriculture zone. I also request that the Assessor consolidate the tax parcels on said land wherever possible. I understand the inclusion of said land in an agricultural preserve is conditioned on the execution of a land conservation contract between myself and Amador County.

Item A Signature(s) of all owner(s), owner(s) of interest, and lien holder(s) as shown on the attached title report.
Old Sac Rd. 197.7

Freddie E Waters

Item B Attach current title report.

Item C Attach legal description of all property included in this request.

Item D Attach Assessor's parcel map(s) of property. Outline exactly that property included in this request. Show on map(s) how property is used and summarize on the table below. List uses and acreages within request only. Attach additional sheets if necessary.

Assessor's Parcel No.	Acres	Agricultural Uses		Compatible Uses	
		Description	Acres	Description	Acres
08-010-049	197.7	<i>Grazing</i>	<i>197</i>		
		<i>Oat Hay Prod.</i>	<i>40</i>		
Total Acres in request.		<i>197.7</i>			

Are there uses on the property which are not listed on either the agricultural or compatible use lists? *No*
 If so, explain below.

Item E

AGRICULTURAL PRODUCTION FROM THE LAND

Use	Crop	Production		Comments
Dry Pasture	<i>Siberian Clover Rye Wild Oat</i>	<i>40</i>	Animal Units	<i>Run year round</i>
Irrigated Pasture	<i>5 acres</i>		Animal Units	<i>Green pasture from Large Pond.</i>
Field Crops	<i>40 acres Oat Hay</i>	<i>2</i>	Tons Per Acre	<i>80 tons of Hay</i>
			Tons Per Acre	
Row Crops			Tons Per Acre	
			Tons Per Acre	
Orchard			Tons Per Acre	
Other				

Item F

OTHER INCOME FROM THE LAND

Hunting	Fishing	Mineral	Other
\$ Per Year	\$ Per Year	\$ Per Year	\$ <i>N/A</i> Per Year

Item G

LEASES

			Acres
1. Portion of subject property which is owner operated.	<i>ALL</i>		<i>197.7</i>
2. Portion(s) leased or rented to others. Provide Name & Address of lessee(s).	Use	Cash Rent Per Acre	
3. Portion(s) share cropped to others. Provide Name & Address of lessee(s)	Crop	% to Owner	
If operating expenses are shared by owner, explain:			

Item H

IMPROVEMENT AND INCOME STATEMENT

1.

PERMANENT AGRICULTURAL IMPROVEMENTS

Type of Improvement	Estimated Value
Barn(s) 3	125,000
Corral(s) 1	20,000
Fences 4000'	23,000
Wells 3 Solar Wells & Pumps	75,000
Water Systems 1 Sub irrigated	10,000
Other (specify)	
TOTAL	253,000.

2.

ESTIMATED INCOME

Use	Estimated Annual Income
Grazing	8000.00
Hay Farming	12000.00
TOTAL	20,000.00

I certify that the information presented in this application is true and correct to the best of my knowledge.

NAME: Fred Waters
ADDRESS: 17075 Grandlich Rd.
CITY: Ply. Ca. 95669
PHONE: 309 245 1682

Signature of person who prepared application.
Fred C Waters
Date June 10, 13

Additional persons to be notified concerning action on this request:

NAME: _____
ADDRESS: _____
CITY: _____
PHONE: _____

NAME: _____
ADDRESS: _____
CITY: _____
PHONE: _____

- ⊙ Cities and Communities
- Transportation
 - One Way Road
 - Primary Road
 - Secondary Road
 - County Route
 - State Highway
 - Unimproved Road
- Administrative Boundaries
 - City Limits
 - Amador County Boundary
 - Parcels

Boundary
Grain Hay
Sub Division

**Proposed SAC
 Parcel**



1" = 926 ft

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Notes

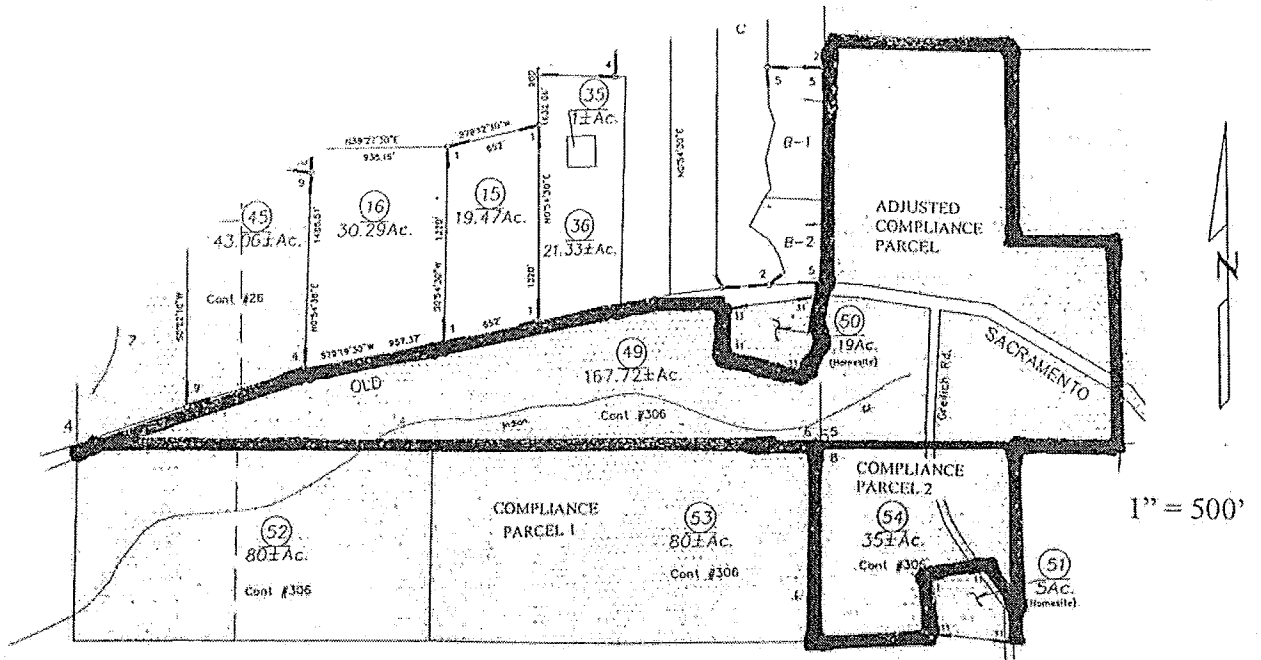


The County of Amador assumes no responsibility arising from the use of this information. THE MAPS AND ASSOCIATED DATA ARE PROVIDED WITHOUT WARRANTY OF ANY KIND, expressed or implied, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose. Do not make any business decisions based on this data before validating your decision with the appropriate County Office.

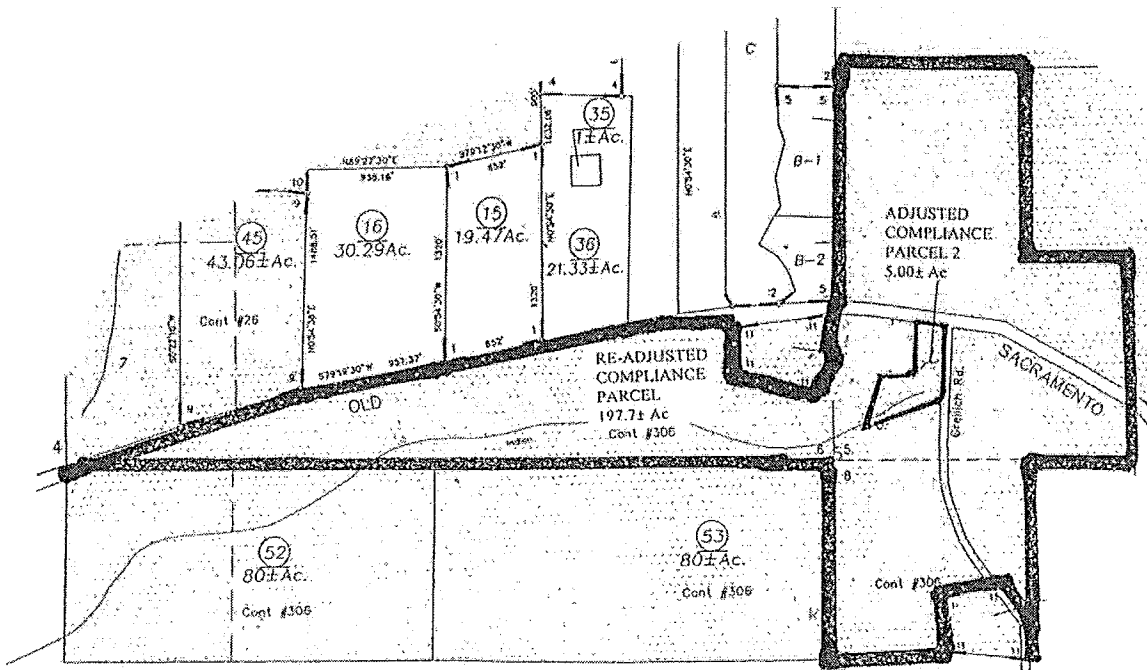
Amador County GIS Viewer
 Amador County Information Technology Dept.
 810 Court St, Jackson CA 95822

June 10, 2013

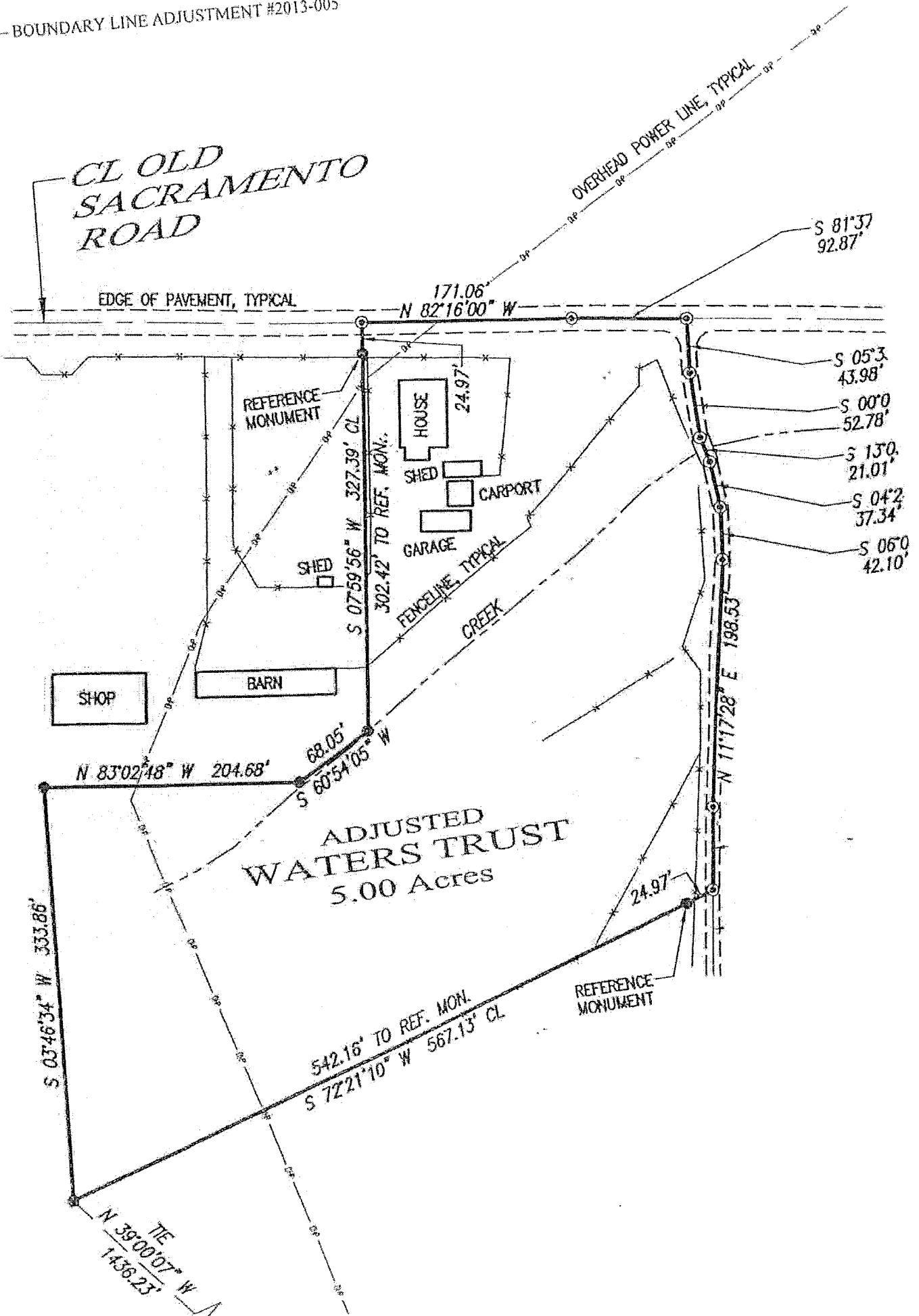




BEFORE



AFTER



AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
08/27/13	

To: Board of Supervisors
 Date: August 14, 2013

From: Susan Grijalva Phone Ext. 380
 (Department Head - please type)

Department Head Signature: *Susan Grijalva*

Agenda Title: Norman S. Waters Trust Boundary Line Adjustment

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Consideration of Agricultural Advisory Committee's recommendation to find that the proposed Boundary Line Adjustment for parcels 008-090-140, 008-130-028, & 008-130-044 meets the requirements of the California Land Conservation Act, subject to the conditions that the applicant file a Notice of Non-renewal on the proposed 20-acre parcel.

See attached staff report.

Recommendation/Requested Action:
Find the proposed BLA meets the findings required by County Code 19.24.036E & Gov't Code 51257, subject to the above conditions.

Fiscal Impacts (attach budget transfer form if appropriate) _____ Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staffing Impacts _____ Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input checked="" type="checkbox"/> Comments: _____ _____
Committee Review? N/A <input type="checkbox"/> Name <u>Agricultural Advisory Committee</u> Committee Recommendation: <u>Committee recommends approval</u>	

Request Reviewed by:

Chairman _____	Counsel _____
Auditor <u><i>EDJ</i></u>	GSA Director _____
CAO _____	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)
Planning, Surveying, Assessor

FOR CLERK USE ONLY

Meeting Date: <u>8-27-13</u>	Time: _____	Item #: <u>11</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution: _____	Ordinance: _____
Noes: _____	Resolution: _____	Ordinance: _____
Absent: _____	Comments: _____	

Distributed on _____ Completed by _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
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STAFF REPORT TO THE AMADOR COUNTY BOARD OF SUPERVISORS FOR MEETING OF AUGUST 27, 2013.

REVIEW OF REQUEST FOR A BOUNDARY LINE ADJUSTMENT BETWEEN TWO PARCELS TOTALING 139.15 ACRES (97.19 ACRES AND 41.96 ACRES) RESULTING IN A 119.15 ACRE PARCEL AND A 20.0 ACRE PARCEL. (CONTRACT NO. 104) – WATERS RANCH.

Located on CA Highway 16, between Greilich Road and Willow Creek Road

This application is a proposal to reconfigure two compliance parcels of 97.19 and 41.96 acres into two parcels of 119.15 and 20.0 acres. The applicant proposes to file a Notice of Non-renewal for the 20-acre parcel. The Board must review the application to determine if the proposed 119.15-acre parcel meets ***both*** the agricultural income (\$5,476) and improvement criteria (\$27,381) as required by County Code Section 19.24.036 D3, for parcels at least 100 acres, but less than 160 acres in size.

The proposed 119.15-acre parcel is used for cattle grazing and production, and hay storage with an estimated gross annual income of \$18,000. The improvements include three barns, a corral, fencing, 3 wells, and a water system with a total estimated value of \$202,000.

AGRICULTURAL ADVISORY COMMITTEE ACTION:

At their July 22, 2013 meeting, the Agriculture Advisory Committee recommended to the Board of Supervisors approval of the request with the findings that the proposal meets the criteria of County Code Section 19.24.036 D3 (income and improvement requirements for parcels at least 100 acres but less than 160 acres in size) and subject to the owner filing a Notice of Non-renewal for the 20-acre parcel.

RECOMMENDED ACTION: If the Board concurs with the recommendation of the Agricultural Advisory Committee the following motion is recommended for adoption:

Motion: Find the proposal meets the conditions and findings of County Code Section 19.24.036 D3 (income and improvement requirements for parcels at least 100 acres but less than 160 acres in size) and subject to the owner filing a Notice of Non-renewal for the 20-acre parcel.

MINUTES
AMADOR COUNTY AGRICULTURAL ADVISORY COMMITTEE
MEETING OF MONDAY, JULY 22, 2013

The meeting of the Amador County Agricultural Advisory Committee was called to order at 4:00 PM in Conference Room C at the County Administration Center, 810 Court Street, Jackson, California, by Chair John Allen.

The following members were present:

Rich Pember, Assessor's Office
Mike Boitano, Agricultural Commissioner
Denise Tober, Planning Commission
John Allen, District 4, (Chair)
Dan Port, District 2, (Vice Chair)
David Bassett, District 1

Also in attendance:

Susan Grijalva, Planning Department
Chuck Beatty, Planning Department
Michael Ryan, applicant
Martin Ryan, applicant
Fred Waters, applicant
Victoria Delpart, representative for applicant Baartman

- A. **CORRESPONDENCE:** None.
B. **PUBLIC MATTERS AND PERSONS WISHING TO ADDRESS THE COMMITTEE REGARDING NON-AGENDA ITEMS:** None.
C. **MINUTES:** It was moved by Dan Port, seconded by Mike Boitano, and carried to approve the May 3, 2012 minutes as presented.

AGENDA ITEMS:

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ITEM NO. 1 REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TWO PARCELS OF CONTRACTED LAND TOTALING 139.15+ ACRES (97.19+ ACRES AND 41.96+ ACRES) RESULTING IN A 119.15+ ACRE PARCEL AND A 20.0+ ACRE PARCEL OF CONTRACTED LAND. A NOTICE OF NON-RENEWAL WILL BE FILED ON THE 20.0+ ACRE PARCEL. WATERS TRUST, FRED WATERS, TRUSTEE (CONTRACT NO. 104).

Chair Allen introduced the item explaining that the Committee needed to make several findings as required by the California Government Code prior to making a recommendation. He then asked Fred Waters to comment on his application.

Mr. Waters explained that he was requesting to create a 20-acre parcel that had been bequeathed by his father to his son. The son currently lives on the property and the parcel will be placed into non-renewal status at a later date.

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Chair Allen recommended that County Counsel review the proposal for compliance with the Government Code since property would be removed from the total acreage under contract once the nonrenewal was complete. Mr. Allen further recommended that the item be tabled until County Counsel could comment on the matter.

A motion was made by Rich Pember, seconded by Mike Boitano, and carried to table the item pending County Counsel's review.

NOTE: This item was reopened later in the meeting.

ITEM NO. 2 REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TWO PARCELS OF CONTRACTED LAND TOTALING 202.72+ ACRES (167.72+ ACRES AND 35.0+ ACRES) RESULTING IN CONTRACTED PARCELS OF 197.92+ ACRES AND A 5.0+ ACRES. THE 5.0+ ACRE PARCEL WILL BE TRANSFERRED TO A MEMBER OF THE IMMEDIATE FAMILY. WATERS TRUST, FRED WATERS, TRUSTEE (CONTRACT NO. 306).

Chair Allen introduced the item, noted the requirements for creating a family member parcel under the County Code, and asked Mr. Waters to comment on his application. Mr. Waters explained that a 35-acre compliance parcel would be converted to a 5-acre tract which would be conveyed to the owner's step-grandson.

Chuck Beatty noted that the request met the requirements of County Code Section 19.24.036(E) (2) which allows 5-acre parcels for immediate family members.

Chair Allen asked if the parties to the lot adjustment would be required to sign a joint management agreement for the property covered by Contract 306.

Chuck Beatty stated that staff would prepare the agreement and that it would be approved by the Board of Supervisors when the Boundary Line Adjustment is approved.

A motion was made by Dan Port, seconded by Mike Boitano, and carried to find the proposal meets the criteria/requirements of County Code Section 19.24.036(E) (2), and to recommend to the Board of Supervisors approval of the Boundary Line Adjustment for parcels covered by Contract 306 to create a 5-acre parcel for an immediate family member subject to the parties entering into a joint land management agreement as required by County Code.

ITEM NO. 3 REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN FOUR PARCELS OF CONTRACTED LAND TOTALING 526.4+ ACRES (159.0+, 155.9+, 129.8, and 81.7+ ACRES) RESULTING IN CONTRACTED PARCELS OF 280.1+, 120.5+, 63.3+, and 62.5+ ACRES. A NOTICE OF NON-RENEWAL WILL BE FILED ON THE 120.5+, 63.3+, and 62.5+ ACRE PARCELS. McLAUGHLIN TRUST, MICHAEL RYAN, TRUSTEE (CONTRACT NO. 137).

Chair Allen introduced the item and noted that he had the same concerns with this application as with Item #1 in that the amount of land under contract would be decreased following the non-renewal of the proposed adjusted parcels.

Discussion followed concerning whether the future non-renewal status of parcels violated the state statutes for Boundary Line Adjustments of William Act properties by eventually reducing the amount of land covered by a contract.


Mike Ryan noted that the McLaughlin family could seek non-renewal on all of their contracted property without seeking a Boundary Line Adjustment, and that the property would still be considered contract land for at least 9 years.

Susan Grijalva pointed out that the Committee and the Board of Supervisors have historically approved Boundary Line Adjustments on contracted land with the requirement that non-renewal be filed on any parcel that may not individually meet the criteria. However, since the parcels are under a single contract, as a whole they meet the criteria. The Committee's review is whether the parcels not being non-renewed continue to meet the criteria once the contract expires.

In the past, Boundary Line Adjustments have been approved that resulted in non-renewal of portions of contracted property because there was no immediate loss in contracted property. Regardless of a property owner's intent to seek non-renewal during the Boundary Line Adjustment application process, they always have the opportunity to apply to reinstate the contract at a later date.

A motion was made by Dan Port, seconded by Rich Pember, and carried to recommend to the Board of Supervisors approval of the Boundary Line Adjustment subject to entering into a new California Land Conservation Act contract for the proposed 298-acre agricultural preserve, and filing a Notice of Non-renewal on the parcels as identified in the application. Chair Allen voted against the motion.

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 ITEM NO. 1 REOPENED:

A motion was made by David Bassett, seconded by Denise Tolbert, and carried to reopen Item No. 1 in light of the discussion had for Item No. 3, above.

A motion was made by Mike Boitano, seconded by Dan Port, and carried to recommend to the Board of Supervisors approval of the Boundary Line Adjustment subject to requiring a Notice of Non-renewal on the 20-acre parcel. Chair Allen voted against the motion.

~~ITEM NO. 4 REVIEW OF REQUEST FOR INCLUSION INTO THE CALIFORNIA LAND CONSERVATION ACT FOR 40.1 ACRES LOCATED ON THE EAST SIDE OF UPTON ROAD, APPROXIMATELY ONE-HALF MILE NORTH OF STEINER ROAD. SUBMITTED BY VICTORIA DELPART ON BEHALF OF JERRY & ANDREA BAARTMAN.~~

 **DRAFT**

STAFF REPORT TO: AMADOR COUNTY AGRICULTURAL ADVISORY
COMMITTEE
FOR MEETING OF: JULY 22, 2013

ITEM #1 REVIEW OF PROPOSED BOUNDARY LINE ADJUSTMENT BETWEEN TWO PARCELS OF CONTRACTED LAND TOTALING 139.15± ACRES (97.19± ACRES AND 41.96± ACRES) RESULTING IN A 119.15± ACRE PARCEL OF CONTRACTED LAND AND A 20.0± ACRE PARCEL OF CONTRACTED LAND. A NOTICE OF NON-RENEWAL WILL BE FILED ON THE 20.0± ACRE PARCEL. WATERS TRUST, FRED WATERS, TRUSTEE (CONTRACT NO. 104).

APNs 008-090-0140; 008-130-044; & 008-130-0287, located on CA Highway 16, between Grelich Road and Willow Creek Road.

The proposed boundary line adjustment would result in a 97.19± acre parcel and a 41.96± acre parcel, both subject to Williamson Act contracts, being reconfigured into a 119.15± acre parcel and a 20.0± acre parcel. A Notice of Non-renewal will be filed for the 20.0± parcel at the time the BLA is recorded.

The agricultural income and improvements for each proposed parcel, as provided by the applicant, are included in the attached information.

The Committee must review the proposal for findings that the proposed 119.15-acre parcel meets the criteria of the "AG" zoning district required by County Code Sections 19.24.036 D2 by having the potential ability to produce an annual gross income from agriculture of not less than \$5,476, and shall have permanent agricultural improvements thereon with a value of not less than \$27,381. Additionally, California Government Code Section 51257 requires the County to find the following:

51257. (a) To facilitate a lot line adjustment, pursuant to subdivision (d) of Section 66412, and notwithstanding any other provision of this chapter, the parties may mutually agree to rescind the contract or contracts and simultaneously enter into a new contract or contracts pursuant to this chapter, provided that the board or council finds all (emphasis added) of the following:

- (1) The new contract or contracts would enforceably restrict the adjusted boundaries of the parcel for an initial term for at least as long as the unexpired term of the rescinded contract or contracts, but for not less than 10 years.*
- (2) There is no net decrease in the amount of the acreage restricted. In cases where two parcels involved in a lot line adjustment are both subject to contracts rescinded pursuant to this section, this finding will be satisfied if the aggregate acreage of the land restricted by the new contracts is at least as great as the aggregate acreage restricted by the rescinded contracts.*
- (3) At least 90 percent of the land under the former contract or contracts remains under the new contract or contracts.*

(4) After the lot line adjustment, the parcels of land subject to contract will be large enough to sustain their agricultural use, as defined in Section 51222.

(5) The lot line adjustment would not compromise the long-term agricultural productivity of the parcel or other agricultural lands subject to a contract or contracts.

(6) The lot line adjustment is not likely to result in the removal of adjacent land from agricultural use.

(7) The lot line adjustment does not result in a greater number of developable parcels than existed prior to the adjustment, or an adjusted lot that is inconsistent with the general plan.

(b) Nothing in this section shall limit the authority of the board or council to enact additional conditions or restrictions on lot line adjustments.

In the event the Committee is able to make the findings listed above, staff recommends the BLA be conditioned as follows:

- 1) The final configuration of the BLA is substantially the same as proposed; and
- 2) An amended California Land Conservation Act contract for the proposed 119-acre parcel must be executed upon finalizing the BLA, and a petition for non-renewal for the proposed 20-acre must be filed.

REQUEST TO FORM AGRICULTURAL PRESERVE

I hereby request the Board of Supervisors of Amador County to establish my property, described below, in an agricultural preserve in accordance with the provisions of the California Land Conservation Act of 1965. In the event that the Board elects to establish such a preserve, I also request that the Board direct the Planning commission to initiate hearings to rezone said land to an "AG," Exclusive Agriculture zone. I also request that the Assessor consolidate the tax parcels on said land wherever possible. I understand the inclusion of said land in an agricultural preserve is conditioned on the execution of a land conservation contract between myself and Amador County.

Item A Signature(s) of all owner(s), owner(s) of interest, and lien holder(s) as shown on the attached title report.

Freddie E. Waters

Highway 16

Item B Attach current title report.

Item C Attach legal description of all property included in this request.

Item D Attach Assessor's parcel map(s) of property. Outline exactly that property included in this request. Show on map(s) how property is used and summarize on the table below. List uses and acreages within request only. Attach additional sheets if necessary.

Assessor's Parcel No.	Acres	Agricultural Uses		Compatible Uses	
		Description	Acres	Description	Acres
	120.5	Grazing Cattle Production Ag Hay Storage	120.5		
Total Acres in request.			120.5		

Are there uses on the property which are not listed on either the agricultural or compatible use lists? _____
If so, explain below.

Item E

AGRICULTURAL PRODUCTION FROM THE LAND

Use	Crop	Production	Comments
Dry Pasture	120	25 Animal Units	25-700 lb calves
Irrigated Pasture		Animal Units	
Field Crops		Tons Per Acre	
		Tons Per Acre	
Row Crops		Tons Per Acre	
		Tons Per Acre	
Orchard		Tons Per Acre	
Other			

Item F

OTHER INCOME FROM THE LAND

Hunting	Fishing	Mineral	Other
Per Year	Per Year	Per Year	Per Year
\$	\$	\$	\$

Item G

LEASES

			Acres
1. Portion of subject property which is owner operated.	ALL		120
2. Portion(s) leased or rented to others. Provide Name & Address of lessee(s).	Use	Cash Rent Per Acre	
3. Portion(s) share cropped to others. Provide Name & Address of lessee(s)	Crop	% to Owner	
If operating expenses are shared by owner, explain:			

Item H

IMPROVEMENT AND INCOME STATEMENT

1. PERMANENT AGRICULTURAL IMPROVEMENTS

Type of Improvement	Estimated Value
Barn(s) 3	145,000
Corral(s) 1	8,000
Fences 2000'	9,000.
Wells 3	
Water Systems 2 Solar	40,000
Other (specify)	
TOTAL	202,000.00

2. ESTIMATED INCOME

Use	Estimated Annual Income
Cattle Production	18,000.00
TOTAL	18,000.00

I certify that the information presented in this application is true and correct to the best of my knowledge.

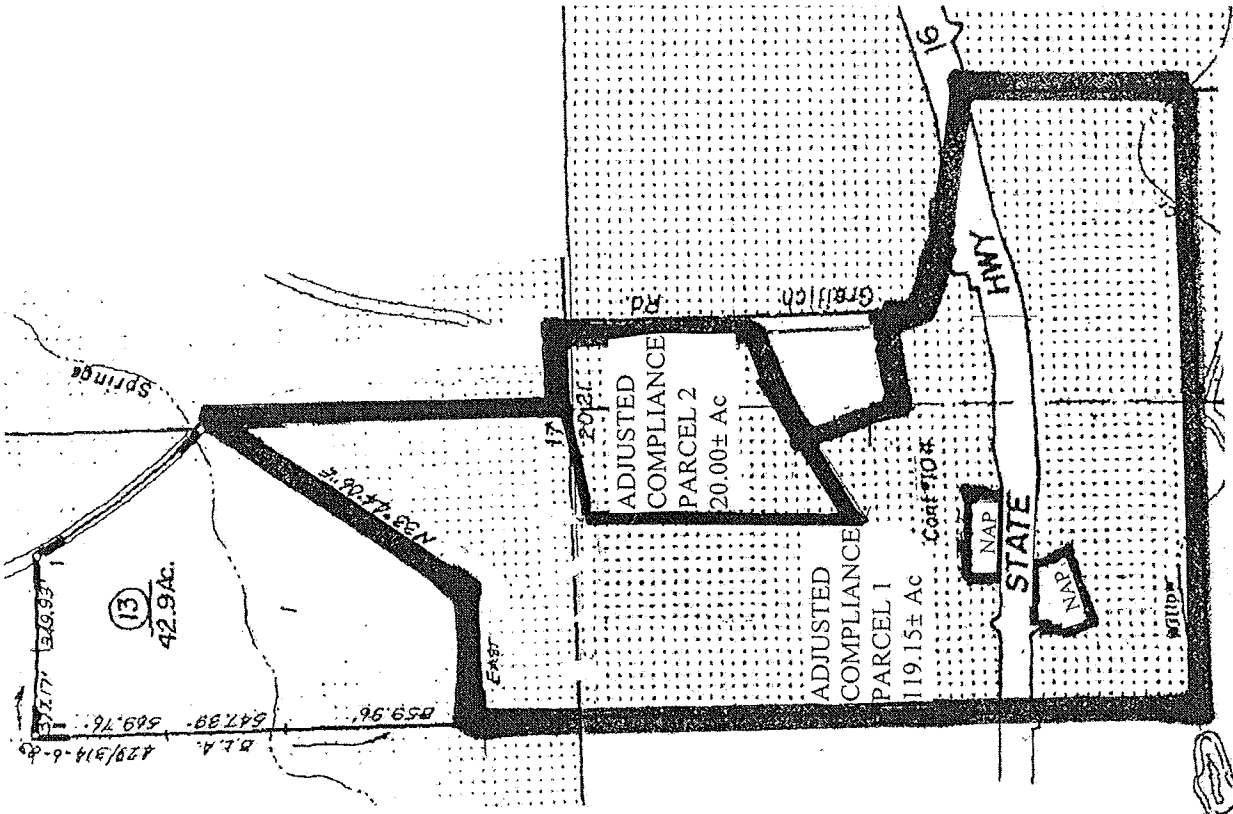
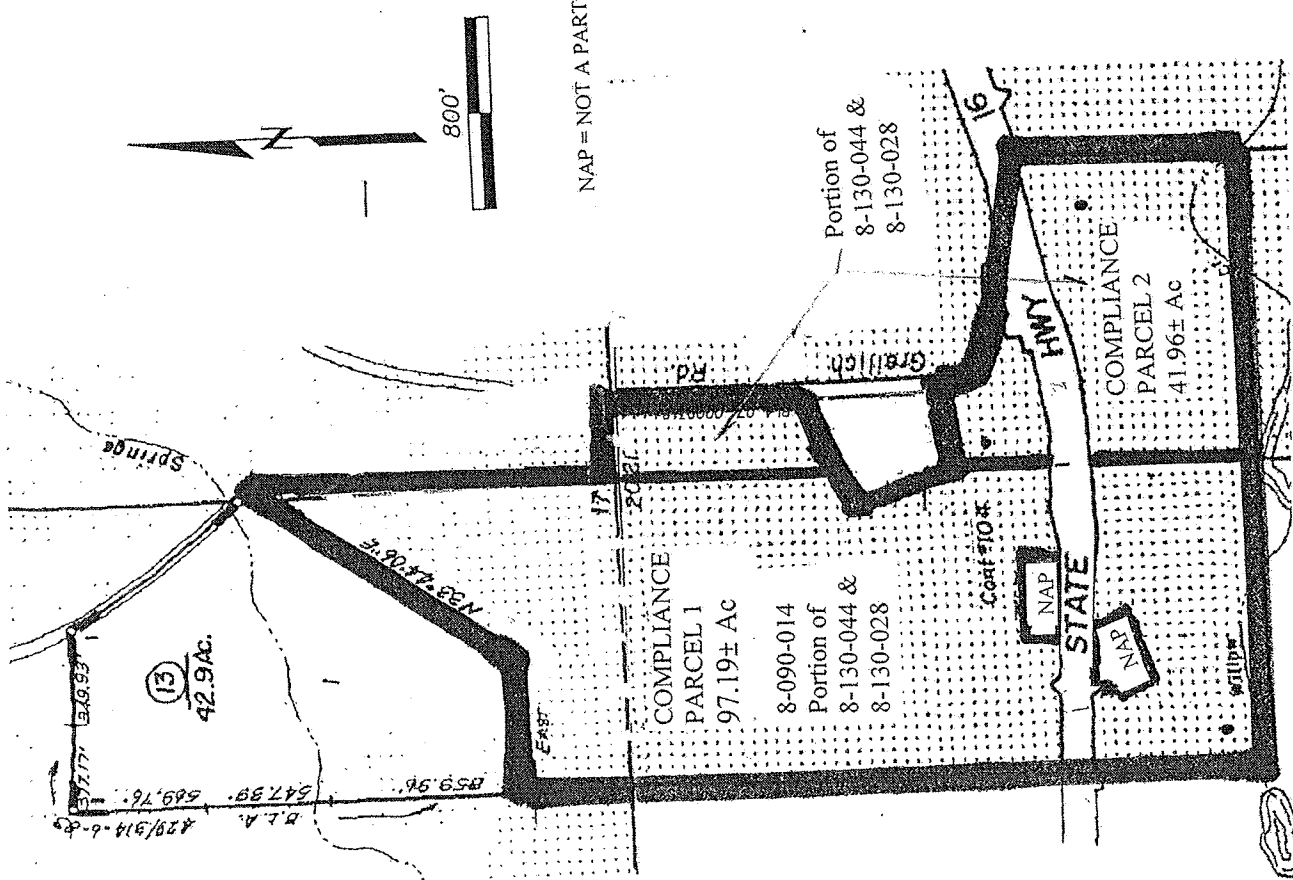
NAME: Freddie E Waters
 ADDRESS: 170 75 Greulich Rd.
 CITY: Phy. Ca. 95669
 PHONE: 245-6682

Signature of person who prepared application.
Freddie E Waters
 Date

Additional persons to be notified concerning action on this request:

NAME: _____
 ADDRESS: _____
 CITY: _____
 PHONE: _____

NAME: _____
 ADDRESS: _____
 CITY: _____
 PHONE: _____



BEFORE

AFTER



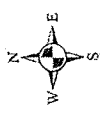
- ⊙ Cities and Communities
- Transportation
 - One Way Road
 - Primary Road
 - Secondary Road
 - County Route
 - State Highway
 - Unimproved Road
- Administrative Boundaries
 - City Limits
 - Amador County Boundary
- Parcels

Boundary

Grazing

Barns

Wells



1" = 926 ft

Aerial photography, if displayed,
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Notes



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Amador County GIS Viewer
Amador County Information Technology Dept.
810 Court St., Jackson CA 95822

June 10, 2013

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: August 22, 2013

From: Brian Oneto, District V
 (Department Head - please type)

Phone Ext. x470

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>August 27, 2013</u>	

Department Head Signature _____

Agenda Title: Restoring Health Forests for Healthy Communities Act (H.R. 1526)

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to potential Board support of the subject legislation.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes No

Committee Review? Name _____ N/A

Committee Recommendation: _____

Contract Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Resolution Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Ordinance Attached:	Yes <input type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>
Comments: _____			

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 8-27-13 Time _____ Item # 12

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

Completed by _____

A new ATF is required from _____ Department For meeting of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
 Clerk or Deputy Board Clerk

Save



Jennifer Burns <jburns@amadorgov.org>

Fwd: FW: BNA: House Committee Approves Logging Bill That Would Limit Reviews, Curb Litigation

1 message

Jennifer Burns <jburns@amadorgov.org>

Wed, Aug 21, 2013 at 4:33 PM

To: Richard Forster <RForster@amadorgov.org>

Richard,

Please advise if you approve of this going on the next agenda. We will finalizing and posting the agenda and packet mid-morning tomorrow.

Thanks!

----- Forwarded message -----

From: **Brian Oneto** <boneto@amadorgov.org>

Date: Wed, Aug 21, 2013 at 4:24 PM

Subject: Fwd: FW: BNA: House Committee Approves Logging Bill That Would Limit Reviews, Curb Litigation

To: Jennifer Burns <jburns@amadorgov.org>

Cc: Richard Forster <rforster@amadorgov.org>, Chuck Iley <ciley@amadorgov.org>

Hello Jennifer,

With the Chairman's approval, would you please put this on our next agenda. I would like for the Board to discuss H.R. 1526 and possibly take action.

Thank you,

Brian

----- Forwarded message -----

From: **Bill Wickman** <billwickman@sbcglobal.net>

Date: Mon, Aug 5, 2013 at 1:40 PM

Subject: Fwd: FW: BNA: House Committee Approves Logging Bill That Would Limit Reviews, Curb Litigation

To:

This article highlights what was passed last week in committee and the opposition from Huffman that I mentioned in earlier message. I am working on a letter to Mr. Huffman that will explain the concerns of SFAC in the hopes that he and other Democrats will have an understanding of our rural counties needs and dire straights of our public lands.

FYI -- one more article from last week's markup -- this one from BNA.

House Committee Approves Logging Bill That Would Limit Reviews, Curb

Litigation

By Alan Kovski | July 31, 2013 10:16PM ET

(BNA) -- Restoring Healthy Forests for Healthy Communities Act (H.R. 1526)

Key Provisions: The bill would mandate increased timber harvesting on federal lands while streamlining environmental review and reducing litigation.

Potential Impact: The bill could boost the fortunes of timber companies and rural communities.

What's Next: The full House will consider the bill next.

A bill to expand timber harvests on federal lands won the approval July 31 of the House Natural Resources Committee despite Democrats' misgivings about provisions to streamline environmental reviews and limit litigation.

The committee passed the Restoring Healthy Forests for Healthy Communities Act (H.R. 1526) on a voice vote in the form of a greatly expanded amendment in the nature of a substitute. That was accepted after a couple of amendments were rejected on the grounds that those amendments would have maintained the status quo.

Republicans defended the bill as a partial solution to the economic suffering of rural communities in areas dominated by federal forests. Joblessness and poverty are widespread in many such communities.

Rep. Doc Hastings (R-Wash.), chairman of the committee and lead sponsor of the bill, said the legislation's requirement for active management of forests would produce a long-term solution not only for jobs in rural areas but also for funding of schools and governments in those areas.

An amendment by Rep. Raul Grijalva (D-Ariz.) to delete the environmental regulatory streamlining provisions from the bill was defeated 23-15, and an amendment by Rep. Jared Huffman (D-Calif.) to delete that language and other elements lost by the same vote.

Support for Taking Some Action

Democrats agreed that something needed to be done. Rep. Peter DeFazio (D-Ore.) said he was pleased to see some of his own proposed legislation included in the bill to require more timber harvesting in southwestern Oregon. Two counties in DeFazio's district are extreme examples of counties facing insolvency despite being rich with federal forests.

"But I don't believe we need to go to broad waivers of environmental laws," DeFazio said.

Grijalva and Huffman both suggested the bill simply could not become law, especially because of the environmental streamlining elements.

DeFazio suggested the bill might be headed for House passage but would have to be reconciled with a more moderate bill that would come from the Senate, especially under the guidance of Sen. Ron Wyden (D-Ore.). Wyden, like the House members, has made it clear that he wants action to

increase timber harvests.

Rep. Rob Bishop (R-Utah) said the bill was not intended to prevent environmental reviews but to expedite them, and to reduce litigation. Litigation is such a central obstacle to timber harvests that a bill without some reform cannot accomplish the task of boosting the harvests, he said.

Many Ideas Incorporated in Bill

The amendment in the nature of a substitute expanded the bill into something of an omnibus by incorporating legislation proposed by DeFazio and Reps. Scott Tipton (R-Colo.), Paul Gosar (R-Ariz.), and Raul Labrador (R-Idaho).

Some of the pieces of legislation received a public airing in April, motivated not only by the economic distress of rural areas but wildfires that have devastated large swathes of forest in recent years (73 DER A-30, 4/16/13).

One of the amendments that won acceptance during the July 31 markup was offered by Gosar to promote long-term stewardship contracts, which are widely supported by members of both parties as ways to actively manage forests. Much forest management requires significant investment that cannot readily be accomplished through short-term contracts, Gosar said.

For More Information

The Restoring Healthy Forests for Healthy Communities Act (H.R. 1526) in its expanded and amended form is available at <http://docs.house.gov/meetings/II/II00/20130731/101244/BILLS-113-HR1586-H000329-Amdt-1.pdf>.

--

Brian Oneto
Supervisor 5th District
Amador County
810 Court Street
Jackson, CA 95642
Phone: (209) 223-6495
Fax: (209) 257-0619
e-mail: boneto@amadorgov.org

--

Jennifer Burns
Clerk of the Board
Amador County Board of Supervisors
810 Court Street
Jackson, CA 95642

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: August 21, 2013

From: Richard M. Forster, Chairman
 (Department Head - please type)

Phone Ext. _____

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>August 27, 2013</u>	

Department Head Signature _____

Agenda Title: Regional Council of Rural Counties (RCRC)

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Discussion and possible action relative to a report by Chairman Forster regarding recent meeting of RCRC Board of Directors.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____
 Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input type="checkbox"/>	Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
Committee Review? N/A <input type="checkbox"/> Name _____ Committee Recommendation: _____	

Request Reviewed by:

Chairman _____	Counsel <u>GG</u>
Auditor <u>EDL</u>	GSA Director <u>HP</u>
CAO <u>[Signature]</u>	Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date <u>8-27-13</u>	Time _____	Item # <u>13</u>
Board Action: Approved Yes ___ No ___	Unanimous Vote: Yes ___ No ___	
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	Other: _____

Distributed on _____	A new ATF is required from _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____	Department For meeting of _____	

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
August 27, 2013	

To: Board of Supervisors

Date: August 21, 2013

From: Jennifer Burns, Clerk of the Board
(Department Head - please type)

Phone Ext. x470

Department Head Signature _____

Agenda Title: Minutes

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Review and approval of the July 23, 2013 Board of Supervisors Meeting Minutes.

Recommendation/Requested Action:

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____ Counsel _____

Auditor _____ GSA Director _____

CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date 8-27-13 Time _____ Item # 14

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____		

Save

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<i>August 27, 2013</i>	

To: Board of Supervisors

Date: July 15, 2013

From: Michael Israel
(Department Head - please type)

Phone Ext. 536

Department Head Signature *Michael W Israel*

Agenda Title: Amendment to Chapter 14.06, Amador County Code, Regarding Well Drilling Permits and Standards

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
The proposed ordinance would amend the existing Chapter 14.06 to identify the Environmental Health Department and Environmental Health Director in the role of oversight, establish yield and/or storage requirements for water wells supporting new construction, establish nitrate and bacteriological analysis of water supply wells and clarify work to be performed by appropriately licensed contractors.

Recommendation/Requested Action:

Waive reading of the ordinance and schedule for future adoption

Fiscal Impacts (attach budget transfer form if appropriate)
None

Staffing Impacts None

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
Resolution Attached: Yes No N/A
Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____

Counsel GG

Auditor *[Signature]*

GSA Director *[Signature]*

CAO *[Signature]*

Risk Management *[Signature]*

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Environmental Health

FOR CLERK USE ONLY

Meeting Date August 13, 2013 Time 10:30 am. Item # 15

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: Continued to Aug 27th

Distributed on _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
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ENVIRONMENTAL HEALTH DEPARTMENT COMMUNITY DEVELOPMENT AGENCY

810 COURT STREET • JACKSON, CA 95642-2132 • PHONE (209) 223-6439 • FAX (209) 223-6228
WEBSITE www.co.amador.ca.us • EMAIL aceh@amadorgov.org



MEMORANDUM

TO: Amador County Board of Supervisors

FROM: Michael W. Israel, Environmental Health Department *MWJ*

DATE: July 15, 2013

SUBJECT: Water Well Ordinance

At the May 1, 2013 meeting, the Land Use and Community Development Committee meeting discussed value of a policy which would require property owners know their well yield prior to issuance of residential building permits. Staff was directed to return with a policy to accomplish that.

In 2011 Environmental Health Department staff met with local well drillers and pump contractors to discuss possible changes to the water well ordinance. One such change relates to production and the requirement for storage for low yield wells. Other changes include a change of references from the Health Officer to the Environmental Health Director or Department as appropriate, a requirement for nitrate and bacteriological analysis, and clarification on the requirement that certain work be performed by a licensed contractor, consistent with state law. This was presented to the Committee at their June 13, 2013. The Committee recommended pursuing the ordinance.

In addition to the proposed ordinance, a copy of the current code, chapter 14.06, including strike out and underline proposed changes is provided.

Chapter 14.06
WELL DRILLING PERMITS AND STANDARDS

Sections:

- 14.06.010 Adoption by reference of State Department of Water Resources Bulletin.
- 14.06.020 Permit required.
- 14.06.030 Posting of permit on premises.
- 14.06.040 Permit application.
- 14.06.050 Provisions for sewage disposal.
- 14.06.060 Permit application fee.
- 14.06.070 Persons to whom permits shall be issued.
- 14.06.080 Conditions.
- 14.06.090 Grounds for refusal of permit.
- 14.06.100 Review and appeal.
- 14.06.110 Completion and inspection of work.
- 14.06.120 Emergency repairs.
- 14.06.130 Revocation or suspension.
- 14.06.140 Persons permitted to drill a well.
- 14.06.150 Acts prohibited.
- 14.06.160 Notification and inspections.
- 14.06.170 Standards for wells.
- 14.06.180 Well setbacks.
- 14.06.190 Qualifications for performing well tests.
- 14.06.200 Water storage facilities.
- 14.06.210 Sections not applicable to existing wells.
- 14.06.220 Prohibition of well pits.
- 14.06.230 Disinfection of wells.
- 14.06.240 Qualifications of pump installers.
- 14.06.250 Out of service wells.
- 14.06.260 Abandoned wells.
- 14.06.270 Uses prohibited.
- 14.06.280 Stop work order.
- 14.06.290 Regulations.
- 14.06.300 Enforcement and penalty for violation--Injunction and abatement.

14.06.010 Adoption by reference of State Department of Water Resources Bulletin.

The State Department of Water Resources Bulletin Number 74-81, as supplemented by 74-90, entitled "Water Well Standards: State of California," are adopted by reference as a part of this chapter. (Ord. 1232 §1(part), 1990).

14.06.015 Work defined.

For the purposes of this Chapter "work" shall be defined as construction, repair (excluding installation of or repairs to pumps, telemetry or other electric parts), deepening, rehabilitation or destruction of any well.

14.06.020 Permit required.

Except as otherwise provided in this chapter, it is unlawful for any person to work on ~~construct, repair (excluding installation of or repairs to pumps, telemetry or other electric parts), take out of service, rehabilitate or destroy~~ (collectively "work" or "work on" hereinafter) any well unless that person is an appropriately licensed contractor who has without first having and a permit has been obtained a permit to do so from the health officer ~~Environmental Health Department (Department).~~ (Ord. 1232 §1(part), 1990).

14.06.030 Posting of permit on premises.

A copy of the permit required under this chapter shall be maintained at all times in a conspicuous place on the site while work on a well is carried out. (Ord. 1232 §1(part), 1990).

14.06.040 Permit application.

Application for permits required under this chapter shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to:

A. A plot plan showing the location of the proposed well with respect to the following items within a radius of two hundred feet from the proposed well:

1. Property lines,
2. Sewer piping,
3. Location of existing on-site sewage system,
4. Location of proposed permitted on-site sewage system,
5. All intermittent or perennial natural or artificial bodies of water or watercourses,
6. The approximate drainage pattern of the property,
7. Other wells,
8. Existing structures,
9. Utility easements;

- B. The location of the property (assessor's parcel number/ vicinity maps);
- C. The name and contractor license number of the person who will work on the well;
- D. The proposed use of the well;
- E. Where the proposed work is the destruction of a well, the following information, if available:
 - 1. Total depth of well,
 - 2. Depth of casing,
 - 3. Depth of any casing perforations,
 - 4. Well log,
 - 5. Description of proposed method of destruction;
- F. Other information as may be necessary to determine if the underground water will be adequately protected. (Ord. 1232 §1(part), 1990).

14.06.050 Provisions for sewage disposal.

Where the well is to serve a dwelling or other structure requiring on-site sewage disposal, an on-site sewage disposal permit shall be issued prior to the issuance of a well permit. (Ord. 1232 §1(part), 1990).

14.06.055 Production requirements for water supply wells

A. Where the well is a water supply to serve a new single family dwelling no storage shall be required if and when rated well yield, based on a minimum 30 minute air lift test, is five (5) gallons per minute or greater. If the rated yield is from one half (1/2) to less than five (5) gallons per minute, a minimum of 2,000 gallons storage shall be provided in addition to any storage required by applicable fire regulation requirements. If the rated yield is less than one half (1/2) gallon per minute the well shall not be considered adequate to support a single family dwelling unless a proposal by a licensed well drilling contractor, licensed pump contractor or registered professional engineer has been submitted for review and approved by the Department proposing storage or other design features that must be implemented as a condition of well permit final approval.

B. Where the well is a water supply to serve two, three or four dwellings, the minimum required yield shall be 10, 15 or 20 gpm, respectively. If the rated yield does not meet this standard a proposal by a registered professional engineer shall be submitted for review and approval by the Department proposing storage or other design features that must be implemented as a condition of well permit final approval.

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C. Where the well is a water supply to serve non-residential or mixed uses the applicant shall retain a registered professional engineer to submit a proposal for review and approval by the Department describing water demand and proposing storage or other design features that must be implemented as a condition of well permit final approval.

D. This section shall not apply to wells intended solely for non-domestic use.

14.06.060 Permit application fee.

Any person desiring to secure a permit or approval required under this chapter shall pay a fee set by resolution of the board of supervisors. Such fee shall be payable to the health department upon the filing of an application for such a permit or approval. (Ord. 1232 §1(part), 1990).

14.06.070 Persons to whom permits shall be issued.

Permits shall be issued pursuant to this chapter only to a person holding a C-57 license issued in accordance with the provisions of Business and Professions Code 7000 et seq. or to the owner of the property or his authorized representative. (Ord. 1232 §1(part), 1990).

14.06.080 Conditions.

Permits shall be issued in compliance with standards provided in this chapter. Permits may also include any other conditions or requirements found by the ~~health officer~~Department to be necessary to protect public health, including, but not limited to, bacteriological and/or chemical analysis. (Ord. 1232 §1(part), 1990).

14.06.090 Grounds for refusal of permit.

The ~~health officer~~Department may refuse to issue a permit for any of the following reasons:

- A. The permit application is not complete or in proper form;
- B. The proposed work on the well would create a health hazard, aggravate a preexisting health hazard, or violate any of the standards established by this chapter;
- C. Failure to comply with reporting requirements set forth in Section 14.06.120. (Ord. 1232 §1(part), 1990).

14.06.100 Review and appeal.

Any person aggrieved by the refusal, revocation or suspension of a permit or the terms of a permit required by this chapter may appeal in writing to the ~~health officer~~Director of Environmental Health

(Director). The appeal shall be filed with the ~~health officer~~Director within thirty calendar days after such refusal, revocation or suspension. The ~~health officer~~Director shall within twenty-one days review the appeal and render his decision in writing to the applicant. The ~~application appellant~~ may appeal in writing the decision of the ~~health officer~~Director to the board of supervisors. The appeal shall be filed with the clerk of the board of supervisors within twenty-one days after the ~~health officer~~Director's decision. The board of supervisors shall ~~schedule a hearing~~ within thirty days after the filing of an appeal, ~~determine whether or not to hold a hearing on the appeal or, in the alternative, to deny hearing of the appeal, and if it determines to hear the appeal,~~The board of supervisors shall cause written notice to be mailed to the appellant specifying the date and time the appeal will be heard at least fifteen days before the hearing date. The hearing may be continued from time to time by the board of supervisors. (Ord. 1232 §1(part), 1990).

14.06.110 Completion and inspection of work.

A. Permits shall be valid for a period of one year from the date of issuance ~~and shall expire unless placement of the annular seal has been completed and approved by the Department. An expired permit shall be of no further force or effect.~~

B. ~~1-~~ If the owner submits to the ~~health officer~~Department an application for a permit extension while the permit is still valid, the ~~health officer~~Department shall at no charge grant one extension of the permit for a period of ninety days for the sole purpose of allowing the owner to complete work on the well.

~~2-~~ If the owner submits to the ~~health officer~~Department an application for the renewal of a permit while the permit is still valid, ~~excluding during any extension, the health officer~~Department shall grant a renewal for one year and subsequently shall grant additional renewals each for a period of one year unless the ~~health officer~~Department has evidence of circumstances justifying denial of the renewal.

C. The well driller shall notify the ~~health officer~~Department upon completion of the work by submitting a copy of the well driller's report as provided in Water Code 13751 et seq. within thirty days, and no work shall be deemed completed until such notification has been received.

D. Prior to final approval of any permit for a water well intended for domestic uses~~supply or irrigation well, the permittee shall submit to the Department for review and approval results of bacteriological and nitrate analysis of water produced by the well from a laboratory accredited by the California Environmental Laboratory Accreditation Program in the appropriate fields of testing. If analysis results for a water supply well indicate the presence of any coliform bacteria or nitrate in excess of 45 mg/l the permittee may be directed to resample the well. Upon request the Department shall sample the well with the permittee bearing the cost for laboratory fees and additional staff time, if any. A permit for a domestic well producing water which tests positive for coliform bacteria shall not receive final approval nor shall the well be considered a potable source for new construction. A permit for a domestic well producing water which~~

exceeds the nitrate standard shall not receive final approval nor shall the well be considered a potable source for new construction unless a treatment device from CDPH's list of devices certified for nitrate reduction is installed and demonstrated and a constructive notice statement is recorded that will disclose the condition in the event of title search.

ED. A final inspection of the work shall be made by the ~~health officer~~Department ~~no later than fifteen days after said completion report is notice is~~ received unless such inspection is waived in writing by the ~~health officer~~Department, and no permittee shall be deemed to have complied with this chapter until such inspection has been performed or waived and results of water analysis have been approved by the Department. (Ord. 1232 §1(part), 1990).

14.06.120 Emergency repairs.

In the event of an emergency, well repairs may be commenced without application for permit. "Emergency repairs" means repairs or replacement immediately necessary to protect the health, safety or welfare of any persons resulting from the failure or contamination of a water supply. All emergency repairs shall comply with the standards established by this chapter. Emergency repairs shall require retroactive approval by the ~~health officer~~Department. Within forty-eight hours, excluding holidays and weekends, of commencing emergency repairs, the person making such repairs shall file an application for emergency repairs. The application shall include the information required in Section 14.06.040 of this chapter, and shall also include a statement of facts constituting the emergency necessitating the repairs. An inspection of the work shall be made by the ~~health officer~~Department unless ~~he waives such inspection is waived.~~ (Ord. 1232 §1(part), 1990).

14.06.130 Revocation or suspension.

A permit issued hereunder may be revoked or suspended by the ~~health officer~~Department ~~if it is he determines~~determined that a violation of this chapter exists. The ~~health officer~~Department's decision may be appealed as set forth in this chapter. (Ord. 1232 §1(part), 1990).

14.06.140 Persons permitted to drill a well.

Wells shall be worked on only by a person holding a C-57 license issued in accordance with Business and Professions Code 7000 et seq. (Ord. 1232 §1(part), 1990).

14.06.150 Acts prohibited.

No person shall work on any well unless a permit has first been obtained from the ~~health officer~~Department as provided in this chapter, unless that person is an appropriately licensed contractor, and unless the work done conforms to the standards specified in this chapter and all the conditions of the permit. Any person who performs any work for which a permit is required by this chapter and who fails to

obtain such permit prior to commencing work permitted by this chapter shall be in violation of this chapter. (Ord. 1232 §1(part), 1990).

14.06.160 Notification and inspections.

The ~~health officer~~Department shall make inspections for the purpose of enforcing the provisions of this chapter. No permittee shall be deemed to have complied with this chapter until any such inspection has been made or waived in writing, and installation approved. The well driller shall notify the ~~health officer~~Department twenty-four hours (excluding weekends and holidays) in advance of working on the well, including drilling the well, placing the annular seal of any well, or destroying a well. (Ord. 1232 §1(part), 1990).

14.06.170 Standards for wells.

Standards for the location, construction, and work on wells shall be as set forth in Chapter II of the State Department of Water Resource Bulletins 74-81 and 74-90 entitled "Water Well Standards: State of California." (Ord. 1232 §1(part), 1990).

14.06.180 Well setbacks.

In addition to the horizontal distances set forth in the "Water Well Standards," wells shall be located a minimum of ten feet from property lines except that a minimum distance of fifty feet shall be required on parcels created after October 14, 1987 (the effective date of Ordinance No. 1148). (Ord. 1232 §1(part), 1990).

14.06.190 Qualifications for performing well tests.

For the purpose of this chapter, pump tests shall be conducted by persons possessing a C-57 or C-61-D21 license or other persons qualified by training or experience, in the opinion of the ~~health officer~~Department, to perform such tests. (Ord. 1232 §1(part), 1990).

14.06.200 Water storage facilities.

Water storage tanks intended for domestic water supply systems shall be designed and constructed for potable water use and approved according to the Uniform Plumbing Code. Such tanks shall be installed as per manufacturer's specifications. (Ord. 1232 §1(part), 1990).

14.06.210 Sections not applicable to existing wells.

Wells constructed prior to the adoption of this chapter shall not be subject to the provisions of this chapter unless work thereon includes deepening, reconstructing, rehabilitating or extensive remodeling. (Ord. 1232 §1(part), 1990).

14.06.220 Prohibition of well pits.

Well pits are prohibited unless prior approval relating to design and construction is granted by the health officer ~~Department~~. (Ord. 1232 §1(part), 1990).

14.06.230 Disinfection of wells.

All new wells shall be provided with a pipe or other effective means by which disinfectants can be introduced into the well. Newly constructed or repaired wells, distribution systems and pumps, shall be chlorinated with sufficient chlorine solution of at least fifty ppm available chlorine and held for at least twenty-four hours or an equivalent method of disinfection satisfactory to the health officer ~~Department~~. (Ord. 1232 §1(part), 1990).

14.06.240 Qualifications of pump installers.

For the purpose of this chapter, pumps and their appurtenances shall be installed by the property owner or their authorized representative, by persons possessing a C-57 or C-61-D21 license, or by other persons qualified by training or experience in the opinion of the health department to make such installation. (Ord. 1232 §1(part), 1990).

14.06.250 Out of service wells.

Any out of service well, for which the owner has declared an intent to use at a later date, shall be maintained by the owner in a manner in which no defects shall impair the quality of the water or water-bearing formations. All such wells shall be capped with a tamperproof, watertight seal and shall be marked so as to be easily seen and shall otherwise meet the requirements of this chapter. (Ord. 1232 §1(part), 1990).

14.06.260 Abandoned wells.

Any well which has been abandoned, or which has fallen into a state of disrepair which may result in the impairment of the quality of the groundwater, or which constitutes a safety hazard shall be destroyed. Abandoned wells shall be destroyed as set forth in applicable portions of Chapter II of the State Department of Water Resource Bulletins 74-81 and 74-90 entitled "Water Well Standards: State of California." (Ord. 1232 §1(part), 1990).

14.06.270 Uses prohibited.

No well shall, at any time, be used for the disposal of any material which may adversely impact any aquifer or result in a potential health hazard. (Ord. 1232 §1(part), 1990).

14.06.280 Stop work order.

Whenever any well construction, destruction or repair work is being done contrary to the requirements of this chapter, the ~~health officer~~Department shall order the work stopped by posting a notice to do so at the well site and/or by notifying the contractor. Work shall not be resumed until authorization is received from the ~~health officer~~Department. (Ord. 1232 §1(part), 1990).

14.06.290 Regulations.

The ~~health officer~~Department is authorized to ~~make~~propose for adoption by the Board of Supervisors such regulations and standards as deemed necessary for the protection of the public health with respect to the construction, repair and abandonment of wells, consistent with the provisions of this chapter. (Ord. 1232 §1(part), 1990).

14.06.300 Enforcement and penalty for violation--Injunction and abatement.

A. Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

B. Violation of any provision of this chapter constitutes a public nuisance subject to abatement and injunctive relief in accordance with the law. (Ord. 1232 §1(part), 1990).

AN ORDINANCE REPEALING CHAPTER 14.06 OF THE AMADOR COUNTY CODE AND ADDING A NEW CHAPTER 14.06 OF THE AMADOR COUNTY CODE RELATING TO WELL DRILLING PERMITS AND STANDARDS

The Board of Supervisors of the County of Amador, State of California, ordains as follows:

SECTION 1. Chapter 14.06 of the Amador County Code is hereby repealed in its entirety.

SECTION 2. A new Chapter 14.06 is hereby added to the Amador County Code which shall read as follows:

14.06.010 Adoption by reference of State Department of Water Resources Bulletin.

The State Department of Water Resources Bulletin Number 74-81, as supplemented by 74-90, entitled "Water Well Standards: State of California," are adopted by reference as a part of this chapter.

14.06.015 Work defined.

For the purposes of this Chapter "work" shall be defined as construction, repair (excluding installation of or repairs to pumps, telemetry or other electric parts), deepening, rehabilitation or destruction of any well.

14.06.020 Permit required.

Except as otherwise provided in this chapter, it is unlawful for any person to work on any well unless that person is an appropriately licensed contractor and a permit has been obtained to do so from the Environmental Health Department (Department).

14.06.030 Posting of permit on premises.

A copy of the permit required under this chapter shall be maintained at all times in a conspicuous place on the site while work on a well is carried out.

14.06.040 Permit application.

Application for permits required under this chapter shall be made on forms furnished by the department and shall contain such information as the department may require, including, but not limited to:

- A. A plot plan showing the location of the proposed well with respect to the following items within a radius of two hundred feet from the proposed well:
1. Property lines,
 2. Sewer piping,
 3. Location of existing on-site sewage system,
 4. Location of proposed permitted on-site sewage system,
 5. All intermittent or perennial natural or artificial bodies of water or watercourses,
 6. The approximate drainage pattern of the property,

7. Other wells,
 8. Existing structures,
 9. Utility easements;
- B. The location of the property (assessor's parcel number/ vicinity maps);
- C. The name and contractor license number of the person who will work on the well;
- D. The proposed use of the well;
- E. Where the proposed work is the destruction of a well, the following information, if available:
1. Total depth of well,
 2. Depth of casing,
 3. Depth of any casing perforations,
 4. Well log,
 5. Description of proposed method of destruction;
- F. Other information as may be necessary to determine if the underground water will be adequately protected.

14.06.050 Provisions for sewage disposal.

Where the well is to serve a dwelling or other structure requiring on-site sewage disposal, an on-site sewage disposal permit shall be issued prior to the issuance of a well permit.

14.06.055 Production requirements for water supply wells

- A. Where the well is a water supply to serve a new single family dwelling no storage shall be required if and when rated well

yield, based on a minimum 30 minute air lift test, is five (5) gallons per minute or greater. If the rated yield is from one half (1/2) to less than five (5) gallons per minute, a minimum of 2,000 gallons storage shall be provided in addition to any storage required by applicable fire regulation requirements. If the rated yield is less than one half (1/2) gallon per minute the well shall not be considered adequate to support a single family dwelling unless a proposal by a licensed well drilling contractor, licensed pump contractor or registered professional engineer has been submitted for review and approved by the Department proposing storage or other design features that must be implemented as a condition of well permit final approval.

B. Where the well is a water supply to serve two, three or four dwellings, the minimum required yield shall be 10, 15 or 20 gpm, respectively. If the rated yield does not meet this standard a proposal by a registered professional engineer shall be submitted for review and approval by the Department proposing storage or other design features that must be implemented as a condition of well permit final approval.

C. Where the well is a water supply to serve non-residential or mixed uses the applicant shall retain a registered professional engineer to submit a proposal for review and approval by the Department describing water demand and proposing storage or other design features that must be implemented as a condition of well permit final approval.

D. This section shall not apply to wells intended solely for non-domestic use.

14.06.060 Permit application fee.

Any person desiring to secure a permit or approval required under this chapter shall pay a fee set by resolution of the board of supervisors. Such fee shall be payable to the health department upon the filing of an application for such a permit or approval.

14.06.070 Persons to whom permits shall be issued.

Permits shall be issued pursuant to this chapter only to a person holding a C-57 license issued in accordance with the provisions of Business and Professions Code 7000 et seq. or to the owner of the property or his authorized representative.

14.06.080 Conditions.

Permits shall be issued in compliance with standards provided in this chapter. Permits may also include any other conditions or requirements found by the Department to be necessary to protect public health, including, but not limited to, bacteriological and/or chemical analysis.

14.06.090 Grounds for refusal of permit.

The Department may refuse to issue a permit for any of the following reasons:

- A. The permit application is not complete or in proper form;

B. The proposed work on the well would create a health hazard, aggravate a preexisting health hazard, or violate any of the standards established by this chapter;

C. Failure to comply with reporting requirements set forth in Section 14.06.120.

14.06.100 Review and appeal.

Any person aggrieved by the refusal, revocation or suspension of a permit or the terms of a permit required by this chapter may appeal in writing to the Director of Environmental Health (Director). The appeal shall be filed with the Director within thirty calendar days after such refusal, revocation or suspension. The Director shall within twenty-one days review the appeal and render his decision in writing to the applicant. The appellant may appeal in writing the decision of the Director to the board of supervisors. The appeal shall be filed with the clerk of the board of supervisors within twenty-one days after the Director's decision. The board of supervisors shall schedule a hearing within thirty days after the filing of an appeal. The board of supervisors shall cause written notice to be mailed to the appellant specifying the date and time the appeal will be heard at least fifteen days before the hearing date. The hearing may be continued from time to time by the board of supervisors.

14.06.110 Completion and inspection of work.

A. Permits shall be valid for a period of one year from the date of issuance and shall expire unless placement of the annular seal

has been completed and approved by the Department. An expired permit shall be of no further force or effect.

B. If the owner submits to the Department an application for a permit extension while the permit is still valid, the Department shall, at no charge, grant one extension of the permit for a period of ninety days for the sole purpose of allowing the owner to complete work on the well.

C. The well driller shall notify the Department upon completion of the work by submitting a copy of the well driller's report as provided in Water Code 13751 et seq. within thirty days, and no work shall be deemed completed until such notification has been received.

D. Prior to final approval of any permit for a water well intended for domestic use, the permittee shall submit to the Department for review and approval results of bacteriological and nitrate analysis of water produced by the well from a laboratory accredited by the California Environmental Laboratory Accreditation Program in the appropriate fields of testing. If analysis results for a water supply well indicate the presence of any coliform bacteria or nitrate in excess of 45 mg/l the permittee may be directed to resample the well. Upon request the Department shall sample the well with the permittee bearing the cost for laboratory fees and additional staff time, if any. A permit for a domestic well producing water which tests positive for coliform bacteria shall not receive final approval nor shall the well be considered a potable source for new construction. A permit for a domestic well producing water which exceeds the nitrate standard shall not receive final approval nor shall the well be considered a potable

source for new construction unless a treatment device from CDPH's list of devices certified for nitrate reduction is installed and demonstrated and a constructive notice statement is recorded that will disclose the condition in the event of title search.

E. A final inspection of the work shall be made by the Department after said completion report is received unless such inspection is waived in writing by the Department, and no permittee shall be deemed to have complied with this chapter until such inspection has been performed or waived and results of water analysis have been approved by the Department.

14.06.120 Emergency repairs.

In the event of an emergency, well repairs may be commenced without application for permit. "Emergency repairs" means repairs or replacement immediately necessary to protect the health, safety or welfare of any persons resulting from the failure or contamination of a water supply. All emergency repairs shall comply with the standards established by this chapter. Emergency repairs shall require retroactive approval by the Department. Within forty-eight hours, excluding holidays and weekends, of commencing emergency repairs, the person making such repairs shall file an application for emergency repairs. The application shall include the information required in Section 14.06.040 of this chapter, and shall also include a statement of facts constituting the emergency necessitating the repairs. An inspection of the work shall be made by the Department unless such inspection is waived.

14.06.130 Revocation or suspension.

A permit issued hereunder may be revoked or suspended by the Department if it is determined that a violation of this chapter exists. The Department's decision may be appealed as set forth in this chapter.

14.06.140 Persons permitted to drill a well.

Wells shall be worked on only by a person holding a C-57 license issued in accordance with Business and Professions Code 7000 et seq.

14.06.150 Acts prohibited.

No person shall work on any well unless a permit has first been obtained from the Department as provided in this chapter, unless that person is an appropriately licensed contractor, and unless the work done conforms to the standards specified in this chapter and all the conditions of the permit. Any person who performs any work for which a permit is required by this chapter and who fails to obtain such permit prior to commencing work permitted by this chapter shall be in violation of this chapter.

14.06.160 Notification and inspections.

The Department shall make inspections for the purpose of enforcing the provisions of this chapter. No permittee shall be deemed to have complied with this chapter until any such inspection has been made or waived in writing, and installation approved. The well driller shall notify the Department twenty-four hours (excluding weekends and holidays) in

advance of working on the well, including drilling the well, placing the annular seal of any well, or destroying a well.

14.06.170 Standards for wells.

Standards for the location, construction, and work on wells shall be as set forth in Chapter II of the State Department of Water Resource Bulletins 74-81 and 74-90 entitled "Water Well Standards: State of California."

14.06.180 Well setbacks.

In addition to the horizontal distances set forth in the "Water Well Standards," wells shall be located a minimum of ten feet from property lines except that a minimum distance of fifty feet shall be required on parcels created after October 14, 1987 (the effective date of Ordinance No. 1148).

14.06.190 Qualifications for performing well tests.

For the purpose of this chapter, pump tests shall be conducted by persons possessing a C-57 or C-61-D21 license or other persons qualified by training or experience, in the opinion of the Department, to perform such tests.

14.06.200 Water storage facilities.

Water storage tanks intended for domestic water supply systems shall be designed and constructed for potable water use and approved according to the Uniform Plumbing Code. Such tanks shall be installed as per manufacturer's specifications.

14.06.210 Sections not applicable to existing wells.

Wells constructed prior to the adoption of this chapter shall not be subject to the provisions of this chapter unless work thereon includes deepening, reconstructing, rehabilitating or extensive remodeling.

14.06.220 Prohibition of well pits.

Well pits are prohibited unless prior approval relating to design and construction is granted by the Department.

14.06.230 Disinfection of wells.

All new wells shall be provided with a pipe or other effective means by which disinfectants can be introduced into the well. Newly constructed or repaired wells, distribution systems and pumps, shall be chlorinated with sufficient chlorine solution of at least fifty ppm available chlorine and held for at least twenty-four hours or an equivalent method of disinfection satisfactory to the Department.

14.06.240 Qualifications of pump installers.

For the purpose of this chapter, pumps and their appurtenances shall be installed by the property owner or their authorized representative, by persons possessing a C-57 or C-61-D21 license, or by other persons qualified by training or experience in the opinion of the health department to make such installation.

14.06.250 Out of service wells.

Any out of service well, for which the owner has declared an intent to use at a later date, shall be maintained by the owner in a manner in which no defects shall impair the quality of the water or water-bearing formations. All such wells shall be capped with a tamperproof, watertight seal and shall be marked so as to be easily seen and shall otherwise meet the requirements of this chapter.

14.06.260 Abandoned wells.

Any well which has been abandoned, or which has fallen into a state of disrepair which may result in the impairment of the quality of the groundwater, or which constitutes a safety hazard shall be destroyed. Abandoned wells shall be destroyed as set forth in applicable portions of Chapter II of the State Department of Water Resource Bulletins 74-81 and 74-90 entitled "Water Well Standards: State of California."

14.06.270 Uses prohibited.

No well shall, at any time, be used for the disposal of any material which may adversely impact any aquifer or result in a potential health hazard.

14.06.280 Stop work order.

Whenever any well construction, destruction or repair work is being done contrary to the requirements of this chapter, the Department shall order the work stopped by posting a notice to do so at the well site and/or by notifying the contractor. Work shall not be resumed until authorization is received from the Department.

14.06.290 Regulations.

The Department is authorized to propose for adoption by the Board of Supervisors such regulations and standards as deemed necessary for the protection of the public health with respect to the construction, repair and abandonment of wells, consistent with the provisions of this chapter.

14.06.300 Enforcement and penalty for violation--Injunction and abatement.

A. Any person violating any provision of this chapter is guilty of a misdemeanor and upon conviction thereof shall be punished by a fine not exceeding five hundred dollars, or by imprisonment in the county jail for not more than six months, or by both such fine and imprisonment.

B. Violation of any provision of this chapter constitutes a public nuisance subject to abatement and injunctive relief in accordance with the law.

SECTION 3. This ordinance was introduced and the title thereof read at the regular meeting of the Board of Supervisors on _____ and on _____ further reading was waived by the unanimous vote of the Supervisors present.

This ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Supervisors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of Amador.

On a motion by Supervisor _____, seconded by Supervisor _____, the foregoing ordinance was passed and adopted by the Board of Supervisors of the County of Amador, State of California, this _____ day of _____, 201____, by the following vote:

AYES: Supervisors,
NOES: Supervisors,
ABSENT: Supervisors,

Chairperson of the Board of Supervisors
of Amador County California

ATTEST: _____
Clerk of the Board of Supervisors