

**Amador County Board of Supervisors**  
**ACTION MINUTES**  
**REGULAR MEETING**

**DATE:** Tuesday, February 26, 2013  
**TIME:** 8:30 a.m.  
**LOCATION:** County Administration Center, 810 Court Street, Jackson, California

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

**Present on Roll Call:**

Louis D. Boitano, Chairman District IV  
Theodore F. Novelli, Supervisor, District III  
Richard M. Forster, Vice-Chairman, District II  
Brian Oneto, Supervisor District V  
John Plasse, Supervisor, District I

**Absent:** None

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

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

**CLOSED SESSION** may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). **At 8:30 a.m., the Board convened into closed session.**

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

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

**ACTION:** None. Update only.

**Conference with County Counsel - Existing Litigation [Government Code 54956.9(a)]:** SEIU Local 1021 v. County of Amador; State of California Public Employment Relations Board, Case No. SA-CE-809-M

**ACTION:** None. Update only.

**Confidential Minutes:** Review and approval of the confidential minutes of January 22, 2013 and February 12, 2013.

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

**MOTION:** It was moved by Supervisor Boitano, seconded by Supervisor Oneto and unanimously carried to approve the confidential minutes of January 22, 2013 and hold the February 12, 2013 minutes over for approval at a future meeting.

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

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

Chairman Forster advised the following matter has been added to the agenda for today's date:

**Board of Supervisors:** Discussion and possible action relative to adoption of a resolution in support of the second amendment and the right of the people to keep and bear Arms.

**ACTION:** Approved pursuant to the following motion.

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

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

**Road Crew Recognition:** Supervisor Novelli took this time to commend the Amador County Road Crew for their exemplary efforts in keeping roads clear during the recent snow storm.

**General Harry B. Liversedge:** Supervisor Novelli commented relative to a recent gathering at the American Legion Post to honor General Liversedge. He stated the event was well attended by past and present Supervisors as well as other local military dignitaries.

**Prisoner of War:** Supervisor Novelli reminded those present that U.S. Army Sgt. Bowe Bergdahl has been held captive by enemies in Afghanistan since 2009. Supervisor Novelli stated he is anxiously hoping the U.S. Government will bring this young man home safely in the near future.

**California State Association of Counties (CSAC):** Supervisor Boitano advised information was made available at a recent CSAC Board of Director's meeting relative to the State potentially withholding increased shares of realignment monies in the upcoming fiscal year. Supervisor Boitano noted he will give a more lengthy report and explanation regarding this at the next meeting.

**Foothill Conservancy:** Ms. Cecily Smith took this time to introduce herself as the new Executive Director of the Foothill Conservancy and noted she is also a new District IV constituent.

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

Chairman Forster advised the following item has been pulled from the agenda for today's date per the request of Supervisor Plasse and the Surveying Department:

**Surveying & Engineering:** Approval of a resolution issuing five (5) Certificates of Compliance to Maurice John Plasse, III, Doreen L. Brenner, aka Doreen L. Brenner Plasse, Eduard P. Plasse and Suzanne A. Maloon, aka Suzanne A. Maloon Plasse.

**ACTION:** Approved pursuant to the following motion.

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

## **REGULAR AGENDA**

**A-Pal Humane Society:** Discussion and possible action relative to Board support of the A-Pal Humane Society Trap, Neuter and Release Program.

Ms. Susan Manning, A-Pal President, addressed the Board and summarized A-Pals position on the Trap, Neuter and Release Program. She stated in the past all healthy cats turned

in at the shelter deemed to be feral, were euthanized. A-Pal learned of the Trap, Neuter and Release program implemented in Florida and researched their program to discover a direct correlation between spay/neuter numbers and shelter intake numbers. It was discovered that removing and destroying feral cats simply creates a vacuum effect with more cats that are capable of reproducing moving in. Ms. Manning stated she is not seeking financial support at this time, rather Board support of the concept.

Further discussion ensued with Board members indicating they are not opposed to A-Pal continuing this program, however are not inclined to officially support the program as a full Board. Chairman Forster advised Board members can individually offer support to A-Pal, but at this time the Board, as a government body, is not willing to make a decision to support it.

**ACTION: Direction given.**

**General Services Administration:** Discussion and possible action relative to adoption of a resolution authorizing the transfer of real property to the Amador County Recreation Agency.

Mr. Jon Hopkins, General Services Director, addressed the Board and stated on December 18, 2012 the Board of Supervisors deemed various personal property as surplus. Included in the list was a 2002 Extended Cab 4x4 Ford Ranger identified as Unit 109. Amador County Recreation Agency (ACRA) has been looking for a vehicle to replace their current one. This vehicle has a current value of \$6,386.00, yet ACRA at this time only has \$4,500.00 available to fund a vehicle purchase. Mr. Hopkins stated the Board may consider a transfer of Unit 109 to ACRA in accordance with Government Code Section 25365 in exchange for a partial payment of \$4,500.00.

Discussion ensued with the following action being taken.

**ACTION: Approved pursuant to the following motion.**

**MOTION:** It was moved by Supervisor Boitano, seconded by Supervisor Novelli and unanimously carried to approve the transfer of Unit 109 to the Amador County Recreation Agency with the caveat that this is a non-precedent setting decision.

### **RESOLUTION NO. 13-016**

Resolution authorizing the transfer of real property to the Amador County Recreation Agency.

**Environmental Health Department Fees:** Discussion and possible action relative to staff direction to draft and process a revision to the existing fee ordinance.

Mr. Mike Israel, Environmental Health Director, addressed the Board and reviewed the staff report as incorporated in the Board packet for today's date. In summary, Mr. Israel stated the proposed schedule before the Board today includes new fees for cottage food businesses that may now operate pursuant to AB1616. This bill allows sale of certain foods prepared in private

homes. Class A facilities sell directly to the consumer and are required to register with the local jurisdiction. Class B facilities can sell directly or through other retailers and are subject to permit and inspection like other food facilities. He continued by stating some other areas proposed to change are fees relative to ground storage tanks, body art facilities and fees for major land divisions and EIR's.

Discussion ensued with the Board directing staff to revise the proposed ordinance as outlined today with a change being made to the Cottage Food Operation Class A fee, indicating a \$55.00 fee for the first year and no charge for subsequent years unless change of ownership or classification occurs. In addition Supervisor Plasse requesting reference to subdivisions be specified as a creation of five or more parcels as defined in the Subdivision Map Act.

The following action resulted.

**ACTION:** Direction given to staff to prepare a draft ordinance and bring back to the Board for waiving of the reading on March 12, 2013.

**Administrative Agency:** Discussion and possible action relative to potential Board direction to the County Administrative Officer regarding his presentation which will outline the current budget and provide a brief outlook on the 2013/2014 budget.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and provided a Power Point presentation outlining the status of the 2012-2013 fiscal year budget. A complete copy of the presentation is incorporated in full in the Board packet for today's date as well as posted on the Amador County website. Mr. Iley targeted the following dates for the budget process:

- Budget Packages Delivered-March 4, 2013
- Department Budget Submittals Due-March 18, 2013
- CAO meetings with Department Heads-March 25-29
- CAO budget Workshop with Full Board-April 16, 2013. (additional hearings to be scheduled if necessary)
- Board of Supervisors Proposed Budget Hearing- May 28, 2013.
- Proposed Budget Available for Review-August 5, 2013
- Final Budget Department Change Requests Due-August 23, 2013
- Board of Supervisors Final Budget Hearings-September 10, 2013

Discussion ensued with Mr. Iley fielding questions from the Board. The following action resulted.

**ACTION:** **None. Presentation only.**

**Board of Supervisors (Addendum):** Discussion and possible action relative to adoption of a resolution in support of the second amendment and the right of the people to keep and bear Arms.

Discussion ensued with the following action being taken.

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

**MOTION:** It was moved by Supervisor Plasse, seconded by Supervisor Novelli and unanimously carried to adopt a resolution in support of the second amendment and the right of the people to keep and bear arms.

**RESOLUTION NO. 13-021**

Resolution in support of the Second Amendment and the Right of the People to keep and bear Arms.

**Minutes:** Review and approval of the January 22, 2013 and February 12, 2013 Board of Supervisors Meeting Minutes.

**ACTION #1:** Approved pursuant to the following motion.

**MOTION #1:** It was moved by Supervisor Novelli, seconded by Supervisor Oneto and unanimously carried to approve the January 22, 2013 Board of Supervisors Meeting Minutes with minor amendments.

**ACTION #2:** Approved pursuant to the following motion.

**MOTION #2:** It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to approve the February 12, 2013 Board of Supervisors meeting minutes with minor amendments.

**CLOSED SESSION** may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). **At 11:10 a.m., the Board convened into closed session.**

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

**ACTION:** Nothing to report.

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

**ACTION:**    **Nothing to report.**

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

**ACTION:**    **Update given.**

**REGULAR SESSION:** At 11:20 a.m., the Board reconvened into regular session.  
**Chairman Forster reported the following issues were reviewed in closed session:**

**ADJOURNMENT:** Until Tuesday, March 12, 2013, at 8:30 a.m.

**AMADOR COUNTY  
BOARD OF SUPERVISORS**

**C O N S E N T   A G E N D A**

**February 26, 2013**

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

1.     **BUDGET MATTERS**           None

2.     **TAX MATTERS**

- A.     **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 004-080-009-000 (Scagliola, Richard & Sherry).

3.     **RESOLUTIONS**

- A.     **Waste Management:** Approval of a resolution authorizing the submittal of application for a grant from the California Department of Resources Recovery and Recycling (CalRecycle) for the *Local Government Waste Tire Amnesty Grant Program*.
- B.     **Sheriff's Office:** Approval of a resolution authorizing the Amador County Sheriff to apply for funds and sign the approved agreement for the *Anti-Drug Abuse Enforcement Grant Program*.
- C.     ~~**Surveying & Engineering:** Approval of a resolution issuing five (5) Certificates of Compliance to Maurice John Plasse, III, Doreen L. Brenner, aka Doreen L. Brenner Plasse, Eduard P. Plasse and Suzanne A. Maloon, aka Suzanne A. Maloon Plasse.~~
- D.     **Surveying & Engineering:** Approval of a Resolution of Intention to vacate various public easements for Basil J. Sanborn and Tracy Sanborn, Co-Trustees of the Basil J. and Tracy Sanborn Revocable Trust U/A/D March 29, 2005 and scheduling of Public Hearing for same.
- E.     **General Services Administration:** Approval of a resolution accepting real property donation for Public Works from Marlene Ann Terpening, and authorize the Chairman to sign and execute all appropriate documents.
- F.     **General Harry B. Liversedge Day:** Approval of a resolution recognizing February 21, 2013 and September 21, 2013 as *General Harry B. Liversedge Day* in Amador County.

4.     **AGREEMENTS**



- A. **Sheriff's Office:** Approval of an annual agreement between the Amador County Sheriff's Office and the *State of California Department of Boating and Waterways* wherein the County is reimbursed by the state for marine patrol and enforcement services on public waterways within Amador County.
- B. **Health & Human Services:** Approval of an agreement with the *California Department of Social Services (CDSS)* to provide agency adoption services on behalf of the Amador County in accordance with specified laws.
- C. **Health & Human Services:** Approval of a First Amendment to original agreement (6/26/12) with *Davis Guest Home, Inc.* to provide a residential care facility using a system of augmented support services to assist seriously mentally ill clients upon the terms and conditions set forth in the original agreement.
- D. **Health & Human Services:** Approval of Third Amendment to Services Agreement with *Sierra Child and Family Services, Inc.* to provide Therapeutic Behavioral Services (TBS) and wrap-around (like) services for emotionally disturbed girls and boys of Amador County.

5. **ORDINANCES**      None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**      None

7. **MISCELLANEOUS**

- A. **Health & Human Services:** Approval of a request to hire the following two (2) positions in Social Services through the Merit Systems process:
  - *Eligibility Worker I*
  - *Employment and Training Worker I*
- B. **General Services Administration:** Approval to dispense with the formal bid procedures and authorize the Purchasing Agent to issue a Purchase Order in the amount of \$19,498.32 to Jeff Holman Auto Center, for the purchase of one used 2010 Dodge Journey AWD.

8. **GENERAL CORRESPONDENCE**

- A. Notice of Proposed Regulatory Action dated February 15, 2013, from the *State Fish and Game Commission* relative to "Practice of Falconry," in the sections identified in Title 14, California Code of Regulations, which appeared in the California Regulatory Notice Register on December 14, 2012. All documents as well as supporting documents are also made available on the Commission's website at <http://www.fgc.ca.gov>.
- B. Amended *Application for Alcoholic Beverage License* dated February 12, 2013 for Colina

- de Oro #4 located at 17810 Hwy. 49, Plymouth, CA 95669.
- C. Memorandum from the Building Department relative to a recap of activity during January 2013, totaling \$ 22,908.22.
  - D. Auditor's check register dated February 12, 2013 totaling \$ 393,940.11.
  - E. Auditor's check register dated February 19, 2013 totaling \$ 474,110.34.

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RICHARD M. FORSTER, Chairman  
Board of Supervisors

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

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Deputy