

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

**DATE:** Tuesday, April 23, 2013  
**TIME:** 8:30 a.m.  
**LOCATION:** County Administration Center, 810 Court Street, Jackson, California

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

**Present on Roll Call:**

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

**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: Update only.**

**Conference with County Counsel - Existing Litigation [Government Code 54956.9(a)]:**  
Sprint Telephone PCS, L.P., et al. v. State Board of Equalization, et al., San Francisco Superior Court No. CGC-11-511398

**ACTION: Direction given to staff.**

County of Amador v. Kenneth L. Salazar, Secretary of the Interior; et al: In the United States District Court for the District of Columbia, Case No. 1:05-CV-00658 (RWR)

**ACTION: Nothing to report.**

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

**ACTION: Update only.**

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

**ACTION: Update only.**

**Conference with County Counsel-Initiation of Litigation [Government Code 54956.9 (c)]:**  
One Case

**ACTION: Direction given to staff.**

**Confidential Minutes:** Review and approval of the confidential minutes of March 26, 2013 and April 9, 2013.

**ACTION: The confidential minutes of March 26, 2013 and April 9, 2013 were held over for approval at a future meeting.**

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

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

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

**MOTION:** It was moved by Supervisor Novelli seconded by Supervisor Oneto 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.

**Amador Farmers Market:** Ms. Susan Bragstad, District II resident, addressed the Board and requested the Board consider contributing to the cost of insurance for the Farmers Market as they have in past years. She stated historically the Board has donated \$300.00 each, but she welcomes any monetary support that can be arranged.

**100<sup>th</sup> Anniversary of 4-H:** Ms. Jennifer Goerlitz introduced herself to the Board and explained she is filling the position of 4-H Program Coordinator after the recent retirement of Mr. Larry Fossen. Ms. Goerlitz stated this year marks the 100<sup>th</sup> anniversary of 4-H and special recognition of the anniversary will be take place at the 2013 Amador County Fair. She also noted 4-H is always open to people interested in becoming a 4-H leader as well as new club members.

**Assemblyman McClintock's Office:** Mr. Kimberly Pruett, representing Assemblyman Tom McClintock's Office, addressed the Board and advised the Board that the congressional art competition is currently underway. Forty pieces of art from the District including Amador and Argonaut High Schools has been collected. Art from Amador County High Schools will be on display at BNI Industries in El Dorado Hills and the winner of the competition will have their art displayed in the Cannon Office Tunnel in Washington D.C. Ms. Pruett continued by advising a tele-town hall meeting will take place this evening and is open to the public. She stated attending the tele-town hall meeting it is a good way for constituents to keep informed of what is happening in Washington D.C. She also advised a town hall meeting will be held on April 30, 2013in Calaveras County. The meeting will be held at Brett Harte High School and will begin at 6:00 p.m.

**Jackson Valley Irrigation District:** Mr. Tom Hoover, Jackson Valley Irrigation District General Manager, announced he will be retiring at the end of April and the Jackson Valley Irrigation District Board has appointed Mr. Steven Fredrick to the position effective May 1, 2013. Mr. Fredrick has been with JVID since 2008 and the Board feels he will be a natural fit to the position.

**Community Development Block Grant (CDBG):** Supervisor Novelli advised he has been working with Terry Cox, Gene Mancebo, and Rich Farrington in investigating the possibility of receiving CDBG grant monies to assist in getting two tanks that are currently at the Amador County Corporation Yard up and running and able to be utilized by the Amador Water Agency.

**Veteran's Outreach:** Supervisor Novelli announced two Veteran's Outreach sessions are planned for May 2, 2013 at the American Legion Hall and on May 9, 2013 at the First 5 office in Jackson. The sessions will take place from 11:00-3:00.

**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).

**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 presented.

### **REGULAR AGENDA**

**Planning Department:** Discussion and possible action relative to a presentation by Sutter Gold Mining Co. regarding the results of blast and noise monitoring conducted during the months of January and February 2013 for the Lincoln Mine Project located on the east side of Old Hwy. 49 between the cities of Sutter Creek and Amador City.

**Supervisor Boitano left the Board Chambers at this time to avoid any potential conflict of interest issues due to immediate family being employed by Sutter Gold Mining Company.**

Ms. Susan Grijalva, Planning Director, introduced this item and stated the Sutter Gold Mining Co. conducted blast and noise monitoring during the months of January and February for the Lincoln Mine project located on the east side of Old Hwy. 49 between the cities of Sutter Creek and Amador City. She advised Sutter Gold Mine representatives are prepared to present the results of the monitoring to the Board today.

Mr. David Cochrane, Vice President of Environment Health and Safety with Sutter Gold Mine, addressed the Board and stated when he appeared before the Board in January he discussed the onsite monitoring program at the Mine wherein per the requirements of the Use Permit, noise and vibration is monitored at the project boundary. He stated with respect to noise audible and sub-audible noise is monitored. In respect to vibration, it was determined to be so low they don't record for the majority of blasts. He continued by stating in response to complaints by citizens in the near vicinity of the mine Sutter Gold agreed to conduct a study that would monitor noise and vibration at offsite locations as well. At this time Mr. Cochrane provided an informative presentation compiled by Bollard Acoustical Consultants, regarding the monitoring results. A complete copy of the presentation is incorporated in full in the Board packet for today's date.

Lengthy discussion ensued with the following individuals wishing to speak relative to this matter.

Ms. Susan Bragstad, Amador City resident  
Ms. Francis Farmer, Amador City resident  
Mr. Les Brusatori, Amador City resident  
Ms. Joy Sandau, Amador City resident

Further discussion ensued with the Board requesting Mr. Cochrane contact Bollard Acoustical Consultants and arrange for a representative to attend a future Board meeting and be prepared to field questions from the Board and the public.

**ACTION:   None. Presentation only.**

**Administrative Agency:** Discussion and possible action relative to contributions to the Post Retirement Healthcare Plan Trust Fund. (OPEB)

Mr. Chuck Iley, County Administrative Officer, addressed the Board and stated this item is on agenda today due to several questions that were posed to the District Attorney at the recent budget workshop. The questions related specifically to the GASB 45 accounting of Other Post Employment Benefits (OPEB). He continued by stating the OPEB liability for the County was last calculated in 2009 and was presented by a consultant. Mr. Iley explained the County faces liability from three sources; retirees from the General Unit which are allowed to participate in the County Health Care Plan at a reduced rate, Law Enforcement retirees and retirees from the Deputy District Attorney Unit. He stated approximately 1/3 of the liability comes from General Unit retirees. Mr. Iley continued to summarize the Plan and the nature and amounts associated with the OPEB trust fund that was established in December 2010. He stated a contribution of \$245,000.00 was made in 2010 however no contribution was made in 2011 or 2012.

Further discussion ensued with direction being given to CAO Iley to include a placeholder in the 2013-2014 Budget and revisit this situation in the final budget process when firm numbers relative to unanticipated funds or carryover are available.

**ACTION:   Direction given to staff.**

**Regional Council of Rural Counties:** Discussion and possible action relative to an update by Chairman Forster relative to a recent meeting of the subject Council.

Chairman Forster took this time to provide an update to the Board relative but not limited to the following issues. It should be noted that a complete copy of the supplemental packet outlining these items is available for review in the Board Office.

- Secure Rural Schools Program Sequestration.
- Assembly Bill 97- Medi-Cal Reimbursement Rate Cuts Implementation

- Possessory Interest Taxes on Indian Lands
- Assembly Bill 468-Repeal of SRA Fees
- Fish and Wildlife-payment in lieu of taxes

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

**Minutes:** Review and approval of the April 9, 2013 Board of Supervisors meeting minutes.

**ACTION:**    **None. The April 9, 2013 Board of Supervisors meeting minutes were held over for approval at a future meeting.**

**CLOSED SESSION** may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). **At 10:00 a.m., the Board convened into closed session.**

**REGULAR SESSION:** **At 10:30 a.m., the Board reconvened into regular session. Chairman Boitano reported the following issues were reviewed in 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 Court of Appeals for the District of Columbia, Case No. 10-5240

**ACTION:**    **Nothing to report.**

County of Amador, Appeal of Issuance, of NPDES Permit No., CA 0049675; U.S. Environmental Protection Agency, Environmental Appeals Board, Appeal No. NPDES 10-06

**ACTION:**    **Nothing to report.**

County of Amador v. The United States Department of the Interior; Ken Salazar, Secretary of the Interior; et al, In the United States District Court for the Eastern District of California

**ACTION:**    **Nothing to report.**

Robert Raymond v. Sheldon D. Johnson, In the United States District Court for the Eastern District of California. Case No. 2:12-CV-01710-JAM-CKD

**ACTION:**    **Update only.**

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

**ACTION:** Update only.

**Confidential Minutes:** Review and approval of the confidential minutes of March 26, 2013 and April 9, 2013.

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

**MOTION:** It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to approve confidential minutes of March 26, 2013 and April 9, 2013.

**ADJOURNMENT:** Until Tuesday, May 14, 2013, at 8:30 a.m.

**AMADOR COUNTY  
BOARD OF SUPERVISORS**

**CONSENT AGENDA**

**April 23, 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**

- A. **Administrative Agency:** Approval of the Chief Administrative Officer's request to transfer \$10,000 of the salary savings from the salary/benefits to the supplies/services for operating necessities for the remainder of the fiscal year. The salary savings was generated by the Budget Analyst hired mid-year and working 80 percent time.

2. **TAX MATTERS**                      None

3. **RESOLUTIONS**

- A. **Transportation and Public Works (13-039):** Approval of a resolution approving the changes to the Amador County Maintained Mileage List, pursuant to Section 2121 of the California Streets and Highways Code.
- B. **Administrative Agency (13-040):** Approval of a resolution authorizing approval of revised and restated *Central Sierra Economic District (CSEDD)* Joint Powers Agreement with the Counties of Alpine, Calaveras and Tuolumne and the Cities of Amador, Angels, Ione, Jackson, Plymouth, Sonora and Sutter Creek.

4. **AGREEMENTS**

- A. **Planning Department:** Approval of a Thirteenth (13) Amendment to Consulting Services Agreement with *AECOM Technical Services* to provide professional assistance in updating County's General Plan and preparing related Environmental Impact Reports and extending the term of the contract to June 30, 2014 and increase the total value of the contract to \$1,122,625.00.
- B. **Planning Department:** Approval of a Third Amendment to Professional Services Agreement (dated 9/11/07) with *Environmental Science Associates & Subsidiaries* to review the cumulative traffic conditions for the Final Environmental Impact Report for the Jackson Valley Quarry Expansion.
- C. **Planning Department:** Approval of a Third Amendment to Reimbursement Agreement (dated 9/11/07) with *George Reed, Inc.* to review the cumulative traffic conditions for the Final Environmental Impact Report that amends the amount to \$278,371.00.

- D. **General Services Agency:** Approval to award RFP No. 13-01 and approve an agreement with *Drake Haglan and Associates* in an amount not to exceed \$229,900.00 for Environmental Clearance and Professional Engineering Services for Three Bridges project for Transportation and Public Works.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS** None

7. **MISCELLANEOUS**

- A. **Administration Agency:** Approval of revisions to Amador County Policy No. 2-700 Travel Policy pursuant to the Amador County Grand Jury's recommendation that prohibits Department Heads from approving their own travel requests.
- B. **Board of Supervisors:** Approval of reclassification of the current Administrative Assistant II position within the subject office to the position of Deputy Board Clerk I.
- C. **General Services Agency:** Approval of a Notice Inviting Bids No. 12-22 for the purchase of Side Scan Sonar Equipment for the Sheriff's Office.
- D. **General Services Agency:** Approval to dispense with the bidding procedures and authorize the Purchasing Agent to issue purchase orders, not to exceed \$50,000.00 pursuant to Section 25502.3 of the Government Code, utilizing the County's Dell Premier account to purchase specifically Dell product storage devices and servers for a period of one (1) year.
- E. **Human Resources:** Approval of request to return the classification/position of Records Manager in the Confidential Unit to full-time status (currently it is being filled at 20% FTE) and to conduct an internal recruitment for one week in order to fill this position at a full-time status.
- F. **Human Resources:** Approval of revisions and update to Amador County Policy No. 2-601 Family and Medical Leave (FMLA).

8. **GENERAL CORRESPONDENCE**

- A. A notice from the *State Central Valley Regional Water Quality Control Board* relative to a correction of address for the Board meeting to be held at the Radisson Hotel, 2233 Ventura Street, Fresno, CA. The items to be considered are posted on the Board's website at: [http://www.waterboards.ca.gov/centralvalley/board\\_info/meetings/](http://www.waterboards.ca.gov/centralvalley/board_info/meetings/).
- B. Application for *Alcoholic Beverage License* dated April 15, 2013 for *Buckhorn Lodge* located at 26638 Hwy. 88, Pioneer, CA 95666.
- C. Application for *Alcoholic Beverage License* dated April 16, 2013 for *Dickeys Barbeque Pit* located at 12240 Industry Blvd., #74, Jackson, CA 95642.
- D. Application for *Alcoholic Beverage License* dated April 16, 2013 for *Turley Wine Cellars* located at 10851 Shenandoah Road, Plymouth, CA 95669.

- E. Auditor's check register dated April 8, 2013 totaling \$ 183,422.40.
- F. Auditor's check register dated April 15, 2013 totaling \$ 523,253.73.

---

RICHARD M. FORSTER, Chairman  
Board of Supervisors

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

---

Deputy