

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, May 14, 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 Real Property Negotiators:

APN: 005-020-008; 005-020-009; 005-020-015; 005-020-017 and 005-050-006-000 (Edwin Lands, LLC) (Terms & Conditions) County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins, General Services Director

ACTION: Direction given to staff.

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

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 minute of March 26 and April 9, 2013 will be 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 Plasse 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 Council of Tourism: Ms. Sandy Anderson, District IV resident, addressed the Board and thanked the Board for their investment in the Amador Council of Tourism. This investment reflects recognition of the success ACT has had in implementing tourism in Amador County. She continued by stating ACT is disappointed and dismayed to learn the preliminary 2013-2014 County Budget reflects a large decrease in funds to be allocated to ACT. Ms. Anderson stated for the past six years ACT has been the only entity dedicated to a sole purpose of promoting countywide tourism. She pointed out that tourism is a significant revenue generator for the County, its municipalities and citizens, and this negatively impacts tourism efforts and appears to be short-sided. Ms. Anderson stated it is important to remain steadfast in difficult economic times to continue to support one of our few revenue generating sources such as tourism. She also noted it was the will of the voters that Transient Occupancy Tax (TOT) monies should be directed towards marketing Amador County for tourism dollars. Ms. Anderson stated the Sutter Creek Promotions Committee and the Sutter Creek Business and Professional Association have made dollar commitments to partner with ACT to advertise and market Amador County. If these opportunities are limited due to the need for ACT to dedicate increased funds to administrative functions, this will not only affect ACT marketing efforts, but those that partner with ACT to leverage funds. Ms. Anderson continued by urging the Board to reconsider the decrease in funding in the upcoming budget.

Veteran's Open Clinic: Supervisor Novelli stated a Veteran's Clinic will be held at the American Legion Hall on the first Thursday in May and then again on the First Thursday in November. He stated this clinic will encompass any veteran related issues, medical and otherwise. He encouraged veterans to attend.

Amador-Tuolumne Community Action Agency: Supervisor Novelli advised bid packages are now available for the transitional housing project being sponsored by A-TCAAA. He encouraged local builders and contractors to pick up application materials from A-TCAA at their office on S. Highway 49, or at the City of Jackson Offices on Broadway in Jackson. He continued by noting all applicants must be residents of either Amador or Tuolumne County to be considered.

IGA Payless Market: Supervisor Novelli advised he has not been made aware of any new circumstances surrounding the potential closing of the IGA Payless Market in Pioneer. He did stated however, that it has been brought to his attention that the current owner of the market has committed to advising current employees 30 to 60 days in advance of the closure if it comes to fruition.

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 Oneto, seconded by Supervisor Novelli and unanimously carried to approve the consent agenda as presented.

REGULAR AGENDA

Assembly Bill 109: Discussion and possible action relative to a presentation by Sheriff Martin Ryan and Chief Probation Officer Mark Bonini relative to impacts and developments regarding the subject Bill.

Mr. Mark Bonini, Chief Probation Officer, addressed the Board and provided a brief background relative to this matter by stating in October 2011 the governor bestowed realignment upon the County. Mr. Bonini stated since that time staff has continued to work on issues and impacts to the local system impacted by this legislation. He stated the State did not come forward and force the Counties to adopt steadfast rules and procedures recommended by the State, but rather allowed the County to look at local issues and impacts and establish a local plan. Mr. Bonini stated the Community Corrections Partnership (CCP) was established to develop and refine a local plan. The CCP was made up of the Chief Probation Officer, Sheriff, District Attorney, Presiding Superior Court Judge (or designee), City of Jackson Chief of Police, Health and Human Services Director and the Public Defender. Mr. Bonini reviewed statistics relative to the plan and provided the Board with a memorandum outlining the exact numbers and is included in full in the Board packet for today's date.

Sheriff Martin Ryan, took this time to address the Board relative to the impacts to the Detention Facility due to the implementation of AB109.

Further discussion ensued with the Board commending Probation and Detention Facility staff for implementation of a very difficult plan. The following action was taken.

ACTION: None. Presentation only.

USDA Forest Service Proposed Planning Directives: Discussion and possible action relative to approval of the Chairman's signature on a letter to the USDA Forest Service outlining the Board's comments on the subject Planning Directives.

Mr. John Hofmann, Amador County Natural Resources Consultant, addressed the Board and reviewed a proposed letter to be sent to the USDA Forest service. A copy of the letter is incorporated in full in the Board packet for today's date.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Novelli and unanimously carried to approve the Chairman's signature on a letter to the USDA Forest Service outlining the Board's comments on the subject Planning Directives, with minor corrections as discussed.

Community Development Agency: Discussion and possible action relative to the Board's preferred geometric configuration as it relates to improvements of the intersection of Fiddletown Road and Shenandoah Road; and direction to staff to move forward with the Highway Safety Improvement Project grant to cover a portion of the costs associated with the improvement.

*****Please note, the audio recording system malfunctioned during this item on today's date. Therefore, specific and detailed transcription of dialogue was not captured. The following is a summary of the item.*****

Mr. Aaron Brusatori, Community Development Director, addressed the Board and stated Amador County Transportation Commission (ACTC) had directed their Consultant Engineer to develop conceptual design alternatives for the reconstruction/reconfiguration of the Fiddletown Rd./Shenandoah Rd. intersection. The proposed design alternatives are intended to alleviate current traffic safety issues at the intersection and provide a base alternative for utilization in the upcoming Highway Safety Improvement Plan (HSIP) funding grant application. It should be noted the Plymouth City Council met on May 9, 2013 and discussed the proposed project and has offered to apply for HSIP funding of up to \$1,500,000.00 in an effort to help the County complete the project, however, cost sharing will remain the County's responsibility. Mr. Brusatori stated after several iterations, ACTC, the City of Plymouth, Amador County Department of Transportation and the Consultant have identified three preliminary alternatives (Options) for discussion. The following are brief summaries of each option. A complete description including diagrams and the Department of Transportation analysis of each proposal is incorporated in full in the Board packet for today's date.

➤ **Option 3: No-Build**

Under this option, no improvement would be made to either Shenandoah Rd. or Fiddletown Rd. At the existing intersection, the existing westbound Fiddletown Rd. "yield" movement will continue to pose a conflict with north/eastbound vehicles on Shenandoah Rd. Additional sub-standard geometric roadway features will continue.

➤ **Option 1: Realignment and Profile Adjustment with a "T" Intersection**

This option proposes to shift the Shenandoah Rd. alignment northwest relative to the current alignment and raise the profile of the roadway. This will create a "crest" near the middle of the horizontal curve. At the "crest" of the proposed Shenandoah Rd. alignment, a new leg of Fiddletown Rd. will be constructed to intersect Shenandoah Rd. Shenandoah Rd. will remain a free flow through movement, while Fiddletown Rd. is proposed to be stop controlled at the intersection. Shenandoah Rd. will remain a two-lane road (one lane in each direction) with no dedicated right or left turn pockets at the intersection.

From Plymouth, the existing eastbound lane from Shenandoah Rd. to Fiddletown Rd. will remain operational creating a bypass of the new intersection for vehicles headed east to Fiddletown. A "yield" sign is proposed near the convergence of the new leg of Fiddletown Rd. and the existing eastbound movement. The existing Fiddletown Rd. connection (westbound to northbound) and yield on to Shenandoah Rd. will be eliminated.

➤ **Option 2: Realignment, Similar to Existing with added Merge Lane (Designed by Jon Colburn)**

Option 2 proposes to shift the Shenandoah Rd. alignment northwest relative to the current alignment. Unlike option 1, option 2 would not significantly raise the profile of Shenandoah Rd. The severely skewed intersection of the two roadways will remain on the west, similar to the existing condition (No-Build Option). Reconfigured turn, through and merge lanes are proposed west of the Shenandoah/Fiddletown Rd. merge/yield area. A new minor leg for turn movements onto Fiddletown Rd. will be constructed to replace the existing north/south connection between Shenandoah/Fiddletown Rd. on the east side of the project area. Shenandoah Rd. will remain a free flow through movement, while the rest of the legs from Fiddletown Rd. are proposed to be stop controlled.

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

Mr. Jon Colburn, District V resident
Mr. John Pulici, District V resident
Ms. Elida Malick, District V resident
Mr. Carl McDanel, District V resident

ACTION: Direction given to continue this matter to a workshop to be held on June 4, 2013 at a time to be announced.

Planning Department: Discussion and possible action relative to authorization to submit a grant application for energy planning program assistance.

Ms. Susan Grijalva, Planning Director, addressed the Board and stated the Sierra Business Council recently released a Request for Applications for energy planning program assistance. The County previously utilized PG&E grant funds for the preparation of a greenhouse gas emission inventory to provide information needed in preparing the EIR for the County's General Plan Update and Implementation Programs. She continued by stating this round of grants can provide up to 75% of the funds needed for the preparation of a strategic energy plan for the County which will be used in the General Plan's Implementation Programs. The County would be required to provide 25% matching or in-kind funds. She stated applications are due on May 31, 2013 and the project must be completed by the end of 2014.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Plasse and unanimously carried to direct staff to apply for this grant, barring any unforeseen language that may be discovered by the Planning Director, and authorization of the Chairman's signature on the application and a letter of support.

Administrative Agency: Discussion and possible action relative to Health Realignment Budgets that were not reviewed during the budget workshop due to outstanding issues regarding next year's funding levels.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and advised the Public Health budget is balanced at this time, however, the Environmental Health budget is 140,000.00 in deficit. He continued by stating staff has anticipated a \$200,000.00 loan from the general fund to the health realignment fund. Mr. Iley stated it is his recommendation to leave the Environmental Health budget in deficit for next year. He noted two retirements are expected in the Environmental Health Department within the next year and salary savings from these positions will be used to close the deficit.

Discussion ensued with the Board concurring with the recommendations presented by Mr. Chuck Iley, County Administrative Officer.

ACTION: Direction given to staff.

Water Supply Fund Administration, Eligibility and Criteria Policy: Discussion and possible action relative to the subject Policy.

Supervisor Forster stated the impetus for reviewing this policy was Mr. Tom Hoover's retirement as General Manager of the Jackson Valley Irrigation District. Mr. Hoover has worked on previous committees with responsibility for reviewing and modifying the document. He has extensive knowledge of the water systems in Amador County dating back to the mid 1980's which gives him a unique historical perspective. He is also the former General Manager of the Amador Water Agency. A Committee consisting of Mr. Hoover, Mr. Gene Mancebo and Supervisor Forster was formed to review the policy and modify it in such a way as to reflect what the committee felt are changes necessary to reflect proper uses of the money in the fund for water and wastewater projects. The purpose was expanded, definitions of terms were added, and a general clean-up of wording was done.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Novelli and unanimously carried to approve the amendments and Board changes to the Water Supply Fund Administration, Eligibility and Criteria Policy and place on the next Consent agenda for adoption.

U.S. Fish and Wildlife Service: Discussion and possible action relative to the Chairman's signature on a letter of opposition regarding the publishing to the Federal Register two proposed rules to list and designate critical habitat for three amphibians located in California by the U.S. Fish and Wildlife Service.

Mr. John Hofmann, Natural Resource Consultant, addressed the Board and summarized this matter for the Board.

Discussion ensued with the following individuals wishing to speak relative to this matter:

Mr. Mark Bennett
Mr. Terry Nielsen
Mr. Robert Allen

Further discussion ensued with the Board indicating a preference for a field hearing relative to the proposed filings to be held in Jackson and staff would be amenable to making the meeting arrangements. Additionally, the Board and staff would be willing to work with the USFWS to organize the hearing to maximize mutual benefits to both the Fish and Wildlife Service and the public. In addition the Board would also like the letter to request more information on the proposed critical habitat within Amador County. The Federal Register proposes within subunit 2F, 108,842 acres on Squaw Ridge, but no other information was included on why that area was selected or any details as to the location.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Plasse and unanimously carried to authorize the Chairman's signature on a letter to the US Fish and Wildlife Service requesting a field hearing for the proposed listing of the Sierra Nevada yellow-legged frog, the northern DPS of the mountain yellow-legged frog, and the Yosemite toad.

Assembly Bill 52: Discussion and possible action relative to the subject legislation as it relates to the Native American Historic Resource Protection Act.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Oneto and unanimously carried to authorize the Chairman's signature on a letter of opposition relative to the subject legislation.

Minutes: Review and approval of the April 9, 2013 and April 23, 2013 Board of Supervisors meeting minutes.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Novelli and unanimously carried to approve the April 9, 2013 Board of Supervisors meeting minutes with minor revisions and hold the April 23, 2013 meeting minutes over for approval at a future meeting.

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

PUBLIC HEARINGS

Surveying Department: Discussion and possible action relative to a public hearing to consider a proposed vacation of two portions of a twenty-five foot (25') wide public utility easement within the 25' Building Setback area within Lot 69, as shown on the official map titled, "Kirkwood Meadows Unit No. 1" recorded in Book 3 of Subdivision Maps, at pages 30 thru 32, Records of Amador County, for Bernon R. Erickson, Jr. and Ann Dethloff. The property is located at the southeasterly side of Danburg Drive, approximately 2,200 feet from the junction with Fremont Road, in the Kirkwood area. Assessor's Parcel No. 26-162-003. A Resolution of Intention to vacate said public utility easement was adopted by the Board of Supervisors in Resolution No. 13-033.

Mr. George Allen, Surveyor, addressed the Board and stated Kirkwood Meadows Public Utility District has not had time to review this request and is not prepared to make a recommendation to the Board at this time. He requested the Chairman open the public hearing and if no comment is heard continue this hearing to May 28, 2013 for discussion and possible action.

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

ACTION: Public hearing continued pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Novelli and unanimously carried to continue the public hearing to May 28, 2013 at 10:30 a.m.

Planning Department: Discussion and possible action relative to a public hearing to consider and take action on the recommendation of the Planning Commission to conditionally approve: A request by Bernie and Ann Erickson for a variance from Amador County Code §19.24.040 -"R1" District Regulations which requires a 25' front setback to allow for construction of additions to an existing residence consisting of an attached garage, entryway and a small portion of a covered deck to within 10 feet of the front property line. Project is located on the east side of "Upper" Dangberg Drive about 800' north of the end of Dangberg Drive, being Lot 69 of Kirkwood Meadows Unit 1, in Kirkwood (APN 026-162-003-000).

Ms. Susan Grijalva, Planning Director, briefly reviewed the staff report relative to this item. She stated as this issue relates to the previous matter she is requesting a continuance to May 28, 2013 so both items may be considered together.

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

ACTION: Public hearing continued pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Plasse and unanimously carried to continue the public hearing to May 28, 2013 at 10:30 a.m.

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 2:25 p.m., the Board convened into closed session.**

REGULAR SESSION: At 2:40 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.

ADJOURNMENT: Until Tuesday, May 28, 2013, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

May 14, 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. **Planning Department:** Approval of a request of transfer funds between line items in the Building Department and the Planning Department budget to cover the cost of a vehicle in the Building Department and to purchase code books.

2. **TAX MATTERS** None

3. **RESOLUTIONS**

- A. **Treasurer/Tax Collector (#13-041):** Approval of a resolution discharging Tax Collector Michael E. Ryan from further accountability for the collection of amounts on unsecured tax roll (s) where the amounts are so small as to not justify the cost of collection or collection enforcement is impractical.
- B. **Surveying & Engineering (#13-042):** Approval of a resolution approving a Boundary Line Adjustment #2012-002 application extension for Jesus Borjon and Nora E. Borjon.

4. **AGREEMENTS**

- A. **Health and Human Services:** Approval of a continued provision of Targeted Case Management (TCM) to eligible Medi-Cal beneficiaries for FY's 2013 – 2018 per the Medi-Cal TCM Provider Participation Agreement.
- B. **Health and Human Services:** Approval of a continued provision of Medi-Cal Administrative Activities (MAA) to eligible Medi-Cal beneficiaries for fiscal years 2013 – 2018 per the Medical Administrative Activities agreement.
- C. **Probation Department:** Approval of an agreement between Foothills Counseling Services and Amador County that will provide three (3) beds for realigned offenders at the *Sober Living Environment* in Ione.

- D. **Probation Department:** Approval of an agreement between Amador-Tuolumne Community Action Agency (A-TCAA) and Amador County to provide the *Aggression Replacement Training (ART) Program* that will be provided to Amador County at-risk youth by A-TCAA.
- E. **Probation Department:** Approval of an agreement between Amador-Tuolumne Community Action Agency (A-TCAA) and Amador County to provide the *180/You-Turn Program* designed for male youths 9-18 years of age.
- F. **Auditor/Controller:** Approval of an agreement for Expenditure and Accounting for County funds with the Native Sons of the Golden West, Excelsior Parlor #31 for the purchase of fish for the *Fish Derby at Lake Tabeaud* from State Fish and Game fund for Saturday, June 15, 2013.
- G. **Administrative Agency:** Approval of an agreement between the County of Amador and the Amador County Historical Society regarding the Management of the Amador County Museum.
- H. **General Services Administration:** Approval to award RFP 13-04 to *World Fuel Service Ascent Aviation* utilizing Ascent Fuels for the Airport.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS** None

7. **MISCELLANEOUS**

A. **Transportation and Public Works:** Approval to advertise internally for the position of Public Works Maintenance Lead Worker which is currently budgeted and vacant due to retirement.

8. **GENERAL CORRESPONDENCE**

A. Notice of Proposed Regulatory Action dated May 3, 2013, from the *State Fish and Game Commission* relative to Sections 401 and 480, Title 14, California Code of regulations, relating to Depredation Permit Application and form, and Bobcat Depredation, which will be published in the California Regulatory Notice register on May 3, 2013.

B. Notice of Proposed Regulatory Action dated May 1, 2013, from the *State Fish and Game Commission* relative to sections 190 and 195, Title 14, California Code of regulations, relating to Commercial Fishing Activity Reports and Commercial Passenger Fishing Vessel Logbooks, which will be published in the California Regulatory Notice Register on May 3, 2013.

C. Memorandum from the Environmental Health Department relative to a recap of the activity during April 2013 totaling \$12,034.83.

D. Auditor's check register dated April 19, 2013 totaling \$ 305,695.23.

E. Auditor's check register dated April 26, 2013 totaling \$ 199,037.26.

- F. Auditor's check register dated May 6, 2013 totaling \$ 177,900.22.
- G. Letter of Commendation dated May 3, 2013 from Linda Van Vleck, Code Enforcement Officer, thanking the Public Works road crew for cleaning up the roadside of illegal dumping.

RICHARD M. FORSTER, Chairman
Board of Supervisors

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

Deputy