

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

**DATE:** Tuesday, March 12, 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 Real Property Negotiators:**

APN: 044-400-010-000 (Jeff Holman and Susan Manning) (Terms & Conditions)  
County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins,  
General Services Director

**ACTION:** Direction given to staff.

**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 – Potential Litigation [Government Code  
54956.9(b)]:**

Claim of Jennifer M. Farmer

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

**MOTION:** It was moved by Supervisor Plasse, seconded by Supervisor Boitano  
and unanimously carried to deny the subject claim due to liabilities and damages of  
the County being disputed.

Claim of Christopher Ryan Davison

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

**MOTION:** It was moved by Supervisor Novelli, seconded by Supervisor Plasse  
and unanimously carried to deny the subject claim due to liabilities and damages of  
the County being disputed.

**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 Oneto, seconded by Supervisor Plasse  
and unanimously carried to approve the confidential minutes of February 12, 2013  
and February 26, 2013 with minor corrections.

**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 item was added as an Addendum to the Agenda for today's date.

**CISAC's Specialty Block Grant Proposal:** Discussion and possible action relative to approval of the Chairman's signature on a letter of support for a project entitled "Building the Network: Protecting California's Specialty Crops from Invasive Species with Better Communications and Outreach".

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

**MOTION:** It was moved by Supervisor Novelli, seconded by Supervisor Plasse 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 Commission on Aging:** Mr. Skip Schaufel, Chairman, Amador Council of Aging, along with Ms. Virginia Manner, addressed the Board and presented the 2012 Annual Report. Mr. Schaufel also took this time to thank the Board for their support of this valuable Commission. Ms. Virginia Manner also thanked the Board for their contribution to "Today's Seniors Living Well" Program which will begin in April 2013, and complimented the Board on giving Senior's in our Community the opportunity to achieve a better way of life. Mr. Schaufel concluded by stating the Commission currently has vacancies and encouraged the public to contact the Board Office for an application.

**Veterans Helping Senior Veterans:** Supervisor Novelli reported on a newly formed program that will allow Veterans to assist Senior Veterans who are utilizing Hospice services. Supervisor Novelli advised an informative presentation was facilitated recently at the American Legion Hall that described the specifics. He encouraged anyone interested to contact Amador County Veteran's Services for more information.

**Proposed Bills:** Supervisor Novelli reported that between February 18, 2013 and February 26, 2013 955 bills were brought before the House of Representatives and 505 Bills were brought before the Senate, and as of today's date, none have been rescinded.

Smoking Ban in Rental Property: Supervisor Novelli stated a proposed Bill is being presented that could hold landlords liable if they allow smokers to rent their property. Supervisor Novelli stated his concern is how this could be enforced in California due to Medical Marijuana situations. Supervisor Forster stated it is his understanding that this proposed legislation is not exempted.

**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**

**Amador-Tuolumne Community Action Agency (A-TCAA):** Discussion and possible action relative to a request for funding and a presentation by Ms. Shelly Hance, A-TCAA Executive Director, regarding A-TCAA activities and accomplishments in the last year.

Ms. Shelly Hance, A-TCAA, Executive Director, addressed the Board and provided a summary of activities and accomplishments and requested the \$16,000.00 currently allocated in the 2012-2013 Budget be released.

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 accept the report as presented and allocate the 16,000.00 to ATCAA.

**Elected Officials:** Discussion and possible action relative to a request for a salary survey to be conducted for Elected Official positions.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and stated the request came from the Sheriff who is representing the Elected Officials, to perform a salary survey for informational purposes only. Mr. Iley stated it is not an intensive effort to conduct a six person salary survey so no cost should be associated as it can be done in house.

Supervisor Boitano stated he is not generally opposed to the survey however expressed concern relative to comparing “apples to apples” as other jurisdictions may be larger or have combined department scenarios. CAO Iley assured the survey would break the information down so it is clear.

Supervisor Plasse questioned the Elected Officials timeline in requesting a deadline of April 1<sup>st</sup> for completion of the survey. He also would like an explanation of what planning purposes are in play and the timing of such.

Sheriff Martin Ryan addressed the Board and stated on February 26, 2013, the six elected officials met and discussed things they would be interested in accomplishing a collective group. He continued by stating the last salary survey for this group was done in 2008, therefore the Elected Officials feel an updated survey would be beneficial for future planning purposes. He stated historically salary surveys were done on a routine basis, but as budgets tightened surveys were not done as often. Sheriff Ryan continued by stating the group would like to have the survey updated and assigned the April 1<sup>st</sup> deadline to ensure a firm completion date and eliminate the chance of the survey request getting lost in day to day business. Sheriff Ryan stated he made it clear in a letter to Chairman Forster that the Elected Officials have not asked for a raise in light of the bleak budget situation and do not intend to request raises when the results of the survey are received. Sheriff Ryan continued by stating in 2008 the survey revealed the following positions were under the average of the Counties surveyed: Assessor; 18% under average, Auditor; 20.14 under average, Clerk Recorder; 26.3 under average, District Attorney; 21.07 under average, Sheriff Coroner, 19.54 under average, Treasurer/Tax Collector; 18.2 under average. That being said, he explained the impetus of requesting the current survey is so the Elected Officials can see where they stand in regards to the 2008 comparisons, and provide them for information for future planning in improved economic climates.

Further discussion ensued with the following action being taken.

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

**MOTION: It was moved by Supervisor Oneto, seconded by Novelli to authorize a salary survey be conducted in house by the Human Resources Department.**

**County Medical Services Program (CMSP) Governing Board:** Discussion and possible action relative to a report by Chairman Forster regarding the Proposed Principles and Alternative Approach for Medi-Cal Expansion in California.

Chairman Forster stated he sits as a representative for the Regional Council County Medical Services Program. He explained in Governor Brown's proposed 2013-14 fiscal year State Budget, he proposed two alternative approaches for implementing the federal Medicaid expansion to provide Medi-Cal coverage to low income, single adults up to 138% of the Federal Poverty Level (FPL) - A State Option and a County Option. However, to date the Brown Administration representatives have suggested that one approach will be adopted and all 58 counties will follow the approach selected. The following summarizes each approach:

- **State-Based Approach:** This approach calls for building upon the existing state-administered Medicaid program and managed care delivery system. With this approach, the state would offer a standardized, statewide benefit package comparable to what is available today in Medi-Cal, excluding long-term care coverage.

- **County-Based Approach:** Under this approach, the Medi-Cal expansion would be built upon the existing county Low Income Health Programs (LIHPs). Counties would maintain their current responsibility for indigent health care services but would need to meet certain statewide requirements pertaining to eligibility and a minimum health benefits package consistent with that offered through Covered California. Counties could potentially offer additional benefits, except for long-term care.

Supervisor Forster continued by stating there are a variety of risks to counties under either option. Under a State-Based Approach, the risks are focused primarily on proposals from the Brown Administration to take current Health Realignment funding allocated to counties and repurpose it. Under a County-Based Approach, the risks are associated with the uncertainty resulting from the approach.

It should be noted that a complete copy of the testimony of Lee D. Kemper, Director of Policy and Planning, County Medical Services Program (CMSP) Governing Board, relative to this matter is incorporated in full in the Board packet for today's date.

**ACTION: None. Update only.**

**California State Association of Counties:** Discussion and possible action relative to an update by Supervisor Boitano regarding a recent meeting of the CSAC Board of Directors.

Supervisor Boitano provided an update relative to a recent meeting of the CSAC Board of Directors. Some points he summarized are, but not limited to, those listed below. A complete copy of the materials referred to in this report is incorporated in full in the Board packet for today's date.

State efficacy priorities  
 2011 Realignment  
 Assembly Bill 109 allocations  
 Health reform implementation  
 Thresholds for local taxes  
 Redevelopment dissolution or resurrection  
 Prop tax allocation  
 Highway User Tax Account (HUTA)  
 California Environmental Quality Act (CEQA) Reform  
 Clean Water Act  
 Pension Tier Changes  
 Property Assessment  
 Native American Affairs  
 Secure Rural Schools Act  
 Health reform implementation  
 Agriculture and Natural Resources  
 Williamson Act  
 Health and Human Services Realignment

**ACTION:** None. Update only.

**CISAC's Specialty Block Grant Proposal:** Discussion and possible action relative to approval of the Chairman's signature on a letter of support for a project entitled "Building the Network: Protecting California's Specialty Crops from Invasive Species with Better Communications and Outreach".

Supervisor Forster summarized this item by stating CISAC is applying for the CDFA Specialty Crop Block Grant program and is seeking Board support. He stated the project entitled "Building the Network: Protection California's Specialty Crops from Invasive Species with Better Communications and Outreach", seeks to build on key Framework elements by creating a more robust communications loop and increasing public engagement to strengthen protections against invasive species as they affect specialty crops.

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 to authorize the Chairman's signature on a letter of support for CISAC's Specialty Block Grant Proposal.

**Minutes:** Review and approval of the February 26, 2013 Board of Supervisors Meeting Minutes.

Discussion ensued with Supervisors indicating changes to the following excerpts from the February 26, 2013 minutes.

**Environmental Health Department Fees:**

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~~ major menu change occurs.

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

A-Pal learned of the Trap, Neuter and Release program implemented in Florida and researched their program to discover a possible yet inconclusive correlation ~~direct correlation~~ between spay/neuter numbers and shelter intake numbers. It was theorized ~~discovered~~ that removing and destroying feral cats simply creates a vacuum effect with more cats that are capable of reproducing moving in.

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

**MOTION:** It was moved by Supervisor Oneto, seconded by Supervisor Plasse and unanimously carried to approve the minutes with changes as outlined above.

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

**PUBLIC HEARINGS**

**Community Development Block Grant (CDBG) Program:** Discussion and possible action relative to a public hearing for the purpose of soliciting citizens' views to consider an update to the County's CDBG Program Income and Reuse Plan.

Ms. Terry Cox, Cox Consulting, addressed the Board and summarized the staff report relative to this matter as incorporated in full in the Board packet for today's date.

Discussion ensued with the following action being taken.

Chairman Forster opened the public hearing. Hearing no comment, the following action was taken.

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

**MOTION #1:** It was moved by Supervisor Novelli, seconded by Supervisor Oneto and unanimously carried to close public hearing.

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

**MOTION #2:** It was moved by Supervisor Plasse, seconded by Supervisor Oneto to adopt the following resolution approving the update of the County CDBG Program Income Reuse Plan.

**RESOLUTION NO. 13-029**

Resolution approving the update of the County CDBG Program Income Reuse Plan.

**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 11:20 a.m., the Board convened into closed session.**

**The following matters were heard:**



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

**ACTION:** Nothing to report.

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

**ACTION:** Update only.

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

**ACTION:** Update only.

**REGULAR SESSION:** At 11:30 a.m., the Board reconvened into regular session. Chairman Forster reported the above issues were reviewed in closed session:

**ADJOURNMENT:** Until Tuesday, March 26, 2013, at 8:30 a.m.

**AMADOR COUNTY  
BOARD OF SUPERVISORS**

**CONSENT AGENDA**

**March 12, 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. **District Attorney's Office:** Approval of revenue increase in 2120-45240 in the amount of \$18,000.00 and 2120-460099 in the amount of \$10,000.00 and an increase in budget 2120-56200 in the amount of \$28,000.00, to reflect the *COPS* funding allocation for 2012/2013. Revenue to be utilized for a Case Management System in the subject Department.
- B. **Sheriff's Office:** Approval of a revenue increase in 2310-45240 of \$28,000.00 and an increase in budget 2310-50102 of \$28,000.00, to reflect the *COPS* funding allocation for 2012/2013. Revenue to be utilized to cover correctional staff overtime overages due to needs resulting from injuries, illness and significant amounts of FMLA leave.
- C. **Sheriff's Office:** Approval of a revenue increase in 2750-45230 in the amount of \$47,686.90 and an increase in budget 2750-54150 of \$47,686.90 to reflect the remaining balance of the fiscal year *2010 Homeland Security Grant*, which should have been encumbered for 2012/2013.

**2. TAX MATTERS**

- A. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 004-080-009-000 (Scagliola, Richard & Sherry); APN 018-294-006-000 (Armstrong, Billie B. Revocable Living Trust 2005); APN 020-070-032-000 (Jackson Preservation, LP); APN 020-070-032-000 (Jackson Preservation, LP); APN 020-070-032-000 (Jackson Preservation, LP); APN 044-020-006-000 (International Church of the Four Square Gospel).

**3. RESOLUTIONS**

- A. **Building Department (#13-024):** Approval of a resolution authorizing recordation of Agreement to Limit Uses of Agricultural Structure – *Donald D. Carter, Jr. Permit #AG01013*.

- B. **Administration Department (#13-022):** Approval of a resolution proclaiming 2013 as “*The Year of the Child.*”
- C. **Surveying and Engineering (#13-024):** Approval of a Resolution of Intention to vacate a public utility easement for the *Reed Leasing Group, LLC*, a California Limited Liability Company and scheduling of public hearing for same.

4. **AGREEMENTS**

- A. **Health & Human Services:** Approval of a First Amendment to original agreement (6/26/12) with *Crestwood Behavioral Health, Inc.* dba: American River Behavioral Health Center, dba: Fruitridge Transitional Home, and dba: Engle House, a California Corporation.
- B. **Health & Human Services:** Approval of a Service Agreement with St. Helena Hospital & dba *St. Helena Hospital Center for Behavioral Health* to provide psychiatric in-patient treatment services for clients of Amador County.
- C. **Transportation and Public Works:** Approval of a 5<sup>th</sup> Amendment to original agreement dated 9/29/09 with *Stantec Consulting Services, Inc.* to modify the consultant’s Task List, to revise the Plans and Specifications for the Ridge Road/New York Ranch Road intersection signalization project to include the installation of pre-empted signals as a safety measure.
- D. **Environmental Health:** Approval to authorize the Chairman of the Board of Supervisors to sign as owner for the Report of Facility Information (RFI) Amendment Application, by ACES Waste Services for the *Western Amador Recycling Facility (WARF)*.
- E. **General Services Administration:** Approval of an Assignment and Assumption of Lease between Chuck Laughlin (“Original Lessee”) and Marvin H. Price, and Kittie Baker (collectively “Successor Lessees”) for Airport Lot #101.
- F. **General Services Administration:** Approval of an Airport Improvement Program (AIP) Grant offer from the Federal Aviation Administration (FAA) in the amount of \$150,000.00 for the “Design of Precision Approach Path Indicator (PAPI) systems, related electrical reconstruction and modifications for Runway 01/19 and PAPI Sighting Obstruction Identification and Mitigation.”
- G. **General Services Administration:** Approval of a Sublease Agreement with *Amador Community College Foundation (ACCF)* for office space located within the building occupied by Amador County at 10877 Conductor Blvd., Sutter Creek, California until February 28, 2014.

5. **ORDINANCES**      None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

A. **Mental Health Advisory Board:** Approval of the following appointment to the subject Board:

- *Richard Reinoehl* as Public Member for a three (3) year term 3/12/13 - 3/11/2016

B. **Agricultural Advisory Committee:** Approval of the following appointment and re-appointments to the subject Board that are co-terminus with the Board of Supervisors terms:

- **District I** – *David Bassett* (Regular member) and *Chris Bennett* (Alternate)
- **District II** – *Dan Port* (Regular member)
- **District III** – *Patrick Minyard* (Regular member)
- **District IV** – *John Allen, Jr.* (Regular member)
- **District V** – *Jerry Notestine* (Regular member)

C. **Airport Advisory Committee:** Approval of the following re-appointments to the subject Board for a term that coincides with the term of the Supervisor which the appointee represents.

- **District I** – *Chris Floyd & Charles Huffman* (Regular members)  
*Marvin Price* (Alternate)
- **District II** – *Bonnie Dufrene & Jim Floyd* (Regular members)  
*John B. Allen* (Alternate)
- **District IV** – *Dave Richards & Mark Ohlau* (Regular members)  
*Debbie Dunn* (Alternate)

7. **MISCELLANEOUS**

A. **Amador Fire Protection District:** Approval of the adopted Conflict of Interest Code that is in compliance with Government Code by the Amador Fire Protection District on February 19, 2013.

8. **GENERAL CORRESPONDENCE**

A. Notice of Proposed Regulatory Action dated February 22, 2013, from the *State Fish and Game Commission* relative to Section 7.50, Title 14, California Code of Regulations, relating to Klamath-Trinity Rivers salmon sport fishing, which will be published in the California Regulatory Notice Register on February 22, 2013. Mr. Neil Manji, Department of Fish and Wildlife, Northern Region, phone (530) 225-2374, has been designated to respond to questions on the substance of the proposed regulations.

- B. Notice of Findings dated February 26, 2013, from *State Fish and Game Commission* relative to a petition submitted to list the Northeastern Pacific Ocean population of white shark as a threatened or endangered species. Within one year of the date of publication of this notice of findings, the Department of Fish and Wildlife shall submit a written report of the Fish and Game Code, indicating whether the petitioned action is warranted.
- C. Memorandum from the *Environmental Health Department* relative to a recap of activity during February 2013, totaling \$ 31,038.20.
- D. Auditor's check register dated March 1, 2013 totaling \$ 454,936.84.

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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