

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, June 11, 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
Brian Oneto, District V
John Plasse, District 1

Absent: Jennifer Burns, Clerk of the Board

Staff: Charles T. Iley, County Administrative Officer
Gregory Gillott, County Counsel
Teresa Wagstaff, Deputy Board Clerk I

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: Direction given to staff

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: Update given.

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 given.

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

ACTION: Update given.

Confidential Minutes: Review and approval of the confidential minutes of May 14, 2013 and May 28, 2013.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Novelli, seconded by Supervisor Boitano and unanimously carried to approve the confidential minutes of May 14, 2013 and May 28, 2013 as presented.

Abstain: Supervisor Plasse

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 presented.

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.

Caltrans: Supervisor Oneto took this time to express his gratitude to Caltrans workers who recently trimmed branches and trees along Highway 88/49 that were causing a visibility and safety issue for drivers.

CalPERS: Supervisor Oneto commented on an article he recently read which described the current office building that houses CalPERS staff in downtown Sacramento. He said the building is an architectural masterpiece and in his opinion palatial in light of continued increases in CalPERS rates and an unnecessary expense that is being borne by government employees.

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

Human Resources: Discussion and possible action relative to selection of a County of Amador 457(b) Plan provider. (Continued from May 28, 2013).

Supervisor Forster reviewed an “apples to apples” comparison of each proposed Plan. A complete copy is incorporated in full in the Board packet for today’s date.

The following entities provided brief overviews of the proposed plans regarding the County of Amador 457(b) plan:

- Great-West Financial
- The Hartford
- ING

Further discussion ensued with the Board directing Ms .Diane Blanc, Human Resource Director and Mr. Chuck Iley, County Administrative Officer to organize and facilitate a series of employee meeting that will provide 457 Plan participants with an “apples to apples” comparison of the Plans being offered. Chairman Forster directed Ms. Blanc to send an email to employees announcing the meeting dates with thought being given to providing several time frames and dates so

that interested employees would have the opportunity to attend. Further direction was give to bring this matter back to the July 23, 2013 meeting for an update regarding the outcome of the employee meetings.

ACTION: Direction given to staff.

Amador County Recreation Agency (ACRA): Discussion and possible action relative to a second amendment to the Joint Powers Authority that comprises ACRA.

Ms. Tracy Towner, ACRA Executive Director, addressed the Board and stated at the May 8, 2013 Amador County Recreation Agency meeting the ACRA Board of Directors adopted the following language amending the Joint Powers Authority that comprises ACRA:

- It is now the second amendment, and the new date will read May 8,2013
- County Service Area No. 3 (Lake Camanche) CSA 3 will be removed from the first paragraph.
- Section 3.1: The governing board will now be comprised of nine (9) members; previously the board consisted of (10) ten members. Strike the second to last sentence in this paragraph, which designated the appointment process of the representative for CSA 3.
- Section 3.6 establishes the quorum at five (5) board members; previously the quorum was six (6) board members.
- Section 4.5 changes the word “shall” to “may”.
- Section 6.3-this section was removed
- Section 7.2 clearly defines the disposition of all ACRA’s assets, should this agreement be terminated.

Ms. Towner stated it is necessary for the Board of Supervisors to accept these changes, along with all boards and councils that comprise the JPA.

Discussion ensued with the following action being taken.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to approve the second amendment to the Joint Powers Authority that comprises ACRA as presented.

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

PUBLIC HEARINGS

Planning Department: Discussion and possible action relative to a public hearing to consider public hearing to consider and take action on the Planning Commission’s recommendation to grant a request by Dennis Mickel, agent for William Schwanki & Gail

Sielski for a zone change from “AG,” Exclusive Agricultural district to “R1A,” Single Family Residential district due to a Boundary Line Adjustment; located on the north side of Mt. Whitney Drive approximately 1,200’ north of Fiddletown Road in the Fiddletown area.

Mr. Chuck Beatty, Planning Department, addressed the Board and reviewed the staff report relative to this matter as incorporated in full in the Board packet for today’s date.

Chairman Forster opened the public hearing at this time. 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 Plasse and unanimously carried to close the public hearing.

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

MOTION #2: It was moved by Supervisor Oneto, seconded by Supervisor Novelli and unanimously carried to adopt the ordinance amending Sectional Zoning District Map No. N-200 pursuant to Section 19.20.020 of the Amador County Code by rezoning certain real property from the “AG,” Exclusive Agriculture District to “R1A”, Single-Family Residential-Agricultural District in conjunction with a Boundary Line Adjustment (#2013-002) between William and Gail Schwanki and the Mickel Family Trust, including the following findings.

1. The Zone Change is consistent with the surrounding land uses and the Amador County General Plan, Land Use Element at this location; and,
2. A review of the proposal was conducted by staff, through their own research who found that the Zone Change will not have a significant effect on the environment and is Categorically Exempt according to Appendix B subsection (c) (9) of the Amador County CEQA Guidelines and Section 15305, Class 5 (Minor Alteration in Land Use Limitations) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

ORDINANCE NO. 1728

Ordinance amending Sectional Zoning District Map No. N-200 pursuant to Section 19.20.020 of the Amador County Code by rezoning certain real property from the “AG,” Exclusive Agriculture District to “R1A”, Single-Family Residential-Agricultural District in conjunction with a Boundary Line Adjustment (#2013-002) between William and Gail Schwanki and the Mickel Family Trust

Planning Department: Discussion and possible action relative to a public hearing to consider and take action on the Planning Commission’s recommendation to approve a request by Linda Raymond for a variance from County Code Section 19.24.04(E) (requiring a 25’ front

setback) and 19.48.4110(M) (requiring a 50' setback from the centerline of the traveled roadbed) to allow for the construction of a concrete block wall/fence to within 10' of the front property line (43' from the centerline of Ridge Road) and 5' from the side property line in the "R1A" zoned district. The projected is located at 12995 Ridge Rd, approximately 1.4 miles east of Hwy 49.

Supervisor Oneto recused himself from discussion or action relative to this item to avoid any potential conflict of interest issues due to ownership of a parcel of land adjacent to the subject property.

Mr. Chuck Beatty, Planning Department, reviewed the staff report relative to this matter as incorporated in full in the Board packet for today's date.

Chairman Forster opened the public hearing at this time. 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 Plasse and unanimously carried to close the public hearing.

Ayes: Supervisors Novelli, Plasse, Boitano and Foster

Noes: None

Recused: Supervisor Oneto

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

MOTION #2: It was moved by Supervisor Novelli, seconded by Supervisor Boitano and unanimously carried to adopt a resolution approving a variance to County Code Section 19.24.045 "R1A" district regulations requiring a 25' front building setback and 19.48.110 (M) structures to be 50' from centerline of roads to allow construction of a solid masonry wall/fence at 12995 Ridge Road (APN 040-100-002), including the following findings and conditions.

RESOLUTION NO. 13-055

Resolution approving a variance to County Code Section 19.24.045 "R1A" district regulations requiring a 25' front building setback and 19.48.110 (M) structures to be 50' from centerline of roads to allow construction of a solid masonry wall/fence at 12995 Ridge Road (APN 040-100-002), including the following findings and conditions.

Planning Department: Discussion and possible action relative to a public hearing to consider and take action on A) Request for the finding that the sign provides directional information about publically or privately owned natural phenomena, historic, cultural, scientific,

educational and religious sites; and areas of natural scenic beauty or naturally suited for outdoor recreation, deemed to be of outstanding interest of the traveling public and must be nationally or regionally known to apply for a CalTrans permit for an off-site private directional sign; and B) to consider and take action on the Planning Commission's recommendation to approve a request by West End Consortium (Suzanne Kreutzer, rep.) for a variance from County Code Section 19.32.010 J (requiring directional signs to be no larger than 10 square feet) to allow the directional sign for wineries in the west end of the County to be no larger than 30 square feet. The projected is located on the north side of Highway 16, east of the DeMartini Road / Carbondale Road intersection in the Plymouth area.

Supervisor Oneto recused himself from discussion or action relative to this item to avoid any potential conflict of interest issues due to ownership of a parcel of land adjacent to one of the applicants in this matter.

Ms. Susan Grijalva, Planning Director, addressed the Board and reviewed the staff report relative to this matter as incorporated in full in the Board packet for today's date.

Chairman Forster opened the public hearing at this time. 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 Boitano, seconded by Supervisor Novelli and unanimously carried to close the public hearing.

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

MOTION #2: It was moved by Supervisor Boitano, seconded by Supervisor Novelli and carried to deny the request for variance to exceed the maximum allowed 10 sq. ft. size for off-site quasi-public directional signs; and decline to make the findings necessary pursuant to the State and Federal sign regulations.

Ayes: Supervisors Boitano, Novelli and Plasse

Noes: Supervisor Forster

Recused: Supervisor Oneto

Supervisor Oneto returned to the meeting at this time. Supervisor Plasse recused himself from discussion or action on the following item to avoid any potential conflict of interest issues that may arise do to a family member being directly employed by ACES Waste Service.

Community Development Agency/Waste Management: Discussion and possible action relative to implementation of refuse rate adjustments to include rate reductions in all three franchise areas and the Buena Vista Transfer Station.

Mr. Jim McHargue, Solid Waste Program Manager, addressed the Board reviewed the staff report as 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 2013 Refuse Rate Adjustments for Rate Year 6, with the understanding that the 0.13% increase for the Pine Grove Transfer Station will not be implemented at this time.

Ayes: Supervisors Boitano, Novelli, Forster and Oneto

Noes: None

Recused: Supervisor Plasse

Supervisor Plasse returned to the meeting at this time and was present for the remainder of the meeting.

Proposition 172 Expenditures: Discussion and possible action relative to ratification of the following Proposition 172 acceptable expenditures approved by the Amador Fire Protection Authority: paid personnel, volunteer personnel, training, turnouts and personal protective equipment, radios and communications and fire department safety equipment.

Mr. Jake Herfel, Jackson Valley Fire Protection District, addressed the Board and stated the purpose of this agenda item today is to clarify what Proposition 172 monies are being used for. He stated the Amador Fire Protection Authority (AFPA) have approved the following expenditures as acceptable:

- Paid Personnel
- Administrative Costs
- Volunteer Personnel
- Training
- Turnouts
- Personal Protective Equipment
- Radios/Communications
- Fire Department Safety Equipment

Supervisor Plasse stated some Proposition 172 monies have already been distributed to the seven different fire protection entities in the County and he does not feel the Board of Supervisors has jurisdiction to dictate how monies that have already been distributed can or have been spent.

Supervisor Boitano also noted for the record that they are very much in favor of seeing consolidation efforts by the various entities move forward.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to accept the report as outlined today indicating how Amador Fire Protection Authority and the various fire districts in the County propose to expend their existing Proposition 172 balances, but in no way is this a ratification or pre-approval of how future Proposition 172 monies, should they be disbursed, be expended.

2013-2014 Proposed Budget: Discussion and possible action relative to approval of the subject Budget.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and presented the 2013-2014 recommended budget. He stated the budget has been balanced and contains no employee layoffs. He continued by stating the budget does reflect a total reduction in budgeted uses of approximately \$350,000.00. Mr. Iley anticipates that the difference between expenditures and revenues should close over the next year leaving the County in exactly the same position then as now. Further discussion ensued with Mr. Iley fielding questions from the Board and a point was made that Supervisor Forster's discretionary fund has been reduced to zero as well as reductions in the contract with ENS Resources, State Lobbyist, which resulted in the restoration of previous cuts to the Amador Council on Tourism and the Amador County Chamber of Commerce.

Ms. Tracey Towner, ACRA Executive Director, took this time to request the Board consider restoring the 20% cut to the ACRA budget and reinstate the \$5.00 per person fee to offset costs. Ms. Towner continued by outlining the services provided by ACRA.

Ms. Maureen Funk, Amador Council on Tourism, and Mr. Mark Borchin, Chamber of Commerce took this time to thank the Board for their support and compromises by Supervisor Forster in reinstating their budgets as requested.

Supervisors Plasse and Novelli took this time to commend Ms. Tracey Towner for her efforts as the Director of the Amador County Recreation Agency and stated if the County was in a better budget position the cuts may not have been necessary. Supervisor Plasse stated the CalPers Smoothing plan that will be discussed later in this meeting will have a tremendous financial impact on the County over the next five years.

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 accept the proposed budget as presented.

RECESS At 12:40 p.m., Chairman Forster recessed the meeting until 1:10 p.m., at which time business was resumed.

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.

ACTION: **None. Presentation only.**

California State Association of Counties Agriculture and Natural Resources Policy Committee and Housing Land Use & Transportation Policy Committee: Discussion and possible action relative to an update by Chairman Forster regarding a recent meeting of the subject Committees.

Supervisor Forster advised a likely focus of the 2013-14 legislative session is an examination of options for lowering voter approval thresholds for local taxes and bonds. He advised several measures are currently moving through the legislative process and focus on a 55% voter approval for transportation taxes, school parcel taxes, library facilities bonds, library taxes, transportation taxes, economic development taxes, special taxes, public safety (fire emergency response, police, Sheriff) taxes and bonds and public safety facilities bonds.

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 Assemblymen Berryhill and Bigelow and Governor Edmund G. Brown Jr., expressing the Board's opposition to lowering the local voter threshold and suggest consideration be given to utilizing existing local transportation revenue for streets and roads rather than local transportation as it is currently expended. In addition the letter should include language requesting CSAC take a similar stance on behalf of Amador County should this matter come before them.**

Assembly Bill 145 (AB 145)-Clean Drinking Water Bill: Discussion and possible action relative to the Chairman's signature on a letter of opposition regarding the subject legislation.

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 Oneto and unanimously carried to authorize the Chairman's signature on a letter of opposition relative to the subject legislation.**

Administrative Agency: Discussion and possible action relative to a presentation by Mr. Chuck Iley, County Administrative Officer regarding the anticipated impact to Amador County due to the recent changes to the PERS smoothing policy.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and reviewed a

CalPERS memorandum which is incorporated in full in the Board packet for today's date. To summarize the memo, he stated CalPERS is shifting from a fifteen (15) year smoothing period to a five (5) year period, with obligations amortized over a fixed thirty (30) year period rather than the rolling thirty (30) year period utilized previously. He continued by explaining in the event that the investments do not yield the anticipated amounts, then the smoothing goes into effect at a much faster rate. He noted this will require an employer to contribute more to make up for funds that were not realized through investment returns, and will result in rates that can vary significantly along with the stock market.

Further discussion ensued with the following action being taken.

ACTION: Direction given to Mr. Chuck Iley, County Administrative Officer to draft a press release outlining the percentages discussed today and the resulting dollar costs as they apply to Amador County to clearly clarify this issue for tax payers.

Minutes: Review and approval of the May 14, 2013 and May 28, 2013 Board of Supervisors meeting minutes.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Novelli and unanimously carried to approve the May 14, 2013 Board of Supervisors meeting minutes with minor revisions and hold the May 28, 2013 Board of Supervisors meeting minutes 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 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 issue was reviewed in closed session:

Conference with Real Property Negotiators:

APN: 044-010-116-000 Dr. Daniel J. Cooper (Terms & Conditions) County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins, General Services Director

ACTION: Direction given to staff.

ADJOURNMENT: Until Tuesday, June 25, 2013, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

June 11, 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. **Environmental Health:** Approval of a request to authorize the transfer of \$23,717.50 received from the Underground Storage Tank Program grant, currently in cash account 101180 and revenue account 45240, to budget 4031 and direct the County Auditor to create a line item for this grant so that expenditures from this revenue source can be kept separate in the event of an audit.

2. **TAX MATTERS** None

3. **RESOLUTIONS**

- A. **Elections (#13-053):** Approval of a resolution authorizing the Chairman to sign an agreement with the State of California for \$30,000 to reimburse the County of Amador with Federal Help America Vote Act (HAVA) funds for accessible polling place equipment and training.
- B. **Human & Health Services (#13-054):** Approval of a resolution approving the State of California Department of Alcohol and Drug Standard Agreement Amendment No. NNA03 V.1 for Alcohol and Drug Programs (ADP) through June 30, 2014.

4. **AGREEMENTS**

- A. **Health & Human Services:** Approval of a Second Amendment to original agreement dated 4/26/11 with *National Alliance on Mental Illness (NAMI)-Amador* to provide educational and support services for families of people and those with major mental illness.
- B. **Health & Human Services:** Approval of a Second Amendment to original agreement dated 6/26/12 with *Crestwood Behavioral Health, Inc.* for providing long term psychiatric treatment services to Amador County Behavioral Health clients.
- C. **Health & Human Services:** Approval of a First Amendment to original agreement dated 6/26/12 with *Milhous Children's Services, Inc.* to provide services for seriously emotionally disturbed children and youth of Amador County.
- D. **Sheriff's Office:** Approval of a United States Forest Service (USFS) Agreement committing the Amador County Sheriff's Office to perform patrol and controlled substance investigations/enforcement on USFS properties within Amador County.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Mental Health Committee:** Approval of the appointment of Ms. Sheila K. Vinson to the subject Board for a three (3) year term.
- B. **Commission on Aging:** Approval of the appointment of Ms. Emma L. Darknell to the subject Board for three-year term.

7. **MISCELLANEOUS**

- A. **General Services Administration:** Approval to reject Ciber Inc.'s proposal and authorize the team to interview and negotiate with the other three proposers to develop and recommend the best solution for RFP 13-05 District Attorney Case Management System.

8. **GENERAL CORRESPONDENCE**

- A. Auditor's check register dated May 30, 2013 totaling \$ 136,555.26.
- B. Auditor's check register dated June 4, 2013 totaling \$362,431.27.
- C. Memorandum from the Environmental Health Department relative to a recap of the activity during May, 2013 totaling \$9,170.00.

RICHARD M. FORSTER, Chairman
Board of Supervisors

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

Deputy