

AGENDA TRANSMITTAL FORM

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
04/08/14	

To: Board of Supervisors
 Date: April 1, 2014

Resol

From: Aaron Brusatori Phone Ext. 429
 (Department Head - please type)

Department Head Signature *Aaron Brusatori*

Agenda Title: Resolution Honoring Bryan Saleen Upon His Retirement After 35 Years of Service to Amador County

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Public Works requests that the Board Chairman sign this resolution honoring Bryan Saleen's retirement after 35 years of service to the county.

Recommendation/Requested Action:
Sign the Resolution

Fiscal Impacts (attach budget transfer form if appropriate) _____ Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Committee Review? Name _____ N/A <input checked="" type="checkbox"/> Committee Recommendation: _____	Staffing Impacts _____ Contract Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Comments: _____
--	---

Request Reviewed by:

Chairman _____	Counsel <u>GG</u>
Auditor <u>EJD</u>	GSA Director <u>HP</u>
CAO _____	Risk Management <u>mm</u>

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)
Public Works

FOR CLERK USE ONLY		
Meeting Date _____	Time _____	Item # <u>5</u>
Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___		
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	

Distributed on _____ Completed by _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
--	---	--

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION RECOGNIZING AND)
HONORING BRYAN SALEEN)
FOR 35 YEARS OF SERVICE)

RESOLUTION NO. 14-021

WHEREAS, Bryan J. Saleen was born on April 8, 1959 in Oakland, California as the third child of three; and

WHEREAS, Bryan's family moved to Amador County permanently in 1978 into the house where his parents still reside; and

WHEREAS, Bryan started his career with Amador County in July 1979 as a Maintenance Worker in the Department of Public Works working under the direction of Albert Victor; and

WHEREAS, continued as a Public Works employee when he went to work at the landfill as an Equipment Operator in 1980; and

WHEREAS, in 1983 returned to the road crew as a Maintenance Worker III; and

WHEREAS, in 1994 went to work for the Water Resources Department as a Service Area Manager; and

WHEREAS, in 2004 returned to Public Works as a Public Works Inspector; and

WHEREAS, now splits his time with Waste Management as a Solid Waste Technician; and

WHEREAS, Bryan has always been well organized, practical and logical, a team player with a wealth of historical knowledge and excellent problem solving skills; and

WHEREAS, Bryan says he will enjoy his time with his family, and eventually moving to Hawaii to live the Hang Loose life.

THEREFORE, BE IT RESOLVED by the Board of Supervisors of the County of Amador, State of California, that said Board does hereby recognize and congratulate Bryan Saleen for his dedication towards the Department of Transportation and Public Works and the citizens of Amador County.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 8th day of April, 2014, by the following vote:

AYES: Theodore F. Novelli, Brian Oneto, John Plasse, Louis D. Boitano and
Richard M. Forster
NOES: None
ABSENT: None

Theodore F. Novelli, Chairman

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

Deputy

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: 04/02/2014

From: Theodore F. Novelli, Chairman Phone Ext. _____
 (Department Head - please type)

<input checked="" type="radio"/>	Regular Agenda
<input type="radio"/>	Consent Agenda
<input type="radio"/>	Blue Slip
<input type="radio"/>	Closed Session
Meeting Date Requested:	
<u>04/08/2014</u>	

Department Head Signature _____

Agenda Title: Drought Safety Standard Plan

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Presentation by Mr. Wendell Peart regarding the subject Plan and subjects related to California's drought.

Recommendation/Requested Action:

None. Presentation only

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? N/A

Name _____

Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____

Counsel GG

Auditor egs

GSA Director hop

CAO _____

Risk Management Y...

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____ Time _____ Item # 6

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____ Department
Completed by _____	For meeting of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
 Clerk or Deputy Board Clerk

Save

Print Form



Jennifer Burns <jburns@amadorgov.org>

Fwd: Drought

1 message

Theodore Novelli <tnovelli@amadorgov.org>

Mon, Mar 24, 2014 at 2:24 PM

To: Jennifer Burns <jburns@amadorgov.org>, Chuck Iley <ciley@amadorgov.org>

FYI

On Mon, Mar 24, 2014 at 2:20 PM, Wendell Peart <>wendell@volcano.net> wrote:

Dear Brett I will be unable to attend your most interesting on water and drought in Auburn to be held on April 8th. I hope to appear the Amador County Board of Supervisors on exactly the same subject. I have notified Supervisor Phil Ozencik of the impending meeting since he was most responsible for the Placer County Board of Supervisors to adopt the Drought Safety Standard in 1994.

It would be most helpful as I stated before if I could have the exact wording of the present Drought Safety Standard..

You see all that I have to go on is what I know as to the 1994 ordinance but I understand the wording may have changed. So I will quote you the last two paragraphs on page one of my paper, California's Water-Drought Dilemma.

"Bob Reeb, Manager of the El Dorado Water Agency addressed this question (referring to drought and availability of water during drought) in an article 'Outdated Water Plan Puts Drain On Future Needs', that appeared in the UC Davis Magazine/July-August 1990 issue when he wrote: "THERE IS A LIMIT TO THE NUMBER OF PEOPLE CALIFORNIA'S WATER RESOURCES CAN SUPPORT NO ONE HAS QUANTIFIED THAT LIMIT. PERHAPS SOME ONE SHOULD."

That some one was Placer County Supervisor Phil Ozenich, who championed the Placer County Drought Standard that became part of the 1994 updated Placer County General Plan. The Drought Safety Standard is based on the water available in a reservoir at the lowest point of a 4 year drought and defined the years of 1928-1933 as what constituted drought years. The Drought Safety Standard limits population growth of an area served by those reservoirs to assure each family one acre foot of water per year."

Brett I want to have the latest CORRECT information about Placer's Drought Safety Standard so that I do not get caught with my pants down or have egg on my face.

If I can't get what I need I will have to go with information that is 20 years old You can help in the update if one is necessary.

I might add Roger Perters of the Office of Drinking Water for the Dept of Health Services stated at the 1991 drought hearings that the average household in Callifornia at that time "utilizes anywhere from 500 to 900 gallons a day." The talk at the hearings was to cap everybody in the state at 300 gallons a day.

We will do what we can to look after your interest in Pioneer. Ted Noveli is your Amador Supervisor and worthy of your support.

Have a nice day

Wendell Peart, Former Member Amador Water Resource Advisory Committee

|----- Original Message -----

From: Brett Storey
To: 'wendell@volcano.net'
Sent: Monday, March 24, 2014 12:00 PM
Subject: Drought

Dr. Peart thank you for sending a letter to the County and also phoning Jennifer. My name is Brett Storey and I am in charge of all water efforts by the County. Your right that the drought safety standard adopted back in 1994 has been a good start to the county's need to manage water. Our Board of Supervisors has placed those elements and updated them into our General plan under the heading of Water Supply and Delivery. We work in concert with PCWA to manage the growth as well as for agriculture purposes. I have been asked to prepare a Water Conservation Forum to be presented to our Board on April 8. We will have multiple departments discuss what procedures and code is currently in place to support a more sustained water effort. Secondly I have asked staff to prepare a discussion for the Board of what other code, policy or best management practices can be implemented in the future to support this effort. Our meetings can be viewed on-line if you go to our web page and click on the Board of Supervisors page which will walk you through seeing the meeting.

On a personal note I have a weekend place near you in Pioneer. My wife and I just love that are and spend as much time as possible. Thanks again for being interested in the growth of Placer County and how we are incorporating water conservation with that growth.

Regards,

Brett Storey, Senior Management Analyst

Planning Department, Placer County

Phone (530) 745-3011

Mobile (530) 308-0059

Fax (530) 745-3080

No virus found in this message.

Checked by AVG - www.avg.com

Version: 2014.0.4354 / Virus Database: 3722/7241 - Release Date: 03/24/14

Phil Ozenick for Supervisor District 1, Placer County

Proven
Leadership

A

Phil Ozenick
Trademark



I propose that one prerequisite to growth be based on a **DROUGHT STANDARD PLAN**. The PLAN would limit population in our region to the water available in the reservoirs over a 4 year dry period, based on a family of 5 using 1 acre foot of water per year.

I also propose that growth in the areas from Auburn through Granite Bay and Dry Creek dependent on well water remain at 3% per year.

I WILL LISTEN & WORK WITH YOU!
ELECT PHIL OZENICK SUPERVISOR
on NOVEMBER 6th

California's Drought --Water Dilemma

A Presentation Before

The Amador County Board of Supervisors

April 8, 2014

By

Wendell G. Peart, DVM

Former Member Amador Water Resource Advisory Committee

The One Hundred Year Flood Plain and Drought---Page One

Is a term often used to describe a piece of property that is likely to be flooded at least Every one hundred years. As a consequence, the planning authorities do not authorize the building of structures that are likely to be flooded at least every hundred years.

By the same token should not the planning authorities LIMIT building to the amount of water that is available during drought years using the same time frame of 100 years. The question then arises what constitutes a drought ?

California's history is storied with drought. We know this from studying the tree rings that California suffered a drought that lasted more than 50 years from 1760 to 1820. A 20 year drought period from 1865 to 1885, a 5 year drought from 1928 to 1933, a minor drought from 1976 to 1978 and a major one from 1985 to 1991.

The average rainfall, in Sacramento as an example, for the years 1928-1933 was 10.63 inches or 41 % below normal. The lowest rainfall was 8.12 inches below normal and that occurred in 1932. The highest rainfall during the five year period was 13.62 inches of rain in 1929 or 24 % below normal.

As to the definition of drought, the U.S. Bureau states: "There is no standard definition of drought. However, the State Dept. of Water Resources uses the years 1928 to 1933 as a reference point for planning projects to furnish a reliable water supply.

Should there be a balance between the supply of water and the demand for that water during drought ? Should we limit the growth as to the available supply of water during drought ? Is there any economic sense, much less survival to be continually building that EXCEEDS the limited supply of water available during drought? If it is accepted NOT to build in a 100 year old flood plain then is it NOT also acceptable NOT to build more than what the available supply of water will support during drought ?

Bob Reeb, Manager of the El Dorado Water Agency addressed this question in an article, "Outdated Water Plan Puts Drain On Future Needs," that appeared in the UC Davis Magazine/July-August 1990 issue when he wrote: **THERE IS A LIMIT TO THE NUMBER OF PEOPLE CALIFORNIA'S WATER RESOURCES CAN SUPPORT NO ONE HAS QUANTIFIED THAT LIMIT. PERHAPS SOME ONE SHOULD.**

That some one was Placer County Supervisor Phil Ozenick, who championed the Placer County Drought Safety Standard that became part of the 1994 updated Placer County General Plan. The Drought Safety Standard is based on the water available in a reservoir at the lowest point of a 4 year drought and defined the years of 1928-1933 as what constituted drought years. The Drought Safety Standard limits population growth of an area served by those reservoirs to assure each family one acre foot of water per year.

California's Drought-Water Dilemma--Page Two

Why have we come to so much grief and anguish during drought years ? Lets examine some of the statements made by some of the participants at the Drought Hearings held by the State Water Resource Control Board held in Sacramento on January 29, 30th 1991..

- A. **FRED STARRH**----Member Board of Directors of Kern Water Agency
"We have increased from 20 to 30 million people and we are looking at the results of That today. **CONSERVATION IS NOT GOING TO GET THE JOB DONE"**
- B. **ASSEMBLYMAN JIM COSTA**
"Some of the strategies that we used in 1977 ... will not be effective as we look at the at the state with **SIGNIFICANTLY MORE PEOPLE AND MORE DEMAND DEMAND ON ITS WATER RESOURCES**
- C. **CARL BORONKAY**, General Manager Metropolitan Water District
" **OUR POPULATION IS INCREASING BY APPROXIMATELY 300,000 PEOPLE A YEAR. WE HAVE A FORMULA FOR RECURRENT MAJOR WATER SHORTAGES.** People take water for granted, they cannot do so anymore."

Following are some suggestions discussed at the 1991 Drought Hearings

CONVERSION OF SEA WATER INTO FRESH WATER

The City of Santa Barbara constructed a desalination plant to address the severe Drought of 1985 to 1991 at a cost at that time of \$34 million. The desalinated water cost approximately \$ 1,900 per acre foot

BUILD MORE DAMS AND INCREASE THE CAPACITY OF EXISTING DAMS

The least expensive reservoirs have been built, so what is left will be that much more Expensive. The statements made at the 1991 Drought Hearings **MADE IT ABUNDANTLY CLEAR THAT CREATING MORE WATER STORAGE WOULD BE ONLY A STOP GAP MEASURE. THE EVER INCREASING POPULATION GROWTH USED UP THE ADDITIONAL STORED WATER AND THE PROBLEM CONTINUED TO EXIST.**

OTHER MEASURES OFFERED were: low flush toilets, mandatory water rationing, conservation water reclamation, farmers to share available water s with their neighbors, authorize staff to develop emergency drought projects in the ground water basin, encourage development of water supplies for areas without ground water, limit agricultural production, grow drought resistant plants, cut back production of water intensive plant and a 25 % reduction in municipal use of water. In this regard in the year 2020, California water purveyors will be required to deliver 20 % less water to their consumers.

MANDATORY TRANSFER OF WATER

A recent decision by 9th Circuit Judge Johnnie B. Rawlinson ruled that California's Area-of-origin (such as enjoyed by Amador County) do not require the Bureau of reclamation to prioritize the allocation of federally appropriated California Valley Project water to the Sacramento Valley. Does this mean in times of Drought owners of "Origin Water Rights" may not have their water rights protected and will be **FORCED** to give up some of their water ?

The MANY CONSERVATION MEASURES submitted to lessen the pain of drought were best summed up by :

ALDO SANSONE, Director of San Luis Canal Company

ANYBODY THAT THINKS CONSERVATION IS THE ANSWER TO THE WATER NEEDS OF CALIFORNIA IS REALLY JOKING (kidding) HIMSELF

Interestingly Peter A. Rogers, Chief of the Office of Drinking Water for the Dept. of Health Services put into the record some very **CHILLING FACTS**. He said: "State regulations not only require that domestic water-suppliers serve drinking water of acceptable quality but they **MUST MEET THE MINIMUM QUANTITY REQUIREMENTS.**" Rogers also said that the average household in California "**UTILIZES ANY WHERE FROM 500 TO PERHAPS 900 GALLONS A DAY.**" Rogers reminded the Board the "**PUBLIC SAFETY IS THREATENED IF THERE IS INSUFFICIENT WATER TO RESPOND TO EMERGENCIES SUCH AS FIRE**" This introduction of still more discouraging facts about an already desperate state of affairs was too much for the audience to hear. They wanted solutions not more problems to solve. .

Today, 2014, an increasing number of prominent fire insurance companies are not renewing fire insurance policies in the rural areas considered to be high risk. **A LACK OF WATER TO FIGHT FIRE, IN TIMES OF DROUGHT, ONLY EXACERBATES THE PROBLEM.** Mr. Roger's plea of 23 years ago, for the State Water Resource Board to address the problem of providing enough water to meet the **MINIMUM QUANTITY REQUIREMENTS AND ENOUGH WATER TO FIGHT FIRE** was **NOT ADDRESSED** and that was 23 years ago.

Interestingly The Sacramento Bee reported on 1-30-91 that the Drought Hearings did mention a minimum quantity requirement of a "300 gallon cap on daily household usage" as a possible measure to lessen the severity of the drought. However such a suggestion fell far short of the standard adopted by Marin County as reported by the San Mateo Times on 3-13-91 wherein the allotment for a person was to receive 50 gallons of water per day.

Assemblyman David Knowles captured the essence of the 1991 Drought Hearings. "We are looking at **UNPRECEDENT POPULATION** not only shifts, **GROWTH**, in the State of California which only tells us that **WE MAY BE BACK TO SAME MEETINGS FIVE OR TEN YEARS HENCE WITH ALL OF OUR PRESENT STORAGE CAPACITIES FULL WONDERING ON HOW ON EARTH ARE WE GOING TO DIVIDE THE LIMITED RESOURCES** that we have at our disposal for all of the **NEW** thirsty lips that we have to service in the State of California. There are big decisions upon us. **I JUST STRONGLY URGE ALL PARTICIPANTS HERE TODAY THAT WE THINK IN TERMS OF THE BIGGER SOLUTIONS, NOT THE PRESENT CRISIS.'**

Note the prophetic words of Assemblyman Knowles of 23 years ago have come home to haunt the planners of California and that is **POPULATION GROWTH**, if uncontrolled, is the **MAIN PROBLEM** plaguing our water supply. This **LACK OF INTELLIGENT PLANNING HAS RESULTED IN FORCING WATER USERS IN CALIFORNIA TO USE LESS AND LESS WATER.**

After a day and a half of bitter recriminations and much soul searching, a resident from the City of Roseville gave a resounding presentation that electrified and captured the essence of the meeting. When he finished he received a "standing ovation." This is what he said. *"Your Board has before it over a dozen options to ameliorate the rigor of the current drought. I wish to enter into your official records two additional suggestions that will help mitigate the current drought and future droughts that continually plague California."*

*"I recommend that your Board petition the legislature to enact legislation that planning agencies must subordinate their building programs to a central water agency. It is the **AVAILABLE WATER, NOT LAND**, that should be the Determinate factor as to the number of structures to be built."*

*"The second item that I wish to call to your attention, that aggravates the water supply, exacerbated by drought, is the **POPULATION GROWTH IS OUTSTRIPPING THE WATER SUPPLY.**"*

*This phrase is reoccurring more and more frequently in the news media. Population control measures such as a restriction of immigration into the United States should be implemented. Unlimited outside immigration from foreign countries into the United States most often results in less water for everybody. **ONE MEASURE OF YOUR CONCERN TO PROTECT US, IN LIEU OF DRUGHT AND FUTURE ON GOING DROUGHTS, IS TO REQUEST OUR STATE LEGISLATURE TO PASS A RESOLUTION CALLING ON THE U.S. CONGRESS TO ENACT MORE RESTRICTIVE IMMIGRATION CONTROLS.**"*

Dan Walters, a well know columnist for the Sacramento Bee, in an article, "A Time Bomb Ticking Away" called attention to the impact immigration is having on the state. He cited the "Department of Finance Projects California's population , now 32 million (in 1993) will double in the next 50 years, with babies being the chief component of that increase, supplemented by **CONTINUED HIGH LEVELS OF FOREIGN IMMIGRANTS.** "

Based on this **POPULATION EXPLOSION** , Walters wrote: "The potential impacts on housing, transportation, **WATER SUPPLIES**, waste disposal systems, parks, air quality and other environmental and infrastructure elements are equally severe. **POLITICIANS SHUN** these long term issues because they are complex and carry overtones ethnic and generational conflict. But the quality of life for all Californians, rich and poor, Anglo and non-Anglo, elderly and young is under assault. **OUR VERY EXISTENNCE AS A SOCIETY DEPENDS ON OUR ABILITY TO DEFUSE THIS DEMOGRAPHIC TIME BOBOMB BEFORE IT EXPLODES IN OUR FACES.** "

Walters mentions that "**POLITICANS SHUN** these long term issues because they are complex and carry overtones of ethnic and generation conflict." So what is in play. In a word it is a fear of being called a **RACIST.**

The term racist and racism are labels often used by those whose interest is to discredit, if not humiliate those whom they feel oppose their particular position. Their purpose is an attack upon the individual making the arguments rather than upon the arguments themselves. It's one of the old debate tactics to be called on when all legitimate arguments have been exhausted. Such a flimsy characterization as akin to the king killing the messenger because he didn't like the message.

Remember, it is the clarion call of Dan Walters, an independent columnist, who 19 years ago wrote that "**HIGH LEVELS OF IMMIGRATION IMPACTS** on housing, Transportation, **WATER SUPPLIES**, waste disposal systems, parks, air quality, and Other environmental infrastructure elements."

All of us are part of the problem, therefore, it is only proper that we all should give up something as a solution to reduce the problem of a diminished water supply. One solution **CONFRONT** different ethnic leaders and **REQUEST THEIR COOPERATION** for an immigration reduction or moratorium. Such a cooperative effort would move in the Direction as described by Dan Walters, "**TO DIFFUSE THE DEMOGRAPHIC TIME BOMB BEFORE IT EXPLODES IN OUR FACE.**"

SOLUTIONS OFFERED TO MITIGATE DROUGHT

PLACER COUNTY'S DROUGHT SAFETY STANDARD

Adopted in 1994 would serve as an excellent model for **STATE WIDE PLANNING** To address the rigors of drought. The standard, at that time, was based on the water available in a reservoir at the lowest point of a 4 year drought (1928-1933) was the benchmark. It limits population growth of an area served from those reservoirs to assure each family one acre foot of water per year. Since one acre foot of water holds approximately 326,000 gallons of water, a family of five, with the 1994 Drought Safety Standard criteria, would receive 65,200 gallons of water per person a year or 178 gallons a day per person.

AGRICULTURAL INTEREST TO FILE CLASS ACTION SUIT

It is **PATENTLY OUTRAGEOUS** to allow others to wallow in water and yet **FORCE FARMERS** to do with out water while others are enjoying water for **NON ESSENTIAL USES**, such as swimming pools, lush golf courses green lawns, and shrubbery. It is unconscionable that farmers have to plow under their orchards and let their land lie and idle. The taking of water from the farmer, to satisfy the luxury of city living, results in less food for the rest of us, causing the price of food to soar. If regulatory authorities refuse to correct this **GROSS INEQUITY**, court relief should be undertaken.

AGRICULTURE SHOULD GROW CROPS THAT ARE WATER EFFICIENT

IMMIGRATION MORATORIUM

Contact Anglo and Non Anglo leaders both in and outside of the government to secure their cooperation in obtaining a moratorium on immigration. The exception would be for a temporary guest worker program for a nine month period that require immigrants to return to their country of origin at the end of nine months. If and when the moratorium is lifted, a permanent immigration into the U.S. to be 300,000 persons a year as against the 1.2 million plus now entering the U.S.

Non Anglo leaders, once apprised of the gravity of what increased **POPULATION GROWTH** is doing to California, if not the nation, surely would welcome the opportunity to help reduce this awesome threat hanging over California. **IT IS THE INCREASING POPULATION NUMBERS , NOT THE RACIAL MIX THAT IS THE PROBLEM.**

Wendell Peart, DVM Former Member Amador Water Resource Advisory Committee

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION IN SUPPORT OF LIMITATION)
OF IMMIGRATION INTO THE)
UNITED STATES) RESOLUTION NO. 11-040

WHEREAS, in California immigration accounts directly and indirectly for 98 per cent of California's population growth between 1990 and 2002 resulting in a current population 38.8 million according to the Department of Finance; and

WHEREAS, if California continues the present population increase, the population is predicted to increase to 60 million people by 2050.

WHEREAS, increased legal and illegal immigrations will impose additional tax burdens on State and local taxpayers; and

WHEREAS, California's illegal immigration is estimated to receive about ten dollars in state services for every dollar paid in state taxes, and

WHEREAS, California's budget problems are, in part, caused by a growing refugee and immigrant population that heavily affects schools and health and welfare services; and

WHEREAS, Due to the high rates of immigration now occurring in California is devastating to low-income wage working Californians; and

WHEREAS, California's population growth, exacerbated by legal and illegal immigration, continues to contribute to environmental degradation and pollution; and

WHEREAS, California's population has already outstripped the State's finite water resources; and

WHEREAS, California has been ordered to wean itself from the excess of 800,000 acre-feet of water over its legal allotment from the Colorado River; and

WHEREAS, Immigration is one of the most pressing problems of California, too many people in living in poverty, the shortage of school rooms, and teachers, the closing of hospitals, and the impact of overpopulation on biodiversity; and

WHEREAS, A guest worker program for legal aliens will address shortages of labor deemed necessary in occupations requiring minimum skills such as agricultural, construction, landscaping, restaurant and hotels.

THEREFORE BE IT RESOLVED that the Amador County Board of Supervisors does hereby support to reducing total legal immigration to 300,000 persons per year securing U.S. Borders through legislative authorization, including the issuance of Bio-Metric tamper proof ID to all

legal aliens that would include legal aliens working in guest worker programs and a reasonable/penalty to the employer for every illegal alien found to be employed.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 12th day of April, 2011 by the following vote:

AYES: Richard M. Forster, Louis D. Boitano and Brian Oneto

NOES: John Plasse, and Theodore F. Novelli

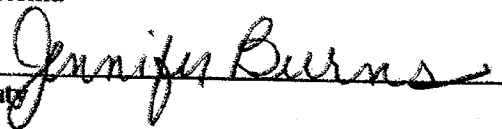
ABSENT: None



Chairman, Board of Supervisors

ATTEST:

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



Deputy

3

County of Placer Board of Supervisors

175 FULWEILER AVENUE
AUBURN, CALIFORNIA 95603
916/889-4010 • FAX: 916/889-4299

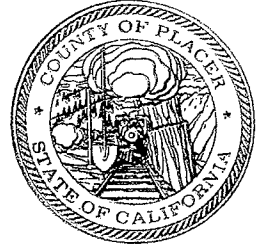
PHIL OZENICK
District 1

ALEX FERREIRA
District 2

RON LICHAU
District 3

KIRK UHLER
District 4

REX BLOOMFIELD
District 5



Dr Wendell G Peart
12870 Burnt Cedar Lane
Pine Grove, Ca 95665

November 23, 1994

Dear Wendell:

New ideas and new concepts for governing seldom surface. Even more rare is their expression into formal resolutions, ordinances, plans and laws.

It is a pleasure to commend you for advancing two ideas and their conceptual frameworks. They were: A Drought Safety Standard and immigration reform.

Accept my gratitude for introducing me to the merits of the Drought Safety Standard as a planning devise, not only to control growth in an orderly fashion, but also to give reasonable assurance to current surface water users that water restrictions would not become a permanent way of life.

As you know, I championed the idea of the the Drought Safety Standard and it became a part of the 1994 updated Placer County General Plan. This Drought Safety Standard is the first in California and the United States. The standard is based on the water available in our reservoirs at the lowest point of a four-year drought (1928-1933 is the bench mark). It limits population growth of an area served from those reservoirs to assure each family one acre foot of water per year. No Water -- No Development. New development in the unincorporated areas will not take water from current users. Unfortunately, the cities in Placer County do not have such a planning tool.

Such a common sense proposal now offers planners a means to provide orderly population growth. Water is the nutrient of population growth and now we have the means to monitor population fairly. With time, Placer County will be credited with taking the vital leadership role in a new concept which has implications, not only for California, but may have national and worldwide applications.

Population growth attributed to both legal and illegal

immigration has been an important component of California's 38 to 44 per cent annual growth. In this regard, your brilliant insight into the relationship of the water problems of the State and a burgeoning population due in large measure to legal and illegal immigrants is commendable.

You called my attention to those collateral issues in you August 3, 1992 letter to me. It was a crystal ball of the future saying, "... As you can see, a major key to solving the state's explosive growth, diminishing water supply, and hemorrhaging finances is to reduce the flow of illegal immigrants now pouring over the State's borders which in turn are overwhelming the State's resources, both natural and financial...". In that letter you suggested a resolution the Placer County Board of Supervisors adopt urging the State legislature to recommend to the U. S. Congress to enact legislation to stop illegal immigration and to reduce legal immigrants to 300,000 persons a year into the U.S.

As a result of your suggestion on immigration reform, the Placer County Board of Supervisors, under my leadership, adopted Resolution 92-250 in 1992, on a 3-2 vote and resolution 93-248 in 1993, on a 5-0 vote. Those resolutions were the first of their kind in the United States and calls upon the California Legislature to request that the U.S. Congress provide a secure border against illegal immigrants, enforce sanctions on employers of illegal immigrants and to enact legislation to reduce legal immigration to 300,000 persons a year into the U.S. Through my building of consensus, the 58 member California State Association of Counties adopted most of the Placer resolutions, and no doubt played a large role in Governor Wilson's steadfast resolve that the federal government secure the borders and pay for the costs borne by California due to illegal immigrants.

Interestingly, the Placer County Immigration Resolutions (now referred throughout California as the Placer Resolution) states, "... California's population growth has already outstripped the State's finite water resources; and California's population is projected to increase to 35 million by the year 2000, 43 million by 2020 and 48 million by 2035...". We now know those projections were understated. The population is projected by the State Finance Department to be 63 million by the year 2035.

Your two ideas and conceptual frameworks have become guiding principles for elected officials and their staffs. They point

out that we, as a society, are faced with the need to increase the water supply to satisfy the population growth or we must restrict the population growth to protect the diminishing water supply or a combination of both. The Drought Safety Standard and the Placer Resolution says it all. What more can I say!

Wendell, thank you for allowing me the opportunity to serve you and through you, the people of Placer County. It is my hope that those who follow me will be as responsive as I to people of vision and a concern for a better quality of life here. In a sense, together, we have served all of the people of the United States America.

Sincerely,

Phil Ozenick
Phil Ozenick

3
SACRAMENTO ADDRESS
STATE CAPITOL
95814
(916) 445-0503

DISTRICT OFFICE
EL CAMINO REAL, #205
SAN FRANCISCO, CA 94080
(415) 952-5666

California State Senate



STATE SENATOR
QUENTIN L. KOPP
EIGHTH SENATORIAL DISTRICT
REPRESENTING SAN FRANCISCO AND SAN MATEO COUNTIES

October 12, 1995

Dr. Wendell G. Peart
12870 Burnt Cedar Lane
Pine Grove, CA 95665-9476

Dear Dr. Peart:

With the enactment of Senate Bill 901 in this year's proceedings of the 1995-96 legislative session, I am impelled to memorialize your pioneering and imaginative efforts in aborning California policymakers to the imperative of linking new development to water supply.

In 1990, you formulated the concept of a Drought Standard Plan. You purveyed a new concept, to wit, that available water, not land, should be the determinating factor respecting the construction of new structures. You noted the relevance of population growth to the problem of water supply and sought to initiate an evaluation of national immigration policies. You advocated legislation to require planning agencies to subordinate project approval to a central water agency. Your concept was adopted in substance by the County of Placer through the auspices of former Supervisor Phil Ozenick. Your advocacy persuaded Assemblyman Dominic Cortese to introduce AB 455, a measure requiring lead agencies on development projects to consult with water retailers regarding the availability of water to serve a proposed development project. Although AB 455 was not enacted, it represented the precursor of Senator Jim Costa's SB 901.

STANDING COMMITTEES
TRANSPORTATION - CHAIRMAN
AGRICULTURE & WATER
RESOURCES
BUDGET AND FISCAL REVIEW
CRIMINAL PROCEDURE
HOUSING AND LAND USE
LOCAL GOVERNMENT
REVENUE AND TAXATION

SELECT COMMITTEES
INFORMATION SERVICES IN
STATE GOVERNMENT -
CHAIRMAN
DEFENSE BASE CLOSURES
MARITIME INDUSTRY
NORTHRIDGE EARTHQUAKE
STATE PROCUREMENT AND
EXPENDITURE PRACTICES
VOTING PRACTICES AND
PROCEDURES

SUBCOMMITTEES
BUDGET SUBCOMMITTEE
NO. 2 ON RESOURCES,
ENVIRONMENTAL
PROTECTION AND
JUDICIARY - CHAIRMAN

JOINT COMMITTEES
JOINT COMMITTEE ON RUL

Commencing with your address to the January 29-30, 1991 Drought Conference conducted by the California Water Quality Resources Board in Sacramento, you have persisted and persevered in convincing Californians of the need to consider available water in relationship to proposed construction projects. Your conduct constitutes good citizenship and public service of the highest order.

I write to record my admiration and appreciation for your unwavering commitment to a concept which you promulgated in the face of disinterest and to thank you for your singular dedication to the public weal. You deserve commendation and encomiums from all Californians.

Sincerely yours,


QUENTIN L. KOPP

QLK:tt

MEMBERS:

RUBEN S. AYALA
VICE CHAIRMAN
CHARLES M. CALDERON
WILLIAM A. CRAVEN
K. MAURICE JOHANNESSEN
DAVID G. KELLEY
ANTHONY L. KOPP
MARK MONTEITH
DON ROGERS
MIKE THOMPSON
CATHIE WRIGHT

California Legislature
Senate Committee
on
Agriculture and Water Resources

CONSULTANTS:
LINDA ADAMS
MARK HITE
SECRETARY:
LINDA ROSE RODRIGUEZ
STATE CAPITOL
ROOM 2031
SACRAMENTO, CA 95814
(916) 445-2206
FAX (916) 327-8290

JIM COSTA
CHAIRMAN

December 12, 1995

Dr. Wendell G. Peart
12870 Burnt Cedar Lane
Pine Grove, Ca. 95665-9476


Dear Dr. Peart:

I would like to thank you for your assistance in the passage of my Senate Bill 901, the Water Supply Planning Act.

Your perseverance and commitment to the relationship between proposed development and available water was invaluable in the passage of SB 901. As you know, the bill was signed by the Governor and will take effect January 1, 1996. Your vision to create a Drought Standard Plan back in 1990 helped lead to the historical shifting of emphasis from land to water availability in new construction permits. With the help of former Placer County Supervisor Phil Ozenick, you have proven the power of a concerned citizen.

May I commend you for your hard work and persistence. You deserve much credit in how California's cities and counties will now handle growth issues.

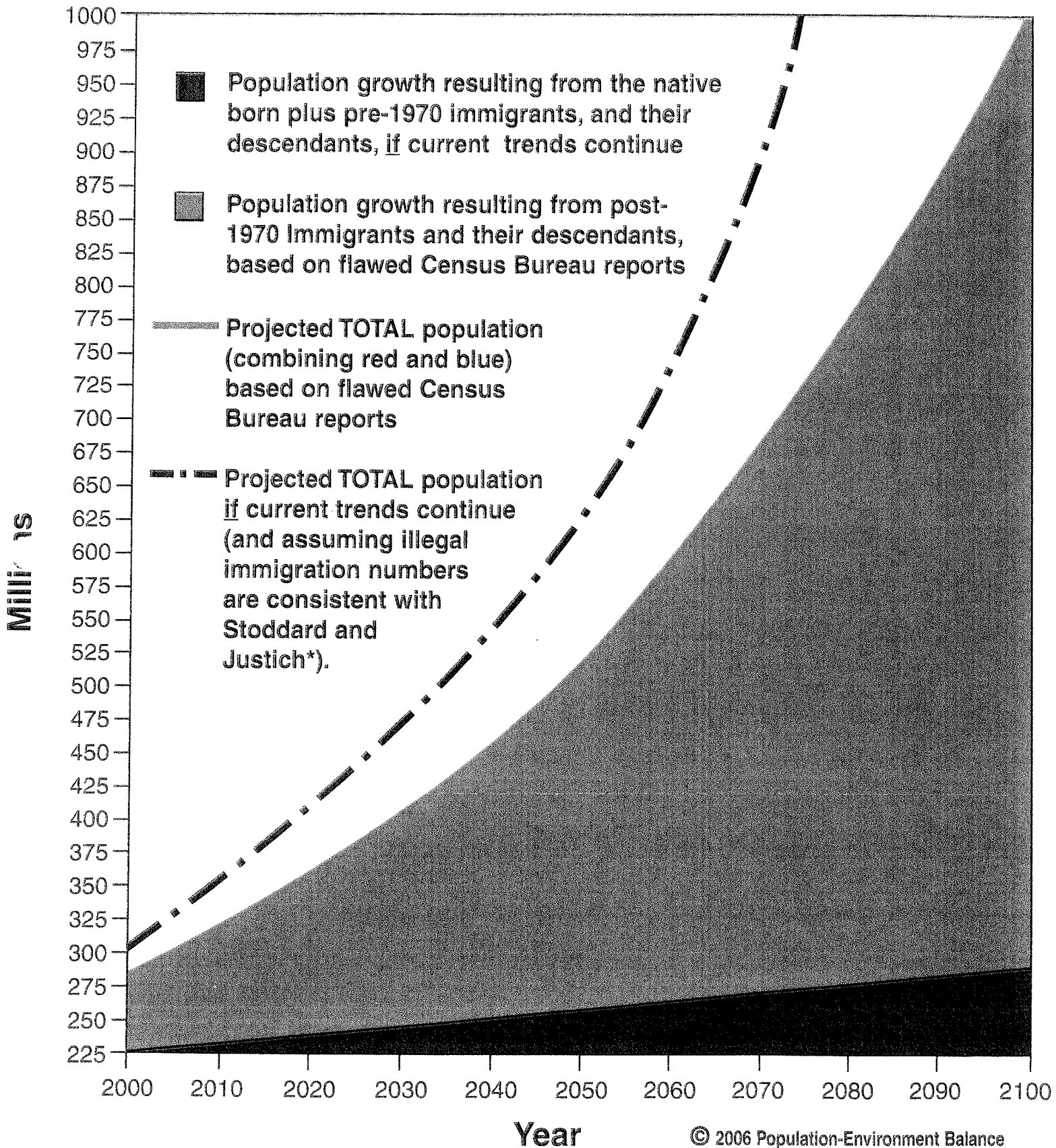
Sincerely,


JIM COSTA
Chairman

JC:sg

U.S.A. – One Billion in 2075

Current Trend of U.S. Population Growth



© 2006 Population-Environment Balance

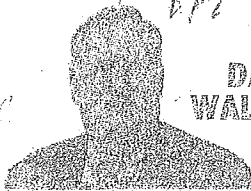
Population-Environment Balance—2000 P Street, NW—Suite 600—Washington, DC 20036

Tel.: (202) 955-5700 Fax: (202) 955-6161

Email: uspop@us.net Website: www.balance.org

177

Bee 6-10-07



DAN WALTERS

Bee 6-10-07 State looks to control land use

When Attorney General Jerry Brown sued San Bernardino County over alleged inadequacies in its plan governing growth, he accelerated an incremental and potentially historic – albeit little-noticed – state takeover of local governments’ jealously guarded power over land use.

Legislative measures – including a number in the current session – administrative regulations and court cases such as Brown’s lawsuit have advanced the trend, which alarms city and county officials. They see their authority over an issue in which there is intense, often emotional interest among local voters being eroded, and are concerned about the effects on land use-based tax revenue.

Land use has, as a topic for debate and sometimes action, been kicked around political and academic circles for decades. A landmark shift of policy occurred in the mid-1970s when voters and the Legislature, plus then-Gov. Brown, created a Coastal Commission with land use power – sometimes applied very narrowly with tinges of corruption – over a “coastal zone.”

Expansion of state land use authority went into a hiatus during the two Republican governorships that followed, but picked up a bit when Gray Davis became governor in 1999. Among other things, the state began enforcing a long-dormant state law requiring local governments to plan for housing demand, and Davis signed a bill that keyed subdivision approval to water supplies.

Gov. Arnold Schwarzenegger’s embrace of global warming has inspired many current efforts to exert more state control over land use, including Brown’s lawsuit. He contends that San Bernardino County’s planning for a 25 percent population increase over the next quarter-century should address the effect on global warming, even though there’s no explicit requirement in state law.

Dozens of bills to control land use or building standards are floating around the Capitol this year, but the underlying issue predates the recent concern about global warming: the years-long debate over whether California’s development should continue to be low-density, single-family homes on individual lots, with personal cars as the primary transportation mode, or shift to a higher-density, multifamily model, which requires less land and is more conducive to mass transit.

A case in point is a bill by Sen. Darrell Steinberg, D-Sacramento, which sparked a sharp clash on the Senate floor last week with Sen. Tom McClintock, R-Thousand Oaks, who accused Steinberg of wanting the state to dictate where and how Californians should live. The bill would, in effect, require transportation funds to be allocated on the higher-density “preferred growth scenario.”

Nor is global warming the only rationale – or pretext, to opponents – for greater state involvement in land use. Several pending bills would impose tighter controls on housing development near flood-prone rivers, a philosophy that a new policy paper being circulated by Schwarzenegger’s Department of Water Resources also embraces.

The multifront conflict over land use authority is, as the Steinberg-McClintock dust-up implies, an ideological one, and that means it’s also an interregional conflict in which coastal and urban liberals are attempting to impose their philosophy of development on the faster-growing, conservative suburban and rural counties of inland California – San Bernardino, for instance.

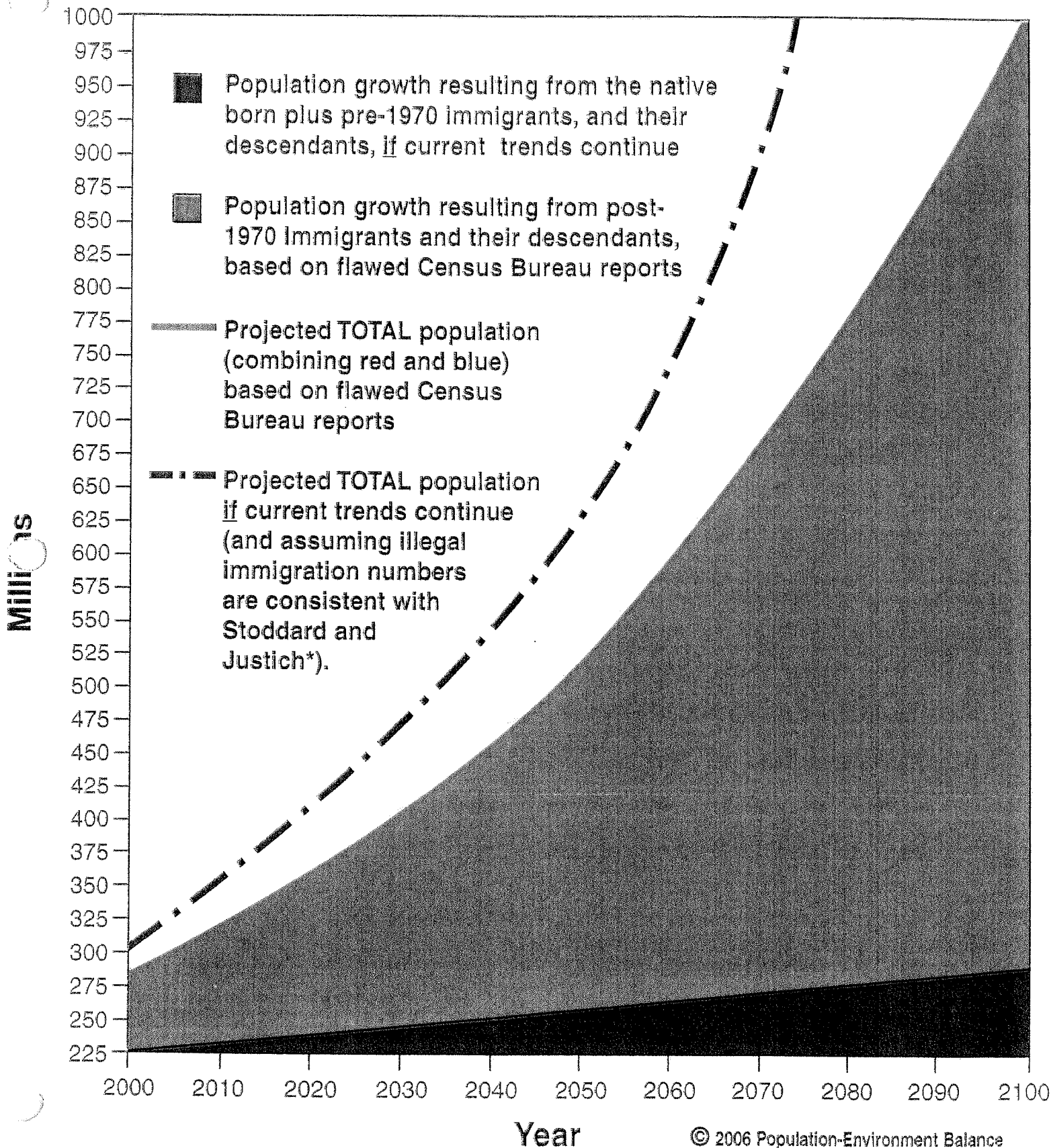
Whether the state should become intimately involved in land use, in effect extending the Coastal Commission approach to the rest of the state, is a legitimate issue, whatever the rationale. It may even be justified. But doing it piecemeal, without any comprehensive assessment of its economic and social consequences, is a bit sneaky and could be counterproductive.



Reach Dan Walters at (916) 321-1195 or dwalters@sacbee.com.
Back columns:
www.sacbee.com/walters.

U.S.A. - One Billion in 2075

Current Trend of U.S. Population Growth



© 2006 Population-Environment Balance

Population-Environment Balance—2000 P Street, NW—Suite 600—Washington, DC 20036

Tel.: (202) 955-5700 Fax: (202) 955-6161

Email: uspop@us.net Website: www.balance.org

Population Projections: Trends and Explanations September, 2006

- The upper dotted line represents the projected population growth of the United States. Data points through 2005 are based on the USCIS Yearbook of Immigration Studies for 2000-2005 plus an estimated number of illegal aliens. The totals are congruent with several estimates* of up to 30 million illegal aliens in the United States [compared to the Census Bureau estimate of 12 million]. The trend indicated by joining the data points 2000 and 2005 indicate that the **RATE OF GROWTH IS INCREASING**.
- Extrapolation indicates that the time for the U.S. population to double is approximately 50 years, which represents a growth rate of 1.4% annually.
- Not so long ago, the time for the U.S. population to double was 70 years. The shortening of the doubling time would indicate that the **rate of growth is increasing**. Even on a logarithmic scale, the dotted line would be bending upward. The slope based on the expectation that the rate of growth will continue to increase yields a nightmare scenario of an estimated population of 500 million by 2026, and 1 billion by 2075.
- The red section represents the projected population growth resulting from post-1970 immigrants and their offspring. This line uses the most recent Center for Immigration Studies (CIS) estimate, which indicates that legal and illegal immigration and the offspring of post-1970 immigrants presently accounts for nearly 90% of U.S. population growth. Legal immigration accounted for approximately two-thirds of this growth in the past decade and about half of that growth in recent years. Under current law and enforcement assumptions, mass immigration will generate more than 90% of the total U.S. population growth in the 21st century.
- The blue section represents the projected population growth resulting from pre-1970 immigrants and the native born and their offspring. Without post-1970 immigration, we would be on track to stabilize our population in approximately the next 30 years.

NOTE THAT Census Bureau consistently underestimates and has had to revise population size upward after each of the last few censuses. Upward revisions apparently still do not capture all of the growth, as revealed by discrepancies with the Census Bureau's own American Community Survey. See comparison before and after the year 2000 census.

The American Community Survey is a new annual version of the Federal Census Bureau's long-form questionnaire designed to capture the nation's demographic profile in a timelier moving picture, rather than a once-a-decade snapshot.

- The following is the basis for the Year 2000 data points:

Revised Census Bureau corrected by data from the United States Citizenship and Immigration Services (USCIS): 301 million

Revised Census Bureau figures: 282 million

Unrevised Census Bureau figures [published before 10-year census results]: 276 million

Population from pre-1970 immigrants and native-born: approximately 225 million

Consequences of Continued U.S. Population Growth:

- One acre of farmland or wild land lost for every person added.
- 25.55 barrels of oil consumed annually for every person added.
- 12,331 kilowatt-hours of electricity consumed annually for every person added.
- 1,932 cubic meters of water withdrawn annually from aquifers for every person added.

*Stoddard, David J. "Testimony Submitted to U.S. Subcommittee on Criminal Justice, Drug Policy and Human Resources." Representative Mark Souder, Chairman February 22, 2002.....Justich, Robert, Ng, Betty. "The Underground Labor Force Is Rising to the Surface." New York, Bear Stearns Asset Management, January 3, 2005.....Corsi, Jerome and Gilchrist, Jim. "Minutemen: That Battle to Secure America's Borders" NewsMax, 2006.

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: April 2, 2014

From: Chuck Iley, CAO
(Department Head - please type)

Phone Ext. _____

- | | |
|-------------------------------------|----------------|
| <input checked="" type="checkbox"/> | Regular Agenda |
| <input type="checkbox"/> | Consent Agenda |
| <input type="checkbox"/> | Blue Slip |
| <input type="checkbox"/> | Closed Session |

Meeting Date Requested:

04/08/14

Department Head Signature _____

Agenda Title: Discussion and Possible Action Regarding an Early Retirement Incentive

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Attached is a memorandum and details regarding a proposed early retirement incentive for Management, Mid-Management, Confidential and Miscellaneous (SEIU) employees for review and approval.

Recommendation/Requested Action:

Approval of Plan and Agreement

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required?

Yes

No

Contract Attached:

Yes

No

N/A

Resolution Attached:

Yes

No

N/A

Ordinance Attached:

Yes

No

N/A

Comments:

Committee Review?

N/A

Name _____

Committee Recommendation:

Request Reviewed by:

Chairman _____

Counsel _____

Auditor EDI

GSA Director _____

CAO _____

Risk Management [Signature]

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____

Time _____

Item # 7

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____

A new ATF is required from _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by _____

Department
For meeting
of _____

ATTEST: _____

Clerk or Deputy Board Clerk

Save



**AMADOR COUNTY
ADMINISTRATIVE AGENCY**

County Administration Center
810 Court Street • Jackson, CA 95642-9534
Telephone: (209) 223-6470
Facsimile: (209) 257-0619
Website: www.co.amador.ca.us

April 2, 2014

MEMORANDUM

TO: Amador County Board of Supervisors

FROM: Chuck Iley, County Administrative Officer

RE: Proposed Early Retirement incentive

As we discussed during my budget presentation to the Board a few weeks ago, the County continues to have a structural budget deficit. At that presentation, I mentioned that I would propose an early retirement incentive to close this deficit as an alternative to layoffs or other potential cost saving alternatives. Attached here for your review and approval is my recommended early retirement incentive in order to achieve the needed savings.

I am proposing that we make an offer that is very similar to the incentive that was offered previously. The package would be offered to all full-time employees employed within the Management, Mid-Management, Confidential, and Miscellaneous (SEIU) units as of April 8, 2014 that are within five years of retirement eligibility and have worked for the County a minimum of five years. These employees would be offered an incentive of \$1,000 per year of service to Amador County, to be placed in a Health Savings Account (HSA) for their use after separation from the County.

The benefit of an HSA is that it allows the funds placed within the account to remain untaxed, and the funds can be spent on health-care related costs (e.g. insurance premiums, copays, direct costs). One difference between this proposal and previous retirement incentives offered by the County is that the vacation payout and the sick leave payout would not be included in the HSA, as they were previously. I had received feedback from several employees that indicated that the HSA was not viewed as favorably as management previously thought. Unfortunately, in order to follow IRS rules and maintain the tax-free status of the accounts, everyone who accepts the offer must have the same constraints, and these constraints must be determined before the offer is made.

A proposed timeline associated with the various steps associated with the offer is attached. Ultimately, we would like the employees that accept this offer to begin their retirement no later than July 15. A list of frequently asked questions is also attached to this memo, and I believe that it should answer most of the questions associated with this proposal.

If you should have any further questions, please let me know.



Early Retirement Incentive (ERI) 2014 -- FAQ's

Who is eligible for this incentive?

- Any **full-time** Confidential, Mid-Management, Management and SEIU 1021 member employed by the County as of April 1, 2014 and eligible to retire on or before July 15, 2014

What are the requirements?

- Employee must have worked for the County of Amador for a minimum of 5 continuous years (employed on or before July 15, 2009)
- Employee must retire on or before July 15, 2014
- Employee must be 50 years of age on or before July 15, 2014
- Employee must be vested in the CalPERS retirement plan

What is the offer?

- For each year of service, \$1000 will be placed in a Retirement Health Saving (RHS) account.
 - Example: 20 years of service as an Amador County Employee would be a contribution of \$20,000 to the plan

Do I have to begin my CalPERS retirement withdrawals?

No. To qualify for the ERI you must be eligible to draw your CalPERS retirement, however you may defer initiating your pension payments.

Can I just take the cash?

No. The incentive is only available through the Retirement Health Savings (RHS) Plan.

Can I only have part of my vacation or sick banks added to the plan and take the rest in cash?

- No
- Vacation leave – Vacation balances will be paid out to the employee in their final check
- Sick Leave - Employees who have a minimum of 500 sick leave hours to a maximum of 1000 sick leave hours may have one-half their sick leave accrual (not to exceed 500) paid out in their final check

I have more than 500 hours of sick time, what happens to those hours?

As with regular (non-incentive) retirements those hours will be applied to your service credit time with CalPERS. Please keep in mind your retirement effective date must be within four months of separation to take advantage of sick leave conversion.

What is a Retirement Health Savings (RHS) Plan?

It is an employer sponsored health benefit savings vehicle that allows you to accumulate assets to pay medical, dental, and vision premiums and related expenses for you, your spouse, and eligible dependents in retirement on a tax free basis.

Can I add money to the RHS?

No. To be eligible for the tax-free status, your account can only be funded through the Early Retirement Incentive.

Are there options as to how the money is invested?

Yes. The VantageCare Representative will provide you with the details.

How do I get reimbursed?

VantageCare is the company who will be managing the RHS. Their representatives are tentatively scheduled to be here at the beginning of May to answer questions and detail the program.

When can I submit my receipts for reimbursement from the RHS?

Your expenses will be eligible from the day you retire. Establishing your eligibility in the program is a two step process:

1. The County notifies VantageCare that you are eligible.
2. You will complete and send the VantageCare Employee Benefit Eligibility form to the third party claims administrator.

More details on the specifics of this process will be available in the meetings with the VantageCare Representative.

Does it cost the employee anything to participate in the RHS Program?

Yes there is an annual account fee of approximately \$30.00 and possible fees associated with the investment option(s) employees choose.

Will I be eligible to stay on the County's medical/dental/vision plans?

Yes, as a retiring employee you and your eligible dependents can take advantage of the County's group plans by paying the premiums in full to our third party administrator Benefit Coordinators Corporation (BCC). Contact Lisa Gaebe, Benefits Coordinator regarding rate information at 223-6361.

Do I have to be on the County's medical plans under the RHS program?

No. The RHS program is not tied to any medical plan.

If I stay on the County Medical Plan, can I drop it and re-enroll later?

No. Once you drop your coverage through the County's medical plan you cannot re-enroll.

Can I return to work for the County?

Employees may not return to work for the County for three years unless Board approval is obtained.

Will I be eligible for Unemployment Benefits?

No. By choosing to take advantage of the Early Retirement Incentive, you will be **voluntarily** retiring your employment from the County.

I will be 50 years of old on July 31, 2014... am I eligible?

No. Only employees who will be 50 on or before July 15, 2014 are eligible to participate.

If I haven't completed a full year of time with Amador will I still get credit for the year? Each month in the final year will be pro-rated at 1/12 of the \$1000. This amount is \$83.33 per completed month. Example: 5 months x \$83.33 = \$416.65 for the final year

Why is the County offering this?

This is one of several measures; the County is taking to balance its budget. Before resorting to mandatory measures, such as layoffs, the County is offering this incentive to those Employees who are interested in and eligible for retirement.

What if I wait, will this be offered again?

We do not know, however, the incentive has been offered twice, in 2008 and 2010. In this economic climate, it is difficult to anticipate when or if the County would ever offer another incentive equal to this one.

Early Retirement Incentive July 2014 Timeline

Date	Item	Who	Complete	Notes
	BOS			
3/25/2014	BOS Considers ERI Offer			
4/8/2014	BOS Approves ERI Offer and Approves ICMA-RC Amendment Language			
	Employees and Information			
4/8/2014	Eligible Employees are Identified			
4/8/2014	Identified Employees sent Announcement via Email			
4/14/2014-04/18/2014	Create and Compile Employee Packets			
4/28/2014	EE's given Information Packet including a Accept/Decline form			
	Employee Processes			
5/5/2014	Begin accepting Accept/Decline forms - 45 day window opens. EE's have right to rescind for 7 days after acceptance			
Week of May 5 (tentative)	ICMA-RC Information Meeting for Employees with ICMA Rep			
5/12/2014	First 7- day Reconsideration Period, from the day the EE turns in the acceptance form			
6/25/2014	Last 7- day Reconsideration Period, from the day the EE turns in the acceptance form			
5/8/2014	CalPERS Retirement Class			
6/18/2014	Last day to turn in Accept/Decline Form			
	Organizational Effects			
Week of June 23	Review with Dept. Heads who will be leaving			
Week of June 30	Working with Dept. Heads to merge Retirees positions into the Reorganization plans			
	Retirements			
7/15/2014	Retirement date			



**EMPLOYER VANTAGECARE
RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT**

**EMPLOYER VANTAGECARE RETIREMENT HEALTH SAVINGS (RHS) PLAN
ADOPTION AGREEMENT**

NOTE (For existing employers only): Check here if you want ICMA-RC to use existing plan contact information for this new plan setup. Otherwise, if contact information has changed, please complete and return the Implementation Data Form found on pg. II:31 along with the adoption materials.

Plan Number: 8 01943 Check one: New Plan Amendment to Existing Plan

Employer Retirement Health Savings Plan Name:

I. **Employer Name:** County of Amador State: California

II. **The Employer hereby attests that it is a unit of a state or local government or an agency or instrumentality of one or more units of a state or local government.**

III. **Effective Date of the Plan:** 04/01/2014

IV. **The Employer intends to utilize the Trust to fund only welfare benefits pursuant to the following welfare benefit plan(s) established by the Employer:** County of Amador Early Retirement Incentive

V. Eligible Groups, Participation and Participant Eligibility Requirements

A. Eligible Groups

The following group or groups of Employees are eligible to participate in the VantageCare Retirement Health Savings Plan (check all applicable boxes):

- All Employees
- All Full-Time Employees
- Non-Union Employees
- Public Safety Employees -- Police
- Public Safety Employees -- Firefighters
- General Employees
- Collectively-Bargained Employees (Specify unit(s)) _____
- Other (specify group(s)) Full-time Confidential, Management, Mid-Management and SEIU 2021 Employees

The Employee group(s) specified must correspond to a group(s) of the same designation that is defined in the statutes, ordinances, rules, regulations, personnel manuals or other documents or provisions in effect in the state or locality of the Employer.

B. Participation

Mandatory Participation: All Employees in the covered group(s) are required to participate in the Plan and shall receive contributions pursuant to Section VI.

If the Employer's underlying welfare benefit plan or funding under this VantageCare Retirement Health Savings Plan is in whole or part a non-collectively bargained, self-insured plan, the nondiscrimination requirements of Internal Revenue Code (IRC) Section 105(h) will apply. These rules may impose taxation on the benefits received by highly compensated individuals if the Plan discriminates in favor of highly compensated individuals in terms of eligibility or benefits. The Employer should discuss these rules with appropriate counsel.

C. Participant Eligibility Requirements

1. Minimum service: The minimum period of service required for participation is 5 years (write N/A if no minimum service is required).
2. Minimum age: The minimum age required for eligibility to participate is 50 (write N/A if no minimum age is required).

VI. Contribution Sources and Amounts

A. Definition of Earnings

The definition of Earnings will apply to all RHS Contribution Features that reference "Earnings", including Direct Employer Contributions (Section VI.B.1.) and Mandatory Employee Compensation Contributions (Section VI.B.2).

Definition of earnings: N/A

B. Direct Employer Contributions and Mandatory Contributions

1. Direct Employer Contributions

The Employer shall contribute on behalf of each Participant

- _____ % of Earnings
- \$ _____ each Plan Year
- A discretionary amount to be determined each Plan Year
- Other (describe): _____

2. Mandatory Employee Compensation Contributions

The Employer will make mandatory contributions of Employee compensation as follows:

- Reduction in Salary - _____ % of Earnings or \$ _____ will be contributed for the Plan Year.
- Decreased Merit or Pay Plan Adjustment - All or a portion of the Employees' annual merit or pay plan adjustment will be contributed as follows:

An Employee shall not have the right to discontinue or vary the rate of Mandatory Contributions of Employee Compensation.

3. Mandatory Employee Leave Contributions

The Employer will make mandatory contributions of accrued leave as follows (provide formula for determining Mandatory Employee Leave contributions):

- Accrued Sick Leave _____
- Accrued Vacation Leave _____
- Other (specify type of leave) Accrued _____ Leave

An Employee shall not have the right to discontinue or vary the rate of mandatory leave contributions.

C. Limits on Total Contributions (check one box)

The total contribution by the Employer on behalf of each Participant (including Direct Employer and Mandatory Employee Contributions) for each Plan Year shall not exceed the following limit(s) below. Limits on individual contribution types are defined within the appropriate section above.

- There is no Plan-defined limit on the percentage or dollar amount of earnings that may be contributed.
- _____ % of earnings*
 - *Definition of earnings: Same as Section VI.A. Other
- \$ _____ for the Plan year.

See Section V.B. for a discussion of nondiscrimination rules that may apply to non-collectively bargained self-insured Plans.

VII. Vesting for Direct Employer Contributions

A. Vesting Schedule (check one box)

- The account is 100% vested at all times.
- The following vesting schedule shall apply to Direct Employer Contributions as outlined in Section VI.B.1.:

Years of Service Completed	Vesting Percentage
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %
_____	_____ %

B. The account will become 100% vested upon the death, disability, retirement*, or attainment of benefit eligibility (as outlined in Section IX) by a Participant.

*Definition of retirement (check one box):

- Retirement as defined in the primary retirement plan of the Employer
- Separation from service
- Other _____

C. Any period of service by a Participant prior to a rehire of the Participant by the Employer shall not count toward the vesting schedule outlined in A above.

VIII. Forfeiture Provisions

Upon separation from the service of the Employer prior to attainment of benefit eligibility (as outlined in Section IX), or upon reversion to the Trust of a Participant's account assets remaining upon the participant's death (as outlined in Section XI), a Participant's non-vested funds shall (check one box):

- Remain in the Trust to be reallocated among all remaining Employees participating in the Plan as Direct Employer Contributions for the next and succeeding contribution cycle(s).
- Remain in the Trust to be reallocated on an equal dollar basis among all Plan Participants.
- Remain in the Trust to be reallocated among all Plan Participants based upon Participant account balances.
- Revert to the Employer.

IX. Eligibility Requirements to Receive Medical Benefit Payments from the VantageCare Retirement Health Savings Plan

A. A Participant is eligible to receive benefits:

- At retirement only (also complete Section B.)

Definition of retirement:

- Same as Section VII.B.

- Other _____

- At separation from service with the following restrictions

- No restrictions

- Other _____

B. Termination prior to general benefit eligibility: In the case where the general benefit eligibility as outlined in Section IX.A includes a retirement component, a Participant who separates from the service of the Employer prior to retirement will be eligible to receive benefits immediately upon separation from service.

C. A Participant that becomes totally and permanently disabled

- as defined by the Social Security Administration

- as defined by the Employer's primary retirement plan

- other _____

will become immediately eligible to receive medical benefit payments from his/her VantageCare Retirement Health Savings Plan account.

D. Upon the death of the Participant, benefits shall become payable as outlined in Section XI.

X. Permissible Medical Benefit Payments

Benefits eligible for reimbursement consist of:

- All Medical Expenses eligible under IRC Section 213* other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin).
- The following Medical Expenses eligible under IRC Section 213* other than (i) direct long-term care expenses, and (ii) expenses for medicines or drugs which are not prescribed drugs (other than insulin). Select only the expenses you wish to cover under the VantageCare Retirement Health Savings Plan:
- Medical Insurance Premiums
 - Medical Out-of-Pocket Expenses*
 - Medicare Part B Insurance Premiums
 - Medicare Part D Insurance Premiums

- Medicare Supplemental Insurance Premiums
- Prescription Drug Insurance Premiums
- COBRA Insurance Premiums
- Dental Insurance Premiums
- Dental Out-of-Pocket Expenses*
- Vision Insurance Premiums
- Vision Out-of-Pocket Expenses*
- Qualified Long-Term Care Insurance Premiums
- Non-Prescription medications allowed under IRS guidance*
- Other qualifying medical expenses (describe)*

* See Section V.A. for a discussion of nondiscrimination rules which may apply to non-collectively bargained, self-insured Plans.

XI. Benefits After the Death of the Participant

In the event of a Participant's death, the following shall apply:

A. Surviving Spouse and/or Surviving Dependents

The surviving spouse and/or surviving eligible dependents (as defined in Section XII.D.) of the deceased Participant are immediately eligible to maintain the account and utilize it to fund eligible medical benefits specified in Section X above.

Upon notification of a Participant's death, the Participant's account balance will be transferred into Dreyfus Cash Management fund* (or another fund selected by the Employer). The account balance may be reallocated by the surviving spouse or dependents.

**An investment in the Dreyfus Cash Management money market fund is not insured or guaranteed by the Federal Deposit Insurance Corporation or any other government agency. Although the fund seeks to preserve the value of your investment at \$1.00 per share, it is possible to lose money by investing in the fund. Investors should consider the investment objectives, risks, charges, and expenses of the fund carefully before investing. You may visit us at www.icmarc.org or call 800-669-7400 to obtain a prospectus that contains this and other information about the fund. Read the prospectus carefully before investing.*

If a Participant's account balance has not been fully utilized upon the death of the eligible spouse, the account balance may continue to be utilized to pay benefits of eligible dependents. Upon the death of all eligible dependents, the account will revert to the Plan to be applied as specified in Section VIII.

B. No Surviving Spouse or Surviving Dependents

If there are no living spouse or dependents at the time of death of the Participant, the account will revert to the Plan to be applied as specified in Section VIII.

XII. The Plan will operate according to the following provisions:

A. Employer Responsibilities

1. The Employer will submit all VantageCare Retirement Health Savings Plan contribution data via electronic submission.
2. The Employer will submit all VantageCare Retirement Health Savings Plan Participant status updates or personal information updates via electronic submission. This includes but is not limited to termination notification and benefit eligibility notification.

- B. Participant account administration and asset-based fees will be paid through the redemption of Participant account shares, unless agreed upon otherwise in the Administrative Services Agreement.

- C. Assignment of benefits is not permitted. Benefits will be paid only to the Participant, his/her Survivors, the Employer, or an insurance provider (as allowed by the claims administrator). Payments to an third-party payee (e.g., medical service provider) are not permitted with the exception of reimbursement to the Employer or insurance provider (as allowed by the claims administrator).
- D. An eligible dependent is (a) the Participant's lawful spouse, (b) the Participant's child under the age of 27, as defined by IRC Section 152(f)(1) and Internal Revenue Service Notice 2010-38, or (c) any other individual who is a person described in IRC Section 152(a), as clarified by Internal Revenue Service Notice 2004-79.
- E. The Employer will be responsible for withholding, reporting and remitting any applicable taxes for payments which are deemed to be discriminatory under IRC Section 105(h), as outlined in the VantageCare Retirement Health Savings Plan Employer Manual.

XIII. Employer Acknowledgements

- A. The Employer hereby acknowledges it understands that failure to properly fill out this Employer VantageCare Retirement Health Savings Plan Adoption Agreement may result in the loss of tax exemption of the Trust and/or loss of tax-deferred status for Employer contributions.
- B. Check this box if you are including supporting documents that include plan provisions.

EMPLOYER SIGNATURE

By: _____

Date: _____

Title: _____

Attest: _____

Date: _____

Title: _____

Accepted: VANTAGEPOINT TRANSFER AGENTS, LLC



 Assistant Secretary, ICMA-RC



County of Amador Early Retirement Incentive Application and Acknowledgement

The Amador County Board of Supervisors extended an offer of an Early Retirement Incentive to its employees as outlined in the Resolution No 14-xxx on April 8, 2014.

In exchange for the benefit provided to an employee pursuant to this early retirement incentive, the employee agrees to be bound by the terms of that resolution and the terms outlined in this Application and Agreement.

I, _____, wish to apply for the early retirement incentive pursuant to the terms and conditions of Board Resolution No. 14-xxx – 2014 Early Retirement Incentive. In making this application, I agree to be bound by the following terms:

1. Acceptance of my application by the Board shall be considered by the Board as a voluntary retirement/resignation effective _____.
(Date of Retirement)
2. I certify that, prior to the effective date of my retirement, I will have completed _____ years of service with Amador County. I acknowledge that the funding of a health reimbursement plan will be based upon my years of service to Amador County.
3. I certify that I meet the age and service requirements of Board Resolution No. 14-xxx – 2014 Early Retirement Incentive.
4. I acknowledge that the County has provided to me a reasonable time (in excess of 45 days) for deliberation on this matter, I have been provided an opportunity to consult with an attorney regarding this Early Retirement Incentive, without compulsion or coercion of any sort from any party. I voluntarily make this application to participate in the Early Retirement Incentive. I also understand that I have 7 days from the date of this document to rescind my application.
5. In signing this application and making application to the Early Retirement Incentive program, I do not rely and have not relied upon any representation or statement not set out herein made by anyone with respect to this agreement.
6. I understand that by accepting the early retirement incentive, I forfeit future eligibility for re-employment with the County of Amador as a permanent employee for three years.
7. I understand by choosing to take advantage of the Early Retirement Incentive, I will be **voluntarily** retiring my employment from the County and therefore will not be eligible for unemployment.
8. In signing this application, I hereby certify that the information provided in it by me is accurate. I acknowledge that inaccurate information provided by me may be basis for rejection of my application.

Employee Name (Print) _____	Social Security Number _____
Mailing Address _____	City _____
State _____	Phone Number _____
Zip _____	Date _____
Employee Signature _____	Date _____

This application is:

Approved _____
Date

Denied _____
Date

Chairman of the Board, County of Amador

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: April 2, 2014

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>04/08/14</u>	

From: Theodore F. Novelli, Chairman Phone Ext. _____
 (Department Head - please type)

Department Head Signature _____

Agenda Title: Board of Supervisors

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 The salaries of the members of the Board of Supervisors are set by ordinance. Currently, the Supervisors receive 35% of the salary of an Amador County superior court judge's monthly pay in effect on June 30, 2008, without any of the pay increases that the Judges have received since that time. County Code contains an inflator that would increase the salary to 40% of the Amador County superior court judge's monthly pay on July 1, 2014. This ordinance would postpone that increase until July 1, 2015, keeping the salaries of the Supervisors as they have been since 2008.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate)	Staffing Impacts

Is a 4/5ths vote required? Yes No

Contract Attached:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Resolution Attached:	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>	N/A <input type="checkbox"/>
Ordinance Attached:	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>	N/A <input type="checkbox"/>

Committee Review? N/A

Name _____
 Committee Recommendation: _____

Comments: _____

Request Reviewed by:

Chairman _____	Counsel _____
Auditor <u>[Signature]</u>	GSA Director _____
CAO _____	Risk Management <u>[Signature]</u>

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____ Time _____ Item # 8

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____	A new ATF is required from _____
Completed by _____	Department _____
_____	For meeting _____
_____	of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

ATTEST: _____
 Clerk or Deputy Board Clerk

Save

ORDINANCE NO. _____

The Board of Supervisors of the County of Amador ordains as follows:

SECTION 1. Sub-section 2.04.090.B of Chapter 2.04 of the Amador County Code shall be deleted and the following revised Sub-section 2.04.090.B shall be adopted and substituted in place of the deleted sub-section:

2.04.090 Salaries and benefits.

...

B. Effective July 1, 2015, each supervisor for the county shall receive as compensation for services required of him/her by law or by virtue of his/her office an amount equal to forty percent of the Amador County superior court judge's monthly pay in effect on June 30, 2015, for each month during which such supervisor holds office. Such salary shall be prorated for the first and last month of his/her term. Each year thereafter, the board of supervisors' annual rate of compensation shall be adjusted on July 1st without further direction to the auditor-controller or personnel department, to an amount that is forty percent of the Amador County superior court judge's salary in effect on July 1st of the same year.

...

SECTION 2. This ordinance or a summary thereof shall be published within fifteen days after the date hereof in a newspaper of general circulation printed and published in the County of Amador, State of California, and shall become effective sixty days after the date hereof.

The foregoing ordinance was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the _____th day of June 2014, by the following vote:

AYES: John Plasse, Richard M. Forster, Theodore Novelli, Louis D. Boitano and Brian Oneto

NOES: None

ABSENT:

Chairman, Board of Supervisors

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

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: April 2, 2014

From: Theodore F. Novelli, Chairman
(Department Head - please type)

Phone Ext. _____

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>04/08/14</u>	

Department Head Signature _____

Agenda Title: Board of Supervisors

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Per County Code, the retirement benefits received by members of the Board of Supervisors are set within the Management Resolution that sets the benefits for other Management employees.

This Resolution changes the employee contribution towards PERS for the Board of Supervisors only. The Supervisors will each contribute 6% of their salary towards PERS effective July 1, 2014. This is an increase of 6% and it is not being offset by any other salary or other benefit increases.

Recommendation/Requested Action:
Approval of Resolution

Fiscal Impacts (attach budget transfer form if appropriate) _____ Is a 4/5ths vote required? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	Staffing Impacts _____ Contract Attached: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Resolution Attached: Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A <input type="checkbox"/> Ordinance Attached: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A <input type="checkbox"/> Comments: _____ _____
Committee Review? N/A <input type="checkbox"/> Name _____ Committee Recommendation: _____ _____	

Request Reviewed by:

Chairman _____	Counsel _____
Auditor <u>EDL</u>	GSA Director _____
CAO _____	Risk Management <u>[Signature]</u>

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____	Time _____	Item # <u>9</u>
Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___		
Ayes: _____	Resolution _____	Ordinance _____
Noes _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	

Distributed on _____	A new ATF is required from _____ Department _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
Completed by _____	For meeting of _____	

Save

**BEFORE THE BOARD OF SUPERVISORS OF THE
COUNTY OF AMADOR, STATE OF CALIFORNIA**

IN THE MATTER OF:

RESOLUTION RELATIVE TO)
SALARIES AND FRINGE BENEFITS)
FOR MANAGEMENT EMPLOYEES)

RESOLUTION NO. 14-xxx

BE IT RESOLVED that this resolution is being adopted to reflect a change in the Employer Paid Member Contributions (EPMC) for members of the Board of Supervisors. Effective July 1, 2014 the EPMC will be 1% for members of the Board of Supervisors.

	Salary
Agricultural Commissioner/Air Pollution Control Officer	\$9,001
County Surveyor/Chief Deputy Registrar of Voters	\$7,952
Community Development Director	\$9,935
County Counsel	\$11,576
District Attorney, Chief Assistant	\$11,012
General Services Administration Director	\$9,577
Health Human Services Director	\$10,605
Human Resources Director	\$8,858
Information Technology Director	\$9,163
Probation Officer, Chief	\$11,446
Public Services Director	\$7,037
Undersheriff	\$11,446
Veterans Services Officer	\$5,759

TERMS AND CONDITIONS

1. Employees herein serve at the pleasure of the Board of Supervisors with the exception of the Chief Probation Officer, who is appointed and removed by the presiding judge; the County Counsel, who is appointed by the Board of Supervisors to a four-year term; and the Undersheriff, whose tenure is discussed in paragraph 3.B below. These employees shall adhere to all policies and procedures applicable to other County Management employees.
2. Personnel covered by this resolution are required to devote the appropriate amount of time at their place of work, either in the office or at other sites, necessary to complete the responsibilities and duties of their positions.

3. The following terms and conditions apply only to the position of Undersheriff:
 - A. The salary shall be equal to or above the salary established for the position of Captain.
 - B. The Undersheriff's employment shall begin upon his/her effective date of appointment and shall terminate upon the appointing Sheriff's leaving office for any reason and a new Sheriff taking office. The Undersheriff's position shall automatically terminate without notice or hearing upon the appointing Sheriff's leaving office and his/her successor taking office. Any Undersheriff whose employment terminates as a result of the appointing Sheriff's leaving office shall have bumping rights to any position in the Sheriff's Office, including the highest position which was previously held before becoming the Undersheriff at the appropriate step based upon the duration of the Undersheriff's length of County employment in all positions within the Sheriff's Office.
 - C. The Undersheriff shall be required at the time of his/her appointment to have all of the professional qualifications of the Sheriff.
 - D. The Undersheriff shall act as the Chief Deputy of the Sheriff and as the Executive Officer of the Sheriff's Office working under the direction and control of the Sheriff.
 - E. The Undersheriff shall be an at-will employee serving at the pleasure of the Sheriff. He/She shall adhere to all policies and procedures applicable to other County management employees and if, in the opinion of the Board of Supervisors, the Undersheriff violates any said policy and/or procedure creating the probability of substantial County liability and the Sheriff fails to impose appropriate discipline on the Undersheriff, the Board of Supervisors may discipline the Undersheriff up to, and including, termination of the Undersheriff without notice or hearing. The Board of Supervisors shall not have the right to discipline the Undersheriff for any other reason.
4. The following terms and conditions apply only to the position of Chief Probation Officer:
 - A. The salary shall be equal to the current established salary and any future adjustments to the salary for the position of the Undersheriff.

BENEFIT PACKAGE

5. **Retirement Program**: Employees herein shall receive the same Public Employees' Retirement System program offered through the County (Local Safety Members for Undersheriff and Chief Probation Officer, Local Prosecutors for Chief Assistant District Attorney, and Local Miscellaneous Members for all other unit members), as such programs may be amended from time to time. The Employer Paid Member Contribution (EPMC) shall be as follows:
 - A. The EPMC shall be 1% for all employees except for the Undersheriff, the Chief Probation Officer, and the Chief Assistant District Attorney. For those employees, the EPMC shall be 3%.
 - B. EPMC shall be 1% for members of the Board of Supervisors effective July 1, 2014.

- C. The reduction in EPMC listed above shall not apply to other employees whose benefits are the equivalent of those provided to Management members, such as the County Administrative Officer, or to elected officials, unless specifically adopted by contract or resolution dated after the effective date of this Resolution.
6. **Health Insurance:** Employees herein shall be eligible for the same group health insurance programs provided to the County's General Unit bargaining group except for the Undersheriff and the Chief Probation Officer, who shall be eligible for the same group health insurance programs provided to the County's law enforcement bargaining units.
- A. The County will pay the cost of health, vision, dental, and life insurance for all Management employees and their dependent.
 - B. A cash payment of \$506.82 per month shall be paid to all Management employees in lieu of major medical insurance benefits, provided, however, that employee must have on file with the Auditor an affidavit confirming that other major medical insurance has been obtained.
 - C. Management employees retiring from County service shall be granted the right to continue participation in the group health insurance programs provided for active Management employees, to the extent said insurance programs allow, at the retired employee's expense.
7. **Sick Leave:** Employees herein shall accrue eight (8) hours paid leave of absence for illness or injury to the employee or the employee's minor children for every 174 hours of service, which accrual shall be credited monthly
- A. Unused sick leave shall accrue from year to year.
 - B. Upon retirement only, an employee who has accrued a minimum of 500 sick leave hours **may**, upon request of the employee, be paid in cash for one-half of the number of accrued sick leave hours up to a maximum payoff of 500 hours, with the balance of unused sick leave going toward PERS service credit.
8. **Vacation Leave:** Employees herein shall earn and accrue paid vacation leave in accordance with the following provisions (all other terms and conditions shall be the same as the County's General bargaining group):
- A. Vacation leave shall be earned and accrued at the rate of sixteen (16) hours of vacation leave for every 174 hours of service
 - B. Employees will only be allowed to carry over a two (2) year vacation accrual maximum. Accrual of vacation leave shall cease when the maximum amount of vacation leave allowed has accrued and been unused by the employee, but shall recommence when the unused balance of an employee's vacation leave is below the maximum allowed accrual.
 - C. An employee may elect to be paid off in cash (up to 40 hours only); provided, however, that the criteria outlined in the Amador County Policies and Procedures Manual (#2-230) has been met.
9. **Holiday Leave:** Management employees will receive the same paid holiday leave as the County's General Unit bargaining group with the exception of the Undersheriff, Chief Probation Officer and Chief Assistant District Attorney.

10. **Employee Wellness Program**: The County agrees to provide up to \$100.00 per calendar year cost reimbursement to **non-smoking** Management employees who participate in an organized fitness program or organized weight-reduction program.

EFFECTIVE DATE

11. **Effective Date**. The effective date of this Resolution shall be July 1, 2014.

The foregoing resolution was duly passed and adopted by the Board of Supervisors of the County of Amador at a regular meeting thereof, held on the 8th day of April, 2014 by the following vote:

AYES: Theodore F. Novelli, Brian Oneto, John Plasse, Richard M. Forster, and, Louis D. Boitano.

NOES:

ABSENT:

Chairman, Board of Supervisors

ATTEST:

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

Deputy

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: 04/01/2014

From: Aaron Brusatori
(Department Head - please type)

Phone Ext. 248

<input checked="" type="radio"/> Regular Agenda
<input type="radio"/> Consent Agenda
<input type="radio"/> Blue Slip
<input type="radio"/> Closed Session
Meeting Date Requested: <u>04/08/2014</u>

Department Head Signature *Aaron Brusatori*

Agenda Title: Phase II (small) MS4 Stormwater Permit

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

In response to the federal Clean Water Act and on behalf of the State Water Board, the California Regional Water Quality Control Board has promulgated new stormwater permit requirements that affect small jurisdictions in California. Amador County is required to develop a stormwater program that includes: water quality monitoring, reporting, education and outreach, illicit discharge detection and elimination, construction site runoff control; and post-construction stormwater management.

Recommendation/Requested Action:
Provide direction to staff.

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Estimated fiscal impact ~\$91,050 in first two years

None

Is a 4/5ths vote required? Yes No

Contract Attached: Yes No N/A
 Resolution Attached: Yes No N/A
 Ordinance Attached: Yes No N/A

Committee Review? N/A

Name Administrative 3/3/14

Comments: _____

Committee Recommendation:
Refer to full Board

Request Reviewed by:

Chairman _____

Counsel *GG*

Auditor *EDL*

GSA Director *HP*

CAO _____

Risk Management *JH*

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____ Time _____ Item # 10

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____

Noes: _____ Resolution _____ Ordinance _____

Absent: _____ Comments: _____

Distributed on _____
 Completed by _____
 A new ATF is required from _____
 Department _____
 For meeting _____
 of _____

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
 ATTEST: _____
 Clerk or Deputy Board Clerk

Save

Print Form

TRANSPORTATION AND PUBLIC WORKS

810 Court Street • Jackson, CA 95642 • Phone: 209-223-6429 • Fax: 209-223-6395 •
Email: PublicWorks@amadorgov.org • Website: www.amadorgov.org



JEMc

TO: BOS Administrative Committee

FROM: Jim McHargue, REHS, SC, Director Solid Waste/Safety Programs

DATE: February 25, 2014

RE: **Storm Water Permit Requirements**

Impaired Water Bodies in Amador County:

WATER BODY	CONSTITUENT	POSSIBLE REASONS FOR IMPAIRMENT*
Lake Amador	High pH	Municipal wastewater treatment
Upper/Lower Bear River	Copper	Historic mining
Camanche Reservoir	Copper, Mercury	Historic mining
Upper/Lower Cosumnes River	Endanger Species, Sediment, Toxicity, E coli	Out-of-County activities
Pardee Reservoir	Mercury	Historic mining

*Staff suggested possible reasons for impairment

Background:

In 1987 amendments to the federal Water Pollution Control Act of 1972 (known as the Clean Water Act) regulated storm water discharges under the National Pollutant Discharge Elimination System (NPDES). In 1990 the U.S. EPA promulgated regulations for permitting storm water from industrial sites, including construction sites and municipal separate storm sewer systems known as MS4s. Phase I regulations require operators of medium and large MS4s to obtain storm water permits. On July 1, 2013, Phase II regulations became effective and regulate small MS4s.

Amador County has been included in the Phase II MS4 permit (census population and income level) along with the state Water Board's opinion:

“...there is only limited storm water management in this area, allowing discharge of pollutants to waters of the State already impacted with multiple constituents and parameters.”

Additionally, the Regional Water Board staff communicated verbally during a February 7, 2014, meeting that Amador County has in the past had problems with the State's storm water enforcement group. County staff has requested any correspondence, notices and/or violations from the Regional Board that can show evidence of this assertion.

First Year Requirements:

The County is required to comply with first year requirements of the Phase II Small MS4 permit immediately which includes payment of the permit fee. Secondly, there are a number of actions required by Amador County during the first permit year which began on July 1, 2013. Some of these requirements are:

1. Prepare and submit a revised map of the county’s MS4 system
2. Select a storm water education and outreach program option
3. Develop an Illicit Discharge Detection and Elimination program
4. Develop and submit a Construction Storm Water program
5. Develop and submit a Post-Construction Storm Water program

Costs:

The annual permit fee is estimated to be \$7,000-\$14,000. The costs during the second permit year will increase substantially due to storm water sampling, testing, analysis and reporting.

STAFF	HOURS X \$/HR	COST
Director	30 X \$100	\$3,000
Senior Civil Engineer	60 X \$70	\$4,200
Engineering Technician	300 X \$45	\$13,500
Administrative/Accounting	90 X \$40	\$3,600
Laboratory	75 X \$750	\$56,250
	TOTAL	\$80,550

Total costs for the first two permit years are estimated to be approximately \$87,550 - \$94,550.

Staff Suggested Approach:

Staff has made the following conclusions:

1. The waiver process is not a viable option because of the County’s population and Median Household Income (MHI).
2. The Regional Board is expected to officially place Amador County on 303(d) list monitoring (attachment A) by July 2014 and prescribe a specific monitoring program.
3. Because there are no urban areas identified in Amador County, staff believes a case can be made that the impacts to storm water in the unincorporated county attributed to permitted activities or land uses, are minimal. Staff will develop a map that reflects this assumption.

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: March 20, 2014

Ord.

From: Susan C. Grijalva

Phone Ext. X 380

(Department Head - please type)

Department Head Signature *Susan C. Grijalva*

<input checked="" type="checkbox"/>	Regular Agenda
<input type="checkbox"/>	Consent Agenda
<input type="checkbox"/>	Blue Slip
<input type="checkbox"/>	Closed Session
Meeting Date Requested:	
<u>April 8, 2014</u>	

Agenda Title: Planning Dept. - Review and consideration of extending sunset clause in County Code Section 19.32.010 H. Banners, of the County's sign regulations.

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

On April 24, 2012 the Board of Supervisors adopted Ordinance 1724 (attached) amending the County Code by adding regulations in recognition of the need for additional banners for businesses in times of economic decline and to allow for the display of banners advertising a service benefiting local non-profit organizations. Per the ordinance, these regulations were to remain in effect until 2 years after the date of approval (that being April 24, 2013), and upon expiration, the Board of Supervisors may extend the provisions of the ordinance "in the event the Board of Supervisors declares the economic need for additional banners continues to exist."

The Board of Supervisors needs to reevaluate whether they wish to extend the implementation of Ordinance 1724 for another 2 years. If so, staff will schedule a public hearing for the adoption of an ordinance extending the provisions of Ordinance 1724.

Recommendation/Requested Action:

Determine if an economic need continues to exist and whether to extend the implementation of Ordinance 1724 for another 2 years.

Fiscal Impacts (attach budget transfer form if appropriate)

Staffing Impacts

Is a 4/5ths vote required?

Yes

No

Contract Attached:

Yes

No

N/A

Resolution Attached:

Yes

No

N/A

Ordinance Attached

Yes

No

N/A

Comments:

Committee Review?

N/A

Name

Committee Recommendation:

Request Reviewed by:

Chairman _____

Counsel *GG*

Auditor *EJA*

GSA Director *Hep*

CAO _____

Risk Management *SM*

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

Planning

FOR CLERK USE ONLY

Meeting Date

April 8, 2014

Time

9 a.m.

Item #

11

Board Action: Approved Yes ___ No ___

Unanimous Vote: Yes ___ No ___

Ayes:

Resolution

Ordinance

Other:

Noes

Resolution

Ordinance

Absent:

Comments:

Distributed on

A new ATF is required from

I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.

Completed by

Department
For meeting
of

ATTEST:

Clerk or Deputy Board Clerk

Save

ORDINANCE NO. 1724

AN ORDINANCE AMENDING CHAPTER 19.32 OF THE COUNTY MUNICIPAL CODE, SIGN REGULATIONS, TO ALLOW AND REGULATE ADDITIONAL BANNERS FOR BUSINESSES IN TIMES OF ECONOMIC DECLINE, AND TO ALLOW AND REGULATE BANNERS RELATED TO NON-PROFIT ENTITIES.

The Board of Supervisors of the County of Amador ordains as follows:

SECTION 1. PURPOSE

The purpose of this amendment is to recognize the need for additional banners for businesses in times of economic decline, and to allow for the display of banners advertising a service benefiting local non-profit organizations.

SECTION 2. Chapter 19.32 of the Amador County Code is hereby amended by repealing subsection 19.32.010 H in its entirety and adding the following revised subsection 19.32.010 H in its place:

H. Banners. Only one banner shall be permitted per business establishment; located outside the building; not more than twenty-five square feet in area; in any C or M district. Banners shall not be in place more than ninety days in any calendar year. *All banners shall be professionally made and maintained and securely attached.*

1. *If the Board of Supervisors declares an economic need pursuant to Amador County Code Section 19.32.010N, banners may be allowed in any C or M district not subject to the ninety day time limit, only during the time that this subsection remains in effect and subject to the following conditions:*
 - a) *No more than two (2) banners may be displayed on-site;*
 - b) *Banners may be no larger than sixty (60) square feet;*
 - c) *At least one banner must be attached to the building;*
 - d) *For standalone businesses banners can be attached to a building, existing structure, fence or retaining wall;*
 - e) *Banners shall be professionally made and maintained. Faded, torn, falling down or poorly made banners shall be removed and/or replaced.*

Unless terminated by action of the Board of Supervisors, these regulations shall remain in effect until (2 years after date of approval). Upon expiration the Board of Supervisors may extend this subsection in the event the Board of Supervisors declares the economic need for additional banners continues to exist.

2. *In addition to any banners permitted above, up to three banners per parcel; not more than sixty (60) square feet in total aggregate area for all banners advertising a service benefiting a local non-profit organization may be allowed in any C or M district and will not be subject to the ninety day time limit as long as the banner is submitted to the Planning Department to verify compliance with this section prior to being displayed.*

SECTION 3. SEVERABILITY.

If any section, subsection, sentence, clause or phrase or word of this Ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed and adopted this Ordinance and each and all provisions thereof irrespective of the fact that any one or more of said provisions be declared unconstitutional, unlawful or otherwise invalid.

SECTION 4. This ordinance or a summary thereof shall be published in the manner prescribed in Government Code Section 25124 and shall become effective thirty (30) days after the date of adoption.

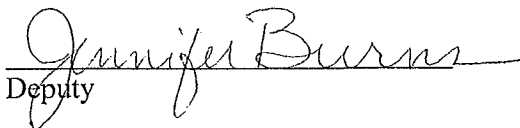
The foregoing ordinance was duly passed and adopted at a regular session of the Board of Supervisors of the County of Amador, held on the 24th day of April, 2012, by the following vote:

AYES: Supervisors Louis D. Boitano, Richard M. Forster, John Plasse,
Brian Oneto and Theodore F. Novell
NOES: Supervisor Richard M. Forster
ABSENT: Supervisor Louis D. Boitano


VICE-CHAIRMAN, Board of Supervisors

ATTEST:

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


Deputy

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: 04/02/2014

From: Brian Oneto, Supervisor, District V Phone Ext. _____
 (Department Head - please type)

<input checked="" type="radio"/> Regular Agenda <input type="radio"/> Consent Agenda <input type="radio"/> Blue Slip <input type="radio"/> Closed Session Meeting Date Requested: <u>04/08/2014</u>
--

Department Head Signature _____

Agenda Title: On-Road Diesel Truck Rule

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Discussion and possible action relative to recent changes to the proposed amendments to the subject Rule.

Recommendation/Requested Action:
None. Presentation only

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="radio"/> No <input type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Ordinance Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Comments: _____
Committee Review? Name _____ N/A <input type="checkbox"/> Committee Recommendation: _____	

Request Reviewed by:

Chairman _____ Counsel GG

Auditor EJA GSA Director Hop

CAO _____ Risk Management [Signature]

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____	Time _____	Item # <u>12</u>
Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___		
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	

Distributed on _____ Completed by _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
--	---	--



Reg. Agenda 4-8-14

1215 K Street, Suite 1830
Sacramento, CA 95814
916.444.6592

March 16, 2014

More Changes to the Proposed Amendments to the On-Road Diesel Truck Rule

To CFA Members:

The On-Road Diesel staff has made more changes to the Amendments that they made available 2 months ago. Print off the proposed amended Rule with all the changes <http://www.arb.ca.gov/regact/2014/truckbus14/tb14appa.pdf>.

I'll summarize the changes for each amendment below so also print off my summary of the changes. The comment period is open if you wish to comment on these amendments. Go to www.arb.ca.gov/diesel to comment electronically. CFA will be submitting comments as well. The comment period closes April 21 and the Air Resources Board acts on the amendments April 24.

Since the staff has continued to change the proposed amendments, CFA's primary comment is going to be to extend the open season for all fleet owners to adjust how they have their trucks registered with ARB to July 31, 2014 and to waive performance requirements that were scheduled for Jan. 1, 2014 to Jan. 1, 2015.

NOx Exempt Areas Expansion

In the January 2014 proposal for the amendment to expand NOx Exempt Areas, Placer and Eldorado Counties were included in the expansion of exempt counties (I80 and Highway 50 travel corridors). Those 2 counties have been taken **OFF** the list of exempt counties. So the proposal to the Air Board will be to not include them. The expansion includes Butte, Nevada, Amador, Calaveras, Tuolumne, Mariposa, Mono, Inyo and the east half of Kern Counties. This expansion will help trucks that exclusively operate in the Sonora/Chinese Station mills working circle and in the Oroville area. It does not help Sierra Forest Products or SPI-Lincoln. The prior NOx Exempt Counties from the 2010 amended Rule includes the entire north half of the state from north half of Sonoma County, Tehama County, Sierra County north.

The proposed rule stretches out the Particulate Matter (PM) filter requirement for a fleet operating exclusively in the NOx Exempt Areas to:

January 1, 2015 – 25% of fleet must have a PM Filter
January 1, 2016 – 40%
January 1, 2017 – 55%
January 1, 2018 – 70%
January 1, 2019 --85%
January 1, 2020 – 100%

There is no requirement to upgrade to 2010 or newer for the life of the Rule (Jan. 1, 2023) if the truck(s) stay exclusively in the NOx Exempt Counties. You have to have a NE label on both doors.

Additional Time for any Small Fleet (3 trucks or less)

Requirement for a PM Filter or 2010 and newer for a 1 truck fleet remains the same (January 1, 2014). For a second truck, the performance requirement for a Particulate Matter Filter is moved from Jan. 1, 2015 to Jan. 1, 2016; for a 3rd truck, the performance requirement is moved from Jan. 1, 2016 to Jan. 1, 2018. With a PM Filter, the upgrade to 2010 or newer is Jan. 1, 2023.

New Option for Owners that Can't Get Financing to Apply

PM Filter requirement would be deferred for up to 3 trucks but must upgrade to 2010 or newer by Jan. 1, 2018. Owner must report to claim this option by January 31, 2015.

Low-Use Vehicle Exemption Expanded

The January 2014 amendment called for up to 1,000 miles in California; up to 4,000 miles outside of California for a total of 5,000 miles would qualify for the exemption. Now they are proposing that all 5,000 miles can be in California. The low use vehicle exemption means there is no requirement to upgrade to 2010 or newer for the life of the Rule (Jan. 1, 2023).

Construction Truck Exemption completely changed to now be a "Work Truck Exemption"

Expanded to include all trucks, including light duty diesel trucks but does not allow for truck and trailer that move goods (e.g. lumber, . . .). The truck(s) would have a 20,000 mile/year limitation. Each truck must have a "WT or CT" label on each door. A one truck fleet owner would have until Jan. 1, 2016 to put on a PM Filter.

All others would have a PM Filter requirement as follows:

January 1, 2014 – 33% of fleet
January 1, 2015 – 40%
January 1, 2016 – 60%
January 1, 2017 – 80%
January 1, 2018 – 100%
January 1, 2020 – upgrade to 2010 or newer

Ag Mileage Exemption Performance Requirement Extended

The Ag Mileage Exemption is proposed to change to:
Trucks putting on less than 10,000 miles/year to not need a 2010 upgrade until Jan. 1, 2020.
Trucks putting on less than 15,000 miles/year to not need a 2010 upgrade until Jan. 1, 2023.

Log Truck Phased-In Option

Proposal is to extend until January 1, 2015 for fleet owners to opt-in if they desire.

Extending date for Required 2010 or newer Upgrade

Proposal is to set an upper limit of 25% of fleet/year that need to be upgraded to 2010 or newer starting Jan. 1, 2015.

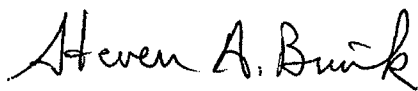
Extended use of PM Filter

Any truck that had a PM Filter on it prior to Jan. 1, 2014 does not need to upgrade to 2010 or newer until Jan. 1, 2023.

Extended use of early compliance credits

Fleets that had prior credits for downsizing, early addition of PM Filters, . . .) has extended life of those credits to Jan. 1, 2018.

Unfortunately, the Rule is just getting more and more complicated (should these amendments be adopted, which I expect is a near certainty).



STEVEN A. BRINK
Vice President-Public Resources

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: 04/02/2014

From: Brian Oneto, Supervisor, District V Phone Ext. _____
 (Department Head - please type)

<input checked="" type="radio"/> Regular Agenda <input type="radio"/> Consent Agenda <input type="radio"/> Blue Slip <input type="radio"/> Closed Session Meeting Date Requested: <u>04/08/2014</u>
--

Department Head Signature _____

Agenda Title: Senate Bill 1270

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)

Discussion and possible action relative to the subject Bill

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="radio"/> No <input type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Ordinance Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Comments: _____
Committee Review? Name _____ N/A <input type="checkbox"/> Committee Recommendation: _____	

Request Reviewed by:

Chairman _____ Counsel GB

Auditor EJD GSA Director Hop

CAO _____ Risk Management [Signature]

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____	Time _____	Item # <u>13</u>
Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___		
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	

Distributed on _____ Completed by _____	A new ATF is required from _____ Department _____ For meeting _____ of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
--	---	--

Introduced by Senator PavleyFebruary 21, 2014

An act to amend Sections 607, 677, 2006, 2207, 2208, 2733, 2770, 2772, 2773.1, 2774, 2774.1, and 2774.4 of, and to add Sections 2006.5 and 2717.5 to, the Public Resources Code, relating to mining.

LEGISLATIVE COUNSEL'S DIGEST

SB 1270, as introduced, Pavley. Surface mining operations.

(1) Under existing law, the Department of Conservation, under the supervision of the Director of Conservation, is comprised of various entities, including the State Mining and Geology Board, and the work of the department is divided into divisions including the California Geological Survey and the Office of Mine Reclamation. Existing law requires the board to nominate, and the director to appoint, the State Geologist to advise the director regarding technical, scientific, and engineering issues, including the scientific quality of the products and activities of the California Geological Survey, and requires the State Geologist to meet specific qualifications.

This bill would instead require an unspecified individual or entity to appoint the State Geologist and would make that individual responsible for the management of the California Geological Survey. The bill would change the qualifications for that person. The bill would also designate the Office of Mine Reclamation as the Division of Mines, would require an unspecified individual or entity to appoint a State Mine Inspector to be responsible for the management of the Division of Mines, and would prescribe the specific qualifications for that person.

(2) Existing law requires the owner of operator of a mining operation to forward annually to the director and the lead agency a report that provides specified information with respect to the mining operation.

This bill would require that report to be submitted to the State Mine Inspector and the lead agency.

(3) The Surface Mining and Reclamation Act of 1975, administered by the board, prohibits a person, with exceptions, from conducting surface mining operations unless, among other things, a reclamation plan, as specified, is submitted to and approved by, and financial assurances for reclamation have been approved by, the lead agency for the operation. Existing law provides an appeals process for decisions of the lead agency in approval or denial of approval of a reclamation plan.

This bill would instead make the director responsible for reviewing and approving financial assurances in surface mining operations and would require the director to take specified actions in seeking forfeiture of those financial assurances. The bill would also provide an appeals process for the director's approval or denial of approval of financial assurances. The bill would require a portion of the reclamation plan to be certified by a registered professional geologist, geophysicist, or professional engineer and to include a schedule with time limits for completing reclamation, as specified, and would require the lead agency to determine a time period for reclamation to be complete in certain circumstances. By imposing additional duties on lead agencies, this bill would impose a state-mandated local program.

(4) Existing law requires the lead agency to conduct an inspection of a surface mining operation with 6 months of receipt by the lead agency of the annual report described in (2) above. Under existing law, if the lead agency or the director determines that a surface mining operation is not in compliance, the lead agency or director is required to notify the operator of that violation.

This bill would instead require the director to conduct an inspection of those operations within one year of receipt of the report by the State Mine Inspector. The bill would require the notice of violation to include, among other things, specific remedial steps to be taken to correct the noncompliance and also information on time to comply.

(5) Existing law requires the board to assume the powers and duties under the act of the lead agency if, following a public hearing, as prescribed, the board finds deficiencies in the lead agency's implementation and enforcement of the act.

This bill would authorize a lead agency to unilaterally and voluntarily relinquish its responsibilities under the act and would require the board

to assume those responsibilities. The bill would also authorize the lead agency to resume its relinquished role if certain requirements are met.

(6) Existing law requires the board to adopt a schedule of fees to cover the department's costs of carrying out specified provisions and to impose an annual reporting fee on each mining operation, not to exceed \$4,000 annually for any single mining operation and not be less than \$100. Existing law requires the board to adjust the fees if the director determines the resources collected were greater to or less than the department's costs.

This bill would require that an annual reporting fee on each mining operation not be less than \$1,000 and would require the fee to be based on a cost per acre as determined by the board. The bill would authorize the board to recommend expenditures of these funds as part of the annual budget process and would require the board to adjust the fees if the State Mine Inspector determines the revenues collected were greater to or less than the department's costs.

(7) Existing law requires the department to quarterly publish in the California Regulatory Notice Register, or otherwise make available, upon request, to the Department of General Services or any other state or local agency, a list identifying the status of compliance of certain surface mining operations, as specified. Existing law also prohibits a state agency from acquiring or utilizing mined material, or from contracting with a person utilizing these materials, as specified, unless the material is produced from a mining operation on that list and that meets certain requirements.

This bill would authorize an affected mine operator, a lead agency with jurisdiction over the operation, or an affected person to appeal to the board the department's determination regarding a mining operation's placement on, removal from, or denial of placement on or removal from, the list.

(8) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares the following:

2 (a) Since its passage, the implementation of the Surface Mining
3 and Reclamation Act of 1975 has depended on coordinated
4 administrative efforts by local governments, the Department of
5 Conservation, and the State Mining and Geology Board. Two of
6 the major goals of the act are to encourage production and
7 conservation of minerals in California, and to assure reclamation
8 of mined lands.

9 (b) The essential components of the act for each of the more
10 than 2,000 mines in California are annual inspections, reclamation
11 plans for mines that have ceased production, and a financial surety
12 mechanism to pay for reclamation in the event the operator is
13 unable or fails to do so.

14 (c) It is the intent of the Legislature that siting decisions for
15 mines and the approval of reclamation plans for those mines remain
16 with local governments.

17 (d) The act provides for approval procedures for financial
18 assurances and reclamation plans that depend on active inspections,
19 remediation of compliance shortfalls, and appropriate updates to
20 financial assurance commitments. Based on a review of official
21 state data, industry and government analysts agree that the goals
22 of the act are not being achieved because of multiple failures in
23 the internal processes of this important legislation. As examples:

24 (1) Twenty-five percent of mines that have closed have not
25 begun reclamation. This includes about 100 mines in the state.

26 (2) Inspection rates by counties who serve as lead agencies
27 under the act, over a multiyear period, range from 66 percent to
28 74 percent, inclusive, but 12 counties have inspection rates below
29 50 percent.

30 (3) Data on inspections by cities that serve as lead agencies
31 under the act, over the same multiyear period, indicate that 22
32 cities have inspected all of its mines annually, 25 cities have an
33 inspection rate below 50 percent, and 14 have never inspected a
34 mine.

35 (4) Financial assurance documents that ensure the ability to pay
36 for mine reclamation are not routinely updated. The adjustment
37 rate for counties is about 27 percent, based on official data, and
38 about 20 percent for cities.

1 (e) It is the intent of the Legislature to retain the existing
2 structure of the act while improving the statutory relationships
3 between state and local government entities by strengthening the
4 interconnections between inspections, financial assurances, and
5 reclamation plans, in order to ensure improved compliance with
6 the provisions of this important law.

7 SEC. 2. Section 607 of the Public Resources Code is amended
8 to read:

9 607. The work of the department shall be divided into at least
10 the following:

- 11 (a) California Geological Survey.
- 12 (b) Division of Oil, Gas, and Geothermal Resources.
- 13 (c) Division of Land Resource Protection.
- 14 (d) ~~Office of Mine Reclamation~~ *Division of Mines*.

15 SEC. 3. Section 677 of the Public Resources Code is amended
16 to read:

17 ~~677. The board shall nominate, and the director shall appoint,~~
18 ~~the State Geologist, who~~ *(a) A State Geologist shall be appointed*
19 *and shall be responsible for the management of the California*
20 *Geological Survey. The State Geologist shall either be registered*
21 *in compliance with the Geologist and Geophysicist Act (Chapter*
22 *12.5 (commencing with Section 7800) of Division 3 of the Business*
23 *and Professions Code) at least one year from the date of*
24 *appointment, or the Board for Professional Engineers, and Land*
25 *Surveyors, and Geologists may, upon the review of academic and*
26 *professional experience, grant registration. The State Geologist*
27 *shall possess general knowledge of mineral resources, resources*
28 *and structural geology, seismology, engineering geology, and*
29 *related disciplines in science and engineering, and the reclamation*
30 *of mined lands and waters engineering. The State Geologist shall*
31 *advise the director regarding technical, scientific, and engineering*
32 *issues, including the scientific quality of the division's products*
33 *and activities of the California Geological Survey.*

34 *(b) A State Mine Inspector shall be appointed and shall be*
35 *responsible for the management of the Division of Mines. The State*
36 *Mine Inspector shall either be registered in compliance with the*
37 *Geologist and Geophysicist Act (Chapter 12.5 (commencing with*
38 *Section 7800) of Division 3 of the Business and Professions Code)*
39 *or the Professional Engineers Act (Chapter 7 (commencing with*
40 *Section 6700) of Division 3 of the Business and Professions Code)*

1 at least one year from the date of appointment, or the Board for
2 Professional Engineers, Land Surveyors, and Geologists may,
3 upon the review of academic and professional experience, grant
4 registration. The State Mine Inspector shall possess general
5 knowledge of mining, mineral resources, structural geology,
6 seismology, engineering geology, and related disciplines in science
7 and engineering, and the reclamation of mined lands and waters.
8 The State Mine Inspector shall advise the director regarding
9 technical, scientific, and engineering issues, including the scientific
10 quality of the products and activities of the Division of Mines.

11 SEC. 4. Section 2006 of the Public Resources Code is amended
12 to read:

13 2006. “State Geologist” means the individual holding the office
14 created by *subdivision (a) of Section 677*.

15 SEC. 5. Section 2006.5 is added to the Public Resources Code,
16 to read:

17 2006.5. “State Mine Inspector” means the individual holding
18 the office created by subdivision (b) of Section 677.

19 SEC. 6. Section 2207 of the Public Resources Code is amended
20 to read:

21 2207. (a) The owner or the operator of a mining operation
22 within the state shall forward to the ~~director~~ *State Mine Inspector*
23 annually, not later than a date established by the ~~director~~, *State*
24 *Mine Inspector*, upon forms approved by the board from time to
25 time, a report that identifies all of the following:

26 (1) The name, address, and telephone number of the person,
27 company, or other owner of the mining operation.

28 (2) The name, address, and telephone number of a designated
29 agent who resides in this state, and who will receive and accept
30 service of all orders, notices, and processes of the lead agency,
31 board, ~~director~~, *State Mine Inspector*, or court.

32 (3) The location of the mining operation, its name, its mine
33 number as issued by the ~~Bureau of Mines or the director~~, *State*
34 *Mine Inspector*, its section, township, range, latitude, longitude,
35 and approximate boundaries of the mining operation marked on a
36 United States Geological Survey 7½-minute or 15-minute
37 quadrangle map.

38 (4) The lead agency.

39 (5) The approval date of the mining operation’s reclamation
40 plan.

1 (6) The mining operation's status as active, idle, reclaimed, or
2 in the process of being reclaimed.

3 (7) The commodities produced by the mine and the type of
4 mining operation.

5 (8) Proof of annual inspection by the lead agency.

6 (9) Proof of financial assurances.

7 (10) Ownership of the property, including government agencies,
8 if applicable, by the assessor's parcel number, and total assessed
9 value of the mining operation.

10 (11) The approximate permitted size of the mining operation
11 subject to Chapter 9 (commencing with Section 2710), in acres.

12 (12) The approximate total acreage of land newly disturbed by
13 the mining operation during the previous calendar year.

14 (13) The approximate total of disturbed acreage reclaimed during
15 the previous calendar year.

16 (14) The approximate total unreclaimed disturbed acreage
17 remaining as of the end of the calendar year.

18 (15) The total production for each mineral commodity produced
19 during the previous year.

20 (16) A copy of any approved reclamation plan and any
21 amendments or conditions of approval to any existing reclamation
22 plan approved by the lead agency.

23 (b) (1) Every year, not later than the date established by the
24 ~~director~~, *State Mine Inspector*, the person submitting the report
25 pursuant to subdivision (a) shall forward to the lead agency, upon
26 forms furnished by the board, a report that provides all of the
27 information specified in paragraphs (1) to (16), inclusive, of
28 subdivision (a).

29 (2) The owner or operator of a mining operation shall allow
30 access to the property to any governmental agency or the agent of
31 any company providing financial assurances in connection with
32 the reclamation plan, in order that the reclamation can be carried
33 out by the entity or company, in accordance with the provisions
34 of the reclamation plan.

35 (c) Subsequent reports shall include only changes in the
36 information submitted for the items described in subdivision (a),
37 except that, instead of the approved reclamation plan, the reports
38 shall include any reclamation plan amendments approved during
39 the previous year. The reports shall state whether review of a
40 reclamation plan, financial assurances, or an interim management

1 plan is pending under subdivision (b), (c), (d), or (h) of Section
2 2770, or whether an appeal before the board or lead agency
3 governing body is pending under subdivision (e) or (h) of Section
4 2770. The ~~director~~ *State Mine Inspector* shall notify the person
5 submitting the report and the owner's designated agent in writing
6 that the report and the fee required pursuant to subdivision (d)
7 have been received, specify the mining operation's mine number
8 if one has not been issued by the ~~Bureau of Mines~~, *State Mine*
9 *Inspector*, and notify the person and agent of any deficiencies in
10 the report within 90 days of receipt. That person or agent shall
11 have 30 days from receipt of the notification to correct the noted
12 deficiencies and forward the revised reports to the ~~director~~ *State*
13 *Mine Inspector* and the lead agency. Any person who fails to
14 comply with this section, or knowingly provides incorrect or false
15 information in reports required by this section, may be subject to
16 an administrative penalty as provided in subdivision (c) of Section
17 2774.1.

18 (d) (1) The board shall impose, by regulation, pursuant to
19 paragraph (2), an annual reporting fee on, and method for collecting
20 annual fees from, each active or idle mining operation. The
21 ~~maximum~~ *minimum* fee for any single mining operation may not
22 exceed ~~four thousand dollars (\$4,000)~~ annually and may not be
23 less than ~~one hundred thousand dollars (\$100)~~ *(\$1,000)* annually,
24 as adjusted for the cost of living as measured by the California
25 Consumer Price Index for all urban consumers, calendar year
26 averages, using the percentage change in the previous year,
27 beginning with the ~~2005-06~~ *2014-15* fiscal year and annually
28 thereafter.

29 (2) (A) The board shall adopt, by regulation, a schedule of fees
30 authorized under paragraph (1) to cover the department's cost in
31 carrying out this section and Chapter 9 (commencing with Section
32 2710), as reflected in the Governor's Budget, and may adopt those
33 regulations as emergency regulations. In establishing the schedule
34 of fees to be paid by each active and idle mining operation, the
35 ~~fees shall be calculated on~~ *board shall consider and establish a*
36 *cost per acre on* an equitable basis reflecting the size and type of
37 operation. The ~~board shall also consider the total assessed value~~
38 ~~of the mining operation, the acreage disturbed and undisturbed by~~
39 ~~mining activities, and the acreage subject to the reclamation plan,~~
40 *and other factors addressed by the approved reclamation plan.*

1 (B) Regulations adopted pursuant to this subdivision shall be
2 adopted by the board in accordance with Chapter 3.5 (commencing
3 with Section 11340) of Part 1 of Division 3 of Title 2 of the
4 Government Code. The adoption of any emergency regulations
5 pursuant to this subdivision shall be considered necessary to
6 address an emergency and shall be considered by the Office of
7 Administrative Law to be necessary for the immediate preservation
8 of the public peace, health, safety, and general welfare.

9 (3) ~~The total revenue generated by the reporting fees may not~~
10 ~~exceed, and may be less than, the amount of three million five~~
11 ~~hundred thousand dollars (\$3,500,000), as adjusted for the cost of~~
12 ~~living as measured by the California Consumer Price Index for all~~
13 ~~urban consumers, calendar year averages, using the percentage~~
14 ~~change in the previous year, beginning with the 2005-06 fiscal~~
15 ~~year and annually thereafter shall be based on a cost per acre,~~
16 ~~subject to the approved reclamation plan, as determined by the~~
17 ~~board pursuant to paragraph (2).~~ If the ~~director State Mine~~
18 ~~Inspector~~ determines that the revenue collected during the
19 preceding fiscal year was greater or less than the cost to operate
20 the program, the board shall adjust the fees to compensate for the
21 overcollection or undercollection of revenues.

22 (4) (A) The reporting fees established pursuant to this
23 subdivision shall be deposited in the Mine Reclamation Account,
24 which is hereby created. Any fees, penalties, interest, fines, or
25 charges collected by the ~~director State Mine Inspector~~ or board
26 pursuant to this chapter or Chapter 9 (commencing with Section
27 2710) shall be deposited in the Mine Reclamation Account. *The*
28 *board may recommend expenditures of these funds as part of the*
29 *annual budget process.* ~~The money moneys~~ in the account shall
30 be available to the department and board, upon appropriation by
31 the Legislature, for the purpose of carrying out this section and
32 complying with Chapter 9 (commencing with Section 2710), which
33 includes, but is not limited to, classification and designation of
34 areas with mineral resources of statewide or regional significance,
35 reclamation plan and financial assurance review, mine inspection,
36 and enforcement.

37 (B) (i) In addition to reporting fees, the board shall collect five
38 dollars (\$5) per ounce of gold and ten cents (\$0.10) per ounce of
39 silver mined within the state and shall deposit the fees collected
40 in the Abandoned Mine Reclamation and Minerals Fund

1 Subaccount, which is hereby created in the Mine Reclamation
2 Account. The department may expend the moneys in the
3 subaccount, upon appropriation by the Legislature, for only the
4 purposes of Section 2796.5 and as authorized herein for the
5 remediation of abandoned mines.

6 (ii) Notwithstanding subdivision (j) of Section 2796.5, fees
7 collected pursuant to clause (i) may also be used to remediate
8 features of historic abandoned mines and lands that they impact.
9 For the purposes of this section, historic abandoned mines are
10 mines for which operations have been conducted before January
11 1, 1976, and include, but are not limited to, historic gold and silver
12 mines.

13 (5) In case of late payment of the reporting fee, a penalty of not
14 less than one hundred dollars (\$100) or 10 percent of the amount
15 due, whichever is greater, plus interest at the rate of 1½ percent
16 per month, computed from the delinquent date of the assessment
17 until and including the date of payment, shall be assessed. New
18 mining operations that have not submitted a report shall submit a
19 report prior to commencement of operations. The new operation
20 shall submit its fee according to the reasonable fee schedule
21 adopted by the board, and the month that the report is received
22 shall become that operation's anniversary month.

23 (e) The lead agency, or the board when acting as the lead agency,
24 may impose a fee upon each mining operation to cover the
25 reasonable costs incurred in implementing this chapter and Chapter
26 9 (commencing with Section 2710).

27 (f) For purposes of this section, "mining operation" means a
28 mining operation of any kind or character whatever in this state,
29 including, but not limited to, a mining operation that is classified
30 as a "surface mining operation" as defined in Section 2735, unless
31 excepted by Section 2714. For the purposes of fee collections only,
32 "mining operation" may include one or more mines operated by
33 a single operator or mining company on one or more sites, if the
34 total annual combined mineral production for all sites is less than
35 100 troy ounces for precious metals, if precious metals are the
36 primary mineral commodity produced, or less than 100,000 short
37 tons if the primary mineral commodity produced is not precious
38 metals.

39 (g) Any information in reports submitted pursuant to subdivision
40 (a) that includes or otherwise indicates the total mineral production,

1 reserves, or rate of depletion of any mining operation may not be
2 disclosed to any member of the public, as defined in subdivision
3 (b) of Section 6252 of the Government Code. Other portions of
4 the reports are public records unless excepted by statute. Statistical
5 bulletins based on these reports and published under Section 2205
6 shall be compiled to show, for the state as a whole and separately
7 for each lead agency, the total of each mineral produced therein.
8 In order not to disclose the production, reserves, or rate of depletion
9 from any identifiable mining operation, no production figure shall
10 be published or otherwise disclosed unless that figure is the
11 aggregated production of not less than three mining operations. If
12 the production figure for any lead agency would disclose the
13 production, reserves, or rate of depletion of less than three mining
14 operations or otherwise permit the reasonable inference of the
15 production, reserves, or rate of depletion of any identifiable mining
16 operation, that figure shall be combined with the same figure of
17 not less than two other lead agencies without regard to the location
18 of the lead agencies. The bulletin shall be published annually by
19 June 30 or as soon thereafter as practicable.

20 (h) The approval of a form by the board pursuant to this section
21 is not the adoption of a regulation for purposes of Chapter 3.5
22 (commencing with Section 11340) of Part 1 of Division 3 of Title
23 2 of the Government Code and is not subject to that chapter.

24 SEC. 7. Section 2208 of the Public Resources Code is amended
25 to read:

26 2208. The *State Mine Inspector*, director, or a qualified assistant
27 may at any time enter or examine any and all mines, quarries,
28 wells, mills, reduction works, refining works, and other mineral
29 properties or working plants in this state in order to gather data to
30 comply with the provisions of this chapter.

31 SEC. 8. Section 2717.5 is added to the Public Resources Code,
32 to read:

33 2717.5. (a) An affected mine operator, a lead agency with
34 jurisdiction over the operation, or an affected person, may appeal
35 to the board the department's determination regarding a mining
36 operation's placement on, removal from, or denial of placement
37 on or removal from, the list identified in subdivision (b) of Section
38 2717.

39 (b) An appeal pursuant to subdivision (a) shall be subject to the
40 following requirements, as applicable:

1 (1) The appeal shall be made in writing, on a form provided by
2 the board, and shall be received by the board within 15 days of the
3 operator's, lead agency, or affected person's receipt of a notice of
4 the department's determination as described in subdivision (a), or
5 within 15 days of the department's posting of the notice on its
6 Internet Web site.

7 (2) An appeal filed by a lead agency shall demonstrate good
8 cause for reversal of a determination.

9 (3) An appeal filed by an affected person other than a lead
10 agency shall demonstrate that the affected person has a sufficient
11 connection to, or direct impact from, the operation of the mine at
12 issue.

13 (4) Where the board is the lead agency, it may not appeal the
14 decision of the department but may follow the department's
15 procedures for removal of a mining operation from the list. The
16 board may hear an appeal filed by any other party pursuant to
17 subdivision (a).

18 (5) The appeal shall demonstrate, as a necessary element of the
19 appeal, that the facts and issues relevant to the appeal were brought
20 to the attention of the department prior to the department's
21 determination described in subdivision (a).

22 (c) The board shall promptly notify the department and the lead
23 agency that the appeal has been received by the board. Where the
24 appeal is filed by the lead agency or the board is the lead agency,
25 no notice to the lead agency shall be required.

26 (d) (1) A mining operation seeking placement on the list shall
27 not be placed on the list pending the final outcome of an appeal
28 filed pursuant to subdivision (a).

29 (2) A mining operation appealing the department's removal of
30 the operation from the list shall remain on the list pending the final
31 outcome of an appeal filed pursuant to subdivision (a).

32 (e) (1) (A) The board shall hear the appeal if the chair of the
33 board or his or her designated hearing officer determines the appeal
34 is within the jurisdiction of the board and the appeal raises a
35 substantial issue related to the department's determination
36 regarding a mining operation's placement on, removal from, or
37 denial of placement on or removal from, the list.

38 (B) A determination of the board's jurisdiction by the chair or
39 his or her designee shall consider all of the following:

1 (i) Whether the information presented with the appeal presents
2 any dispute of the material fact or facts supporting the department's
3 determination.

4 (ii) Whether the appeal is an attempt to challenge an enforcement
5 decision or a court decision.

6 (iii) Whether the appellant has standing.

7 (iv) Whether the appeal is timely.

8 (v) Whether the facts constituting the basis for the appeal have
9 been presented to the department prior to the department's
10 determination as described in subdivision (a).

11 (vi) Whether any relevant circumstances exist that are not
12 specifically identified but which, in the judgment of the chair or
13 his or her designee, preclude the appeal.

14 (2) If the chair or hearing officer finds, based on the criteria
15 described in paragraph (1), that the appeal is not within the
16 jurisdiction of the board or does not raise a substantial issue, the
17 chair or his or her designee shall refuse to grant the appeal and the
18 department's decision shall be deemed final for purposes of seeking
19 judicial review of that decision.

20 (f) A decision by the board pursuant to this section shall not
21 preclude any party from initiating a new proceeding to be included
22 on the list, to be maintained on the list, or to effect removal of a
23 mining operation from the list, in accordance with this section or
24 based on new or different circumstances than were determined by
25 the chair or his or her designee on a previous appeal.

26 SEC. 9. Section 2733 of the Public Resources Code is amended
27 to read:

28 2733. "Reclamation" means the combined process of land
29 treatment that minimizes water degradation, air pollution, damage
30 to aquatic or wildlife habitat, flooding, erosion, and other adverse
31 effects from surface mining operations, including adverse surface
32 effects incidental to underground mines, so that mined lands are
33 reclaimed, to a usable condition ~~which~~ *that* is readily adaptable
34 for alternate land ~~uses~~ *uses*, and create no danger to public health
35 or safety. The process may extend to affected lands surrounding
36 mined lands, ~~and~~; may require backfilling, grading, resoiling,
37 revegetation, soil compaction, stabilization, or other measures;
38 *and shall be certified by a registered professional geologist,*
39 *geophysicist, or professional engineer.*

1 SEC. 10. Section 2770 of the Public Resources Code is
2 amended to read:

3 2770. (a) Except as provided in this section, a person shall not
4 conduct surface mining operations unless a permit is obtained
5 from, *and* a reclamation plan has been submitted to and approved
6 ~~by, and financial assurances for reclamation have been approved~~
7 *by, the lead agency for the operation and financial assurances for*
8 *reclamation pursuant to the reclamation plan have been submitted*
9 *to and approved by the director* pursuant to this article.

10 (b) A person with an existing surface mining operation who has
11 vested rights pursuant to Section 2776 and who does not have an
12 approved reclamation plan shall submit a reclamation plan to the
13 lead agency not later than March 31, 1988. If a reclamation plan
14 application is not on file by March 31, 1988, the continuation of
15 the surface mining operation is prohibited until a reclamation plan
16 is submitted to the lead agency. For purposes of this subdivision,
17 a reclamation plan may consist of all or the appropriate sections
18 of any plans or written agreements previously approved by the
19 lead agency or another agency, together with any additional
20 documents needed to substantially meet the requirements of
21 Sections 2772 and 2773 and the lead agency surface mining
22 ordinance adopted pursuant to subdivision (a) of Section 2774,
23 provided that all documents which together were proposed to serve
24 as the reclamation plan are submitted for approval to the lead
25 agency in accordance with this chapter.

26 (c) If a person with an existing surface mining operation has
27 received lead agency approval of its financial assurances for
28 reclamation prior to January 1, ~~1991~~, 2015, ~~the lead agency~~ *the director*
29 shall administratively review *and make any changes to ensure*
30 *those existing financial assurances are* in accordance with
31 subdivision (d) prior to January 1, ~~1992~~ 2016. The review of
32 existing financial assurances shall not be considered a project for
33 purposes of Division 13 (commencing with Section 21000). A
34 person with an existing surface mining operation that does not
35 have financial assurances that received ~~lead agency~~ *the director's*
36 approval prior to January 1, ~~1991~~, 2016, shall submit financial
37 assurances for reclamation *to the director* for review in accordance
38 with subdivision (d).

39 (d) The lead agency's review of a reclamation plan submitted
40 pursuant to subdivision (b) or *the director's review* of financial

1 assurances pursuant to subdivision (c) is limited to whether the
2 plan or the financial assurances substantially meet the applicable
3 requirements of Sections 2772, 2773, and 2773.1, and the lead
4 agency surface mining ordinance adopted pursuant to subdivision
5 (a) of Section 2774, but, in any event, the ~~lead agency director~~
6 shall require that financial assurances for reclamation be sufficient
7 to perform reclamation of lands remaining disturbed. ~~Reclamation~~
8 *For purposes of this chapter, reclamation plans or financial*
9 ~~assurances~~ determined to substantially meet these requirements
10 shall be approved by the lead agency ~~for purposes of this chapter~~
11 *and financial assurances determined to substantially meet these*
12 *requirements shall be approved by the director.* Reclamation plans
13 or financial assurances determined not to substantially meet these
14 requirements shall be returned to the operator within 60 days. The
15 operator ~~has~~ *shall have* 60 days to revise the plan or financial
16 assurances to address identified deficiencies, at which time the
17 revised plan ~~or financial assurances~~ shall be returned to the lead
18 agency for review and approval, *or the revised reclamation plan*
19 *shall be returned to the director for review and approval.* Except
20 as specified in subdivision (e) or (i), ~~unless the operator has filed~~
21 ~~on or before July 1, 1990, an appeal pursuant to subdivision (e)~~
22 ~~with regard to nonapproval of the reclamation plan, or has filed~~
23 ~~on or before January 1, 1994, an appeal pursuant to subdivision~~
24 ~~(e) with regard to nonapproval of financial assurances, and that~~
25 ~~appeal is pending before the board,~~ the continuation of the surface
26 mining operation is prohibited until a reclamation plan *is approved*
27 *by a lead agency* and financial assurances for reclamation are
28 approved by the ~~lead agency director~~.

29 (e) (1) A person who, based on the evidence of the record, ~~can~~
30 ~~substantiate claims~~ that a lead agency has either ~~(1) (A)~~ failed to
31 act according to due process or has relied on considerations not
32 related to the specific applicable requirements of Sections 2772,
33 2773, and 2773.1, and the lead agency surface mining ordinance
34 adopted pursuant to subdivision (a) of Section 2774, in reaching
35 a decision to *approve or deny* approval of a reclamation plan, ~~or~~
36 ~~financial assurances for reclamation,~~ (2) (B) failed to act within a
37 reasonable time of receipt of a completed application, or ~~(3) (C)~~
38 failed to review and approve reclamation plans ~~or financial~~
39 ~~assurances~~ as required by subdivisions (c) and (d), may appeal that
40 action or inaction to the board.

1 (2) A person who, based on the evidence of the record, claims
2 that the director has either (A) failed to act according to due
3 process or has relied on considerations not related to the specific
4 applicable requirements of Sections 2772, 2773, and 2773.1, in
5 reaching a decision to approve or deny approval of financial
6 assurances, or (B) failed to review and approve financial
7 assurances as required by subdivisions (c) and (d), may appeal
8 that action or inaction to the board.

9 (f) The board may decline to hear an appeal if it determines that
10 the appeal raises no substantial issues related to the lead agency's
11 or the director's review pursuant to this section.

12 (g) Appeals that the board does not decline to hear shall be
13 scheduled and heard at a public hearing within 45 days of the filing
14 of the appeal, or a longer period as may be mutually agreed upon
15 by the board and the person filing the appeal. In hearing an appeal,
16 the board shall only determine whether the reclamation plan or the
17 financial assurances substantially meet the applicable requirements
18 of Sections 2772, 2773, and 2773.1, and the lead agency surface
19 mining ordinance adopted pursuant to subdivision (a) of Section
20 2774. A reclamation plan or financial assurances determined to
21 meet these requirements shall be approved. A reclamation plan or
22 financial assurances determined not to meet these requirements
23 shall be returned to the ~~person filing the appeal~~ operator with a
24 notice of deficiencies, who shall be granted, once only, a period
25 of 30 days, or a longer period mutually agreed upon by the operator
26 and the board, to correct the noted deficiencies and submit the
27 revised reclamation plan to the lead agency or the revised financial
28 assurances to the lead agency director for review and approval.

29 (h) (1) Within 90 days of a surface mining operation becoming
30 idle, as defined in Section 2727.1, the operator shall submit to the
31 lead agency for review and approval, an interim management plan.
32 The review and approval of an interim management plan shall not
33 be considered a project for purposes of Division 13 (commencing
34 with Section 21000). The approved interim management plan shall
35 be considered an amendment to the surface mining operation's
36 approved reclamation plan, for purposes of this chapter. The
37 interim management plan shall provide measures the operator will
38 implement to maintain the site in compliance with this chapter,
39 including, but not limited to, all permit conditions.

1 (2) The interim management plan may remain in effect for a
2 period not to exceed five years, at which time the lead agency shall
3 do one of the following:

4 (A) Renew the interim management plan for an additional period
5 not to exceed five years, which may be renewed for one additional
6 five-year renewal period at the expiration of the first five-year
7 renewal period, if the lead agency finds that the surface mining
8 operator has complied fully with the interim management plan.

9 (B) Require the surface mining operator to commence
10 reclamation in accordance with its approved reclamation plan.

11 (3) The financial assurances required by Section 2773.1 shall
12 remain in effect during the period that the surface mining operation
13 is idle. If the surface mining operation is still idle after the
14 expiration of its interim management plan, the surface mining
15 operation shall commence reclamation in accordance with its
16 approved reclamation plan.

17 (4) Within 60 days of the receipt of the interim management
18 plan, or a longer period mutually agreed upon by the lead agency
19 and the operator, the lead agency shall review and approve the
20 plan in accordance with its ordinance adopted pursuant to
21 subdivision (a) of Section 2774, so long as the plan satisfies the
22 requirements of this subdivision, and so notify the operator in
23 writing. Otherwise, the lead agency shall notify the operator in
24 writing of any deficiencies in the plan. The operator shall have 30
25 days, or a longer period mutually agreed upon by the operator and
26 the lead agency, to submit a revised plan.

27 (5) The lead agency shall approve or deny approval of the
28 revised interim management plan within 60 days of receipt. If the
29 lead agency denies approval of the revised interim management
30 plan, the operator may appeal that action to the lead agency's
31 governing body, which shall schedule a public hearing within 45
32 days of the filing of the appeal, or a longer period mutually agreed
33 upon by the operator and the governing body.

34 (6) Unless review of an interim management plan is pending
35 before the lead agency, or an appeal is pending before the lead
36 agency's governing body, a surface mining operation that remains
37 idle for over one year after becoming idle as defined in Section
38 2727.1 without obtaining approval of an interim management plan
39 shall be considered abandoned and the operator shall commence

1 and complete reclamation in accordance with the approved
2 reclamation plan.

3 (i) An enforcement action that may be brought against a surface
4 mining operation for operating without an approved reclamation
5 plan, financial assurance, or interim management plan shall be
6 held in abeyance pending review pursuant to subdivision (b), (c),
7 (d), or (h), or the resolution of an appeal filed with the board
8 pursuant to subdivision (e), or with a lead agency governing body
9 pursuant to subdivision (h).

10 SEC. 11. Section 2772 of the Public Resources Code is
11 amended to read:

12 2772. (a) The reclamation plan shall be filed with the lead
13 agency, on a form provided by the lead agency, by any person who
14 owns, leases, or otherwise controls or operates on all, or any ~~portion~~
15 *portion, of any, any* mined lands, and who plans to conduct surface
16 mining operations on the lands.

17 (b) All documentation for the reclamation plan shall be
18 submitted by the lead agency to the department at one time.

19 (c) The reclamation plan shall include all of the following
20 information and documents:

21 (1) The name and address of the surface mining operator and
22 the names and addresses of any persons designated by the operator
23 as an agent for the service of process.

24 (2) The anticipated quantity and type of minerals for which the
25 surface mining operation is to be conducted.

26 (3) The proposed dates for the initiation and termination of
27 surface mining operation.

28 (4) The maximum anticipated depth of the surface mining
29 operation.

30 (5) The size and legal description of the lands that will be
31 affected by the surface mining operation, a map that includes the
32 boundaries and topographic details of the lands, a description of
33 the general geology of the area, a detailed description of the
34 geology of the area in which surface mining is to be conducted,
35 the location of all streams, roads, railroads, and utility facilities
36 within, or adjacent to, the lands, the location of all proposed access
37 roads to be constructed in conducting the surface mining operation,
38 and the names and addresses of the owners of all surface interests
39 and mineral interests in the lands.

1 (6) A description of, and a plan for, the type of surface mining
2 to be employed, and a time schedule that will provide for the
3 completion of surface mining on each segment of the mined lands
4 so that reclamation can be initiated at the earliest possible time on
5 those portions of the mined lands that will not be subject to further
6 disturbance by the surface mining operation.

7 (7) A description of the proposed use or potential uses of the
8 mined lands after reclamation and evidence that all owners of a
9 possessory interest in the land have been notified of the proposed
10 use or potential uses.

11 (8) A description of the manner in which reclamation, adequate
12 for the proposed use or potential ~~uses~~ *uses*, will be accomplished,
13 *as certified by a registered professional geologist, geophysicist,*
14 *or professional engineer, pursuant to Section 2733*, including both
15 of the following:

16 (A) A description of the manner in which contaminants will be
17 controlled, and mining waste will be disposed.

18 (B) A description of the manner in which affected streambed
19 channels and streambanks will be rehabilitated to a condition
20 minimizing erosion and sedimentation will occur.

21 (9) An assessment of the effect of implementation of the
22 reclamation plan on future mining in the area.

23 (10) A statement that the person submitting the reclamation
24 plan accepts responsibility for reclaiming the mined lands in
25 accordance with the reclamation plan.

26 *(11) A schedule with time limits, updated annually, for*
27 *completing reclamation in accordance with the reclamation plan*
28 *and the then-current condition of the mining site.*

29 ~~(11)~~

30 (12) Any other information ~~which~~ *that* the lead agency may
31 require by ordinance.

32 (d) An item of information or a document required pursuant to
33 subdivision (c) that has already been prepared as part of a permit
34 application for the surface mining operation, or as part of an
35 environmental document prepared for the project pursuant to
36 Division 13 (commencing with Section 21000), may be included
37 in the reclamation plan by reference, if that item of information
38 or that document is attached to the reclamation plan when the lead
39 agency submits the reclamation plan to the director for review. To
40 the extent that the information or document referenced in the

1 reclamation plan is used to meet the requirements of subdivision
2 (c), the information or document shall become part of the
3 reclamation plan and shall be subject to all other requirements of
4 this article.

5 (e) Nothing in this section is intended to limit or expand the
6 department's authority or responsibility to review a document in
7 accordance with Division 13 (commencing with Section 21000).

8 SEC. 12. Section 2773.1 of the Public Resources Code is
9 amended to read:

10 2773.1. (a) Lead agencies shall require financial assurances,
11 *as determined by the director based on the most recent inspection,*
12 of each surface mining operation to ensure reclamation is
13 performed in accordance with the surface mining operation's
14 approved reclamation plan, as follows:

15 (1) Financial assurances may take the form of surety bonds
16 executed by an admitted surety insurer, as defined in subdivision
17 (a) of Section 995.120 of the Code of Civil Procedure, irrevocable
18 letters of credit, trust funds, or other forms of financial assurances
19 specified by the board pursuant to subdivision (e), ~~which~~ *that* the
20 ~~lead agency~~ *director* reasonably determines are adequate to perform
21 reclamation in accordance with the surface mining operation's
22 approved reclamation plan.

23 (2) The financial assurances shall remain in effect for the
24 duration of the surface mining operation and any additional period
25 until reclamation is completed.

26 (3) (A) The amount of financial assurances required of a surface
27 mining operation for any one year shall be adjusted annually *by*
28 *the director* to account for new lands disturbed by surface mining
29 operations, inflation, and reclamation of lands accomplished in
30 accordance with the approved reclamation plan.

31 (B) *The annual adjustment of financial assurances is not subject*
32 *to the procedures specified in paragraph (3) of subdivision (d) of*
33 *Section 2774 unless made in response to an amendment to an*
34 *existing reclamation plan.*

35 (4) The financial assurances shall be made payable to the lead
36 agency and the department. Financial assurances that were
37 approved by the lead agency prior to January 1, 1993, and were
38 made payable to the State Geologist shall be considered payable
39 to the department for purposes of this chapter. However, if a surface
40 mining operation has received approval of its financial assurances

1 from a public agency other than the lead agency, the ~~lead agency~~
2 *director* shall deem those financial assurances adequate for
3 purposes of this section, or shall credit them toward fulfillment of
4 the financial assurances required by this section, if they are made
5 payable to the public agency, the lead agency, and the department
6 and otherwise meet the requirements of this section. In any event,
7 if a lead agency and one or more public agencies exercise
8 jurisdiction over a surface mining operation, the total amount of
9 financial assurances required by the ~~lead agency~~ *director* and the
10 public agencies for any one year shall not exceed that amount
11 which is necessary to perform reclamation of lands remaining
12 disturbed. For purposes of this paragraph, a “public agency” may
13 include a federal agency.

14 (b) If the lead agency or the board, following a public hearing,
15 determines that the operator is financially incapable of performing
16 reclamation in accordance with its approved reclamation plan, or
17 has abandoned its surface mining operation without commencing
18 reclamation, either the lead agency or the director shall do all of
19 the following:

20 (1) Notify the operator by personal service or certified mail that
21 the lead agency or the director intends to take appropriate action
22 to forfeit the financial assurances and specify the reasons for so
23 doing.

24 (2) (A) Allow the operator 60 days to commence or cause the
25 commencement of reclamation in accordance with its approved
26 reclamation plan and require that reclamation be completed within
27 the time limits specified in the approved reclamation plan or some
28 other time period mutually agreed upon by the lead agency ~~or the~~
29 ~~director~~ and the operator.

30 (B) *If no time period is specified in the reclamation plan, or if*
31 *the time period specified is determined by the lead agency to be*
32 *inappropriate for the condition of the site, the lead agency shall*
33 *determine a time period for reclamation to be completed if an*
34 *agreement for such a time period cannot be reached between the*
35 *lead agency and the operator.*

36 (3) Proceed to take appropriate action to require forfeiture of
37 the financial assurances if the operator does not substantially
38 comply with paragraph (2).

39 (4) Use the proceeds from the forfeited financial assurances to
40 conduct and complete reclamation in accordance with the approved

1 reclamation plan. In no event shall the financial assurances be used
2 for any other purpose. The operator is responsible for the costs of
3 conducting and completing reclamation in accordance with the
4 approved reclamation plan ~~which~~ *that* are in excess of the proceeds
5 from the forfeited financial assurances.

6 (c) Financial assurances shall no longer be required of a surface
7 mining operation, and shall be released, upon written notification
8 by the lead agency, *with the concurrence of the director*, which
9 shall be forwarded to the ~~operator and the director~~, *operator*, that
10 reclamation has been completed in accordance with the approved
11 reclamation plan. If a mining operation is sold or ownership is
12 transferred to another person, the existing financial assurances
13 shall remain in force and shall not be released by the lead agency
14 *or the director* until new financial assurances are secured from the
15 new owner and have been approved by the ~~lead agency director~~
16 in accordance with Section 2770.

17 (d) (1) The lead agency shall have primary responsibility to
18 seek forfeiture of financial assurances and to reclaim mine sites
19 under subdivision (b). However, in cases where the board is not
20 the lead agency pursuant to Section 2774.4, the director may act
21 to seek forfeiture of financial assurances and reclaim mine sites
22 pursuant to subdivision (b) only if both of the following occurs:

23 ~~(1)~~

24 (A) The financial incapability of the operator or the abandonment
25 of the mining operation has come to the attention of the director.

26 ~~(2)~~

27 (B) The lead agency has been notified in writing by the director
28 of the financial incapability of the operator or the abandonment
29 of the mining operation for at least 15 days, and has not taken
30 appropriate measures to seek forfeiture of the financial assurances
31 and reclaim the mine site; and one of the following has occurred:

32 ~~(A)~~

33 (i) The lead agency has been notified in writing by the director
34 that failure to take appropriate measures to seek forfeiture of the
35 financial assurances or to reclaim the mine site shall result in
36 actions being taken against the lead agency under Section 2774.4.

37 ~~(B)~~

38 (ii) The director determines that there is a violation that amounts
39 to an imminent and substantial endangerment to the public health,
40 safety, or to the environment.

1 ~~(c)~~

2 (iii) The lead agency notifies the director in writing that its good
3 faith attempts to seek forfeiture of the financial assurances have
4 not been successful.

5 ~~The director shall comply with subdivision (b)~~

6 (2) *The director, in seeking forfeiture of financial assurances
7 and reclaiming mine-sites, shall do all of the following:*

8 (A) *Notify the operator by personal service or certified mail
9 that the director intends to take appropriate action to forfeit the
10 financial assurances and specify the reasons for so doing.*

11 (B) (i) *Allow the operator 60 days to commence or cause the
12 commencement of reclamation in accordance with its approved
13 reclamation plan and require that reclamation be completed within
14 the time limits specified in the approved reclamation plan or some
15 other time period mutually agreed upon by the director and the
16 operator.*

17 (ii) *If no time period is specified in the reclamation plan, or if
18 the time period specified is determined by the director to be
19 inappropriate for the condition of the site, the director shall
20 determine a time period for reclamation to be completed if an
21 agreement for such a time period cannot be reached between the
22 director and the operator pursuant to clause (i).*

23 (C) *Proceed to take appropriate action to require forfeiture of
24 the financial assurances if the operator does not substantially
25 comply with subparagraph (B).*

26 (D) *Use the proceeds from the forfeited financial assurances to
27 conduct and complete reclamation in accordance with the approved
28 reclamation plan. In no event shall the financial assurances be
29 used for any other purpose. The operator shall be responsible for
30 the costs of conducting and completing reclamation in accordance
31 with the approved reclamation plan that are in excess of the
32 proceeds from the forfeited financial assurances.*

33 (e) The board may adopt regulations specifying financial
34 assurance mechanisms other than surety bonds, irrevocable letters
35 of credit, and trust funds, ~~which~~ *that* the board determines are
36 reasonably available and adequate to ensure reclamation pursuant
37 to this chapter, but these mechanisms may not include financial
38 tests, or surety bonds executed by one or more personal sureties.
39 These mechanisms may include reclamation bond pool programs.

1 (f) ~~On or before March 1, 1993, the~~ *The* board shall adopt, *and*
2 *update as required*, guidelines to implement this section. The
3 guidelines are exempt from the requirements of Chapter 3.5
4 (commencing with Section 11340) of Part 1 of Division 3 of Title
5 2 of the Government Code, and are not subject to review by the
6 Office of Administrative Law.

7 SEC. 13. Section 2774 of the Public Resources Code is
8 amended to read:

9 2774. (a) Every lead agency shall adopt ordinances in
10 accordance with state policy that establish procedures for the
11 review and approval of reclamation plans, ~~and receipt of~~ financial
12 assurances *approved by the director*, and the issuance of a permit
13 to conduct surface mining operations, except that any lead agency
14 without an active surface mining operation in its jurisdiction may
15 defer adopting an implementing ordinance until the filing of a
16 permit application. The ordinances shall establish procedures
17 requiring at least one public hearing and shall be periodically
18 reviewed by the lead agency and revised, as necessary, to ensure
19 that the ordinances continue to be in accordance with state policy.

20 (b) ~~The lead agency director~~ shall conduct an inspection of a
21 surface mining operation within ~~six months~~ *one year* of receipt by
22 ~~the lead agency State Mine Inspector~~ of the surface mining
23 operation's report submitted pursuant to Section 2207, solely to
24 determine whether the surface mining operation is in compliance
25 with this chapter. In no event shall ~~a lead agency the director~~
26 inspect a surface mining operation less than once in any calendar
27 year. ~~The lead agency director~~ may cause an inspection to be
28 conducted by a state licensed geologist, state licensed civil
29 engineer, state licensed landscape architect, or state licensed
30 forester, who is experienced in land reclamation and who has not
31 been employed by a surface mining operation within the
32 jurisdiction of the lead agency in any capacity during the previous
33 12 months. All inspections shall be conducted using a form
34 developed by the department and approved by the board that shall
35 include the professional licensing and disciplinary information of
36 the person who conducted the inspection. The operator shall be
37 solely responsible for the reasonable cost of the inspection. The
38 ~~lead agency director~~ shall notify ~~the director~~ *lead agency* within
39 30 days of the date of completion of the inspection that the
40 inspection has been conducted. The notice shall contain a statement

1 regarding the surface mining operation's compliance with this
2 chapter, shall include a copy of the completed inspection form,
3 and shall specify which aspects of the surface mining operations,
4 if any, are inconsistent with this chapter. If the surface mining
5 operation has a review of its reclamation plan, financial assurances,
6 or an interim management plan pending under subdivision (b), (c),
7 (d), or (h) of Section 2770, or an appeal pending before the board
8 or lead agency governing body under subdivision (e) or (h) of
9 Section 2770, the notice shall so indicate. The ~~lead agency~~ *director*
10 shall forward to the operator a copy of the notice, a copy of the
11 completed inspection form, and any supporting documentation,
12 including, but not limited to, any inspection report prepared by the
13 geologist, civil engineer, landscape architect, or forester, who
14 conducted the inspection.

15 (c) Before approving a surface mining operation's reclamation
16 ~~plan, financial assurances, including existing financial assurances~~
17 ~~reviewed by the lead agency~~ *plan* pursuant to subdivision (c) of
18 Section 2770, or any amendments, the lead agency shall submit
19 ~~the plan, assurances, plan~~ or amendments to the director for review.
20 All documentation for that submission shall be submitted to the
21 director at one time. When the lead agency submits a reclamation
22 plan or plan amendments to the director for review, the lead agency
23 shall also submit to the director, for use in reviewing the
24 reclamation plan or plan amendments, information from any related
25 document prepared, adopted, or certified pursuant to Division 13
26 (commencing with Section 21000), and shall submit any other
27 pertinent information. The lead agency shall certify to the director
28 that the reclamation plan is *complete and* in compliance with the
29 applicable requirements of this chapter and Article 1 (commencing
30 with Section 3500) of Chapter 8 of Division 2 of Title 14 of the
31 California Code of Regulations and the lead agency's mining
32 ordinance in effect at the time that the reclamation plan is submitted
33 to the director for review.

34 (d) (1) The director shall have 30 days from the date of receipt
35 of a *complete* reclamation plan or *complete* plan amendments
36 submitted pursuant to subdivision ~~(c)~~, and ~~45 days from the date~~
37 ~~of receipt of financial assurances submitted pursuant to subdivision~~
38 ~~(e)~~, *(c)* to prepare written comments, if the director so chooses.
39 The lead agency shall evaluate written comments received from
40 the director relating to the reclamation ~~plan~~, *plan or plan*

1 amendments, ~~or financial assurances~~ within a reasonable amount
2 of time.

3 (2) The lead agency shall prepare a written response to the
4 director's comments describing the disposition of the major issues
5 raised by the director's comments, and submit the lead agency's
6 proposed response to the director at least 30 days prior to approval
7 of the reclamation ~~plan, plan or plan amendment, or financial~~
8 ~~assurance amendment~~. The lead agency's response to the director's
9 comments shall describe whether the lead agency proposes to adopt
10 the director's comments to the reclamation ~~plan, plan or plan~~
11 ~~amendment, or financial assurance amendment~~. If the lead agency
12 does not propose to adopt the director's comments, the lead agency
13 shall specify, in detail, why the lead agency proposes not to adopt
14 the comments. Copies of any written comments received and
15 responses prepared by the lead agency shall be forwarded to the
16 operator. The lead agency shall also give the director at least 30
17 days' notice of the time, place, and date of the hearing before the
18 lead agency at which time the reclamation ~~plan, plan or plan~~
19 ~~amendment, or financial assurance amendment~~ is scheduled to be
20 approved by the lead agency. If no hearing is required by this
21 chapter, or by the local ordinance, or other state law, then the lead
22 agency shall provide 30 days' notice to the director that it intends
23 to approve the reclamation ~~plan, plan or plan amendment, or~~
24 ~~financial assurance amendment~~. The lead agency shall send to the
25 director its final response to the director's comments within 30
26 days following its approval of the reclamation ~~plan, plan or plan~~
27 ~~amendment, or financial assurance amendment~~ during which period
28 the department retains all powers, duties, and authorities of this
29 chapter.

30 (3) (A) *Prior to approving initial financial assurances for a*
31 *reclamation plan or any amendments, pursuant to subdivision (a)*
32 *of Section 2770, the director shall have 45 days from the date of*
33 *receipt of a complete reclamation plan or complete plan*
34 *amendments submitted pursuant to subdivision (c) to prepare*
35 *financial assurances for reclamation pursuant to the proposed*
36 *reclamation plan and to submit the proposed financial assurances*
37 *to the lead agency for review.*

38 (B) *The lead agency shall have 30 days from the date of its*
39 *receipt of the financial assurances to evaluate the financial*

1 assurances prepared by the director and to submit written
2 comments, if the lead agency so chooses.

3 (C) The director shall evaluate any written comments received
4 from the lead agency pursuant to subparagraph (B) and shall
5 prepare a written response to the lead agency's comments,
6 describing the disposition of the major issues raised by the lead
7 agency's comments. The response shall indicate whether the
8 director proposes to adopt the lead agency's comments or, if not,
9 shall specify, in detail, why the director does not propose to adopt
10 the lead agency's comments. Copies of any written comments
11 received and responses prepared by the director shall be forwarded
12 to the operator. The director shall submit the response and the
13 approved financial assurances to the lead agency and to the
14 operator within 30 days of receipt of the lead agency's comments.

15 (3)

16 (4) To the extent that there is a conflict between the comments
17 of a trustee agency or a responsible agency that are based on the
18 agency's statutory or regulatory authority and the comments of
19 other commenting agencies which are received by the lead agency
20 pursuant to Division 13 (commencing with Section 21000)
21 regarding a reclamation plan or plan amendments, the lead agency
22 shall consider only the comments of the trustee agency or
23 responsible agency.

24 (e) A lead agency shall notify the director of the filing of an
25 application for a permit to conduct surface mining operations
26 within 30 days of an application being filed with the lead agency.
27 ~~By July 1, 1991, each lead agency shall submit to the director for~~
28 ~~every active or idle mining operation within its jurisdiction, a copy~~
29 ~~of the mining permit required pursuant to Section 2774, and any~~
30 ~~conditions or amendments to those permits. By July 1 of each~~
31 ~~subsequent year, the lead agency shall submit to the director for~~
32 ~~each active or idle mining operation a copy of any permit or~~
33 ~~reclamation plan amendments, as applicable, or a statement that~~
34 ~~there have been no changes during the previous year. Failure to~~
35 ~~file with the director the information required under this section~~
36 ~~shall be cause for action under Section 2774.4.~~

37 SEC. 14. Section 2774.1 of the Public Resources Code is
38 amended to read:

39 2774.1. (a) Except as provided in subdivision (i) of Section
40 2770, if the lead agency or the director determines, based upon an

1 annual inspection pursuant to Section 2774, or otherwise confirmed
2 by an inspection of the mining operation, that a surface mining
3 operation is not in compliance with this chapter, the lead agency
4 or the director ~~may~~ shall notify the operator of that violation by
5 personal service or certified mail. *The notice of violation shall*
6 *specify the remedial steps to be taken to correct any noncompliance*
7 *identified in the notice, as well as a reasonable time for compliance*
8 *of each instance of noncompliance if compliance cannot reasonably*
9 *be attained within 30 days of the date of the notice. If ~~the~~ a*
10 *violation extends beyond 30 days after the date of the lead agency's*
11 *or the director's notification, unless the operator has accepted a*
12 *scope of work and schedule, agreed to by the lead agency or the*
13 *director, for achieving compliance, the lead agency or the director*
14 *may* shall issue an order by personal service or certified mail
15 requiring the operator to comply with this chapter or, if the operator
16 does not have an approved reclamation plan or financial assurances,
17 cease all further mining activities.

18 (b) An order issued under subdivision (a) shall not take effect
19 until the operator has been provided a hearing before the lead
20 agency for orders issued by the lead agency, or board for orders
21 issued by the director, concerning the alleged violation. An order
22 issued under subdivision (a) shall specify which aspects of the
23 surface mine's activities or operations are inconsistent with this
24 chapter, shall specify a time for compliance that the lead agency
25 or director determines is reasonable, taking into account the
26 seriousness of the violation and any good faith efforts to comply
27 with applicable requirements, and shall set a date for the hearing,
28 which shall not be sooner than 30 days after the date of the order.

29 (c) An operator who violates or fails to comply with an order
30 issued under subdivision (a) after the order's effective date, as
31 provided in subdivision (b), or who fails to submit a report to the
32 ~~director~~ *State Mine Inspector* or lead agency as required by Section
33 2207, shall be subject to an order by the lead agency or the director
34 imposing an administrative penalty of not more than five thousand
35 dollars (\$5,000) per day, assessed from the original date of
36 noncompliance with this chapter or Section 2207. The penalty may
37 be imposed administratively by the lead agency or the director. In
38 determining the amount of the administrative penalty, the lead
39 agency or the director shall take into consideration the nature,
40 circumstances, extent, and gravity of the violation or violations,

1 any prior history of violations, the degree of culpability, economic
2 savings, if any, resulting from the violation, and any other matters
3 justice may require. Orders setting administrative penalties shall
4 become effective upon issuance of the order and payment shall be
5 made to the lead agency or the director within 30 days, unless the
6 operator petitions the legislative body of the lead agency, the board,
7 or the superior court for review as provided in Section 2774.2. An
8 order shall be served by personal service or by certified mail upon
9 the operator. Penalties collected by the director shall not be used
10 for purposes other than to cover the reasonable costs incurred by
11 the director *or the State Mine Inspector* in implementing this
12 chapter or Section 2207.

13 (d) If the lead agency or the director determines that the surface
14 mine is not in compliance with this chapter, so that the surface
15 mine presents an imminent and substantial endangerment to the
16 public health or the environment, the lead agency or the Attorney
17 General, on behalf of the director, may seek an order from a court
18 of competent jurisdiction enjoining that operation.

19 (e) Upon a complaint by the director, the department, or the
20 board, the Attorney General may bring an action to recover
21 administrative penalties under this section, and penalties under
22 Section 2207, in any court of competent jurisdiction in this state
23 against any person violating any provision of this chapter or Section
24 2207, or any regulation adopted pursuant to this chapter or Section
25 2207. The Attorney General may bring this action on his or her
26 own initiative if, after examining the complaint and the evidence,
27 he or she believes a violation has occurred. The Attorney General
28 may also seek an order from a court of competent jurisdiction
29 compelling the operator to comply with this chapter and Section
30 2207.

31 (f) (1) The lead agency has primary responsibility for enforcing
32 this chapter and Section 2207. In cases where the board is not the
33 lead agency pursuant to Section 2774.4, enforcement actions may
34 be initiated by the director pursuant to this section only after the
35 violation has come to the attention of the director and either of the
36 following occurs:

37 (A) The lead agency has been notified by the director in writing
38 of the violation for at least 30 days, and has not taken appropriate
39 enforcement action, which may include failing to issue an order

1 to comply within a reasonable time after issuing a notice of
2 violation.

3 (B) The director determines that there is a violation that amounts
4 to an imminent and substantial endangerment to the public health
5 or safety, or to the environment.

6 (2) The director shall comply with this section in initiating
7 enforcement actions.

8 (g) Remedies under this section are in addition to, and do not
9 supersede or limit, any and all other remedies, civil or criminal.

10 SEC. 15. Section 2774.4 of the Public Resources Code is
11 amended to read:

12 2774.4. (a) If the board finds that a lead agency either has (1)
13 approved reclamation plans or, *prior to January 1, 2015*, financial
14 assurances—~~which~~ *that* are not consistent with this chapter, (2)
15 failed, *prior to January 1, 2015*, to inspect or cause the inspection
16 of surface mining operations as required by this chapter, (3) failed
17 to seek forfeiture of financial assurances and to carry out
18 reclamation of surface mining operations as required by this
19 chapter, (4) failed to take appropriate enforcement actions as
20 required by this chapter, (5) intentionally misrepresented the results
21 of inspections required under this chapter, or (6) failed to submit
22 information to the department as required by this chapter, the board
23 shall exercise any of the powers of that lead agency under this
24 chapter, except for permitting authority.

25 (b) If, no sooner than three years after the board has taken action
26 pursuant to subdivision (a), the board finds, after a public hearing,
27 that a lead agency has corrected its deficiencies in implementing
28 and enforcing this chapter, and the rules and regulations adopted
29 pursuant to this chapter, the board shall restore to the lead agency
30 the powers assumed by the board pursuant to subdivision (a).

31 (c) Before taking any action pursuant to subdivision (a), the
32 board shall first notify the lead agency of the identified
33 deficiencies, and allow the lead agency 45 days to correct the
34 deficiencies to the satisfaction of the board. If the lead agency has
35 not corrected the deficiencies to the satisfaction of the board within
36 the 45-day period, the board shall hold a public hearing within the
37 lead agency's area of jurisdiction, upon a 45-day written notice
38 given to the public in at least one newspaper of general circulation
39 within the city or county, and directly mailed to the lead agency
40 and to all surface mining operators within the lead agency's

1 jurisdiction who have submitted reports as required by Section
2 2207.

3 (d) Affected surface mining operators and interested persons
4 have the right, at the public hearing, to present oral and written
5 evidence on the matter being considered. The board may, at the
6 public hearing, place reasonable limits on the right of affected
7 surface mining operators and interested persons to question and
8 solicit testimony.

9 (e) If, after conducting the public hearing required by
10 subdivision (c), the board decides to take action pursuant to
11 subdivision (a), the board shall, based on the record of the public
12 hearing, adopt written findings which explain all of the following:

13 (1) The action to be taken by the board.

14 (2) Why the board decided to take the action.

15 (3) Why the action is authorized by, and meets the requirements
16 of, subdivision (a).

17 In addition, the findings shall address the significant issues
18 raised, or written evidence presented, by affected surface mining
19 operators, interested persons, or the lead agency. The transcript of
20 testimony and exhibits, together with all papers and requests filed
21 in the proceedings, shall constitute the exclusive record for decision
22 by the board.

23 (f) The lead agency, any affected surface mining operator, or
24 any interested person who has presented oral or written evidence
25 at the public hearing before the board pursuant to subdivision (d)
26 may obtain review of the board's action taken pursuant to
27 subdivision (a) by filing in the superior court a petition for writ of
28 mandate within 30 days following the issuance of the board's
29 decision. Section 1094.5 of the Code of Civil Procedure governs
30 judicial proceedings pursuant to this subdivision, except that in
31 every case the court shall exercise its independent judgment. If a
32 petition for a writ of mandate is not filed within the time limits set
33 by this subdivision, the board's action under subdivision (a) shall
34 not be subject to review by any court or agency.

35 (g) (1) *A lead agency may unilaterally and voluntarily relinquish*
36 *its responsibilities under this chapter, and the board shall assume*
37 *those responsibilities.*

38 (2) (A) *No sooner than three years after relinquishing its lead*
39 *agency responsibilities, the lead agency may request the board to*
40 *authorize it to resume its role as a lead agency.*

1 *(B) If the board finds, after holding a public hearing as*
2 *described in subdivision (d), that the lead agency has corrected*
3 *all deficiencies, if any, pursuant to subdivision (a) in implementing*
4 *and enforcing this chapter and its implementing regulations, the*
5 *board shall restore to the agency the lead agency powers assumed*
6 *by the board pursuant to this subdivision.*

7 SEC. 16. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 a local agency or school district has the authority to levy service
10 charges, fees, or assessments sufficient to pay for the program or
11 level of service mandated by this act, within the meaning of Section
12 17556 of the Government Code.

AGENDA TRANSMITTAL FORM

To: Board of Supervisors

Date: 04/02/2014

From: John Plasse, District I Supervisor Phone Ext. _____
 (Department Head - please type)

<input checked="" type="radio"/> Regular Agenda
<input type="radio"/> Consent Agenda
<input type="radio"/> Blue Slip
<input type="radio"/> Closed Session
Meeting Date Requested: <u>04/08/2014</u>

Department Head Signature _____

Agenda Title: Assembly Bills 2112 and 2082

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
 Discussion and possible action relative to the subject Bills and approval of the Chairman's signature on letters of support.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate)	Staffing Impacts
---	------------------

Is a 4/5ths vote required? Yes <input type="radio"/> No <input type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Ordinance Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A
Committee Review? Name _____ N/A <input type="checkbox"/> Committee Recommendation: _____	Comments: _____

Request Reviewed by:

Chairman _____	Counsel <u>G.G.</u>
Auditor <u>EDL</u>	GSA Director <u>Hop</u>
CAO _____	Risk Management <u>SSD</u>

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____	Time _____	Item # <u>14</u>
Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___		
Ayes: _____	Resolution _____	Ordinance _____
Noes: _____	Resolution _____	Ordinance _____
Absent: _____	Comments: _____	

Distributed on _____	A new ATF is required from _____ Department	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors.
Completed by _____	For meeting of _____	ATTEST: _____ Clerk or Deputy Board Clerk

ASSEMBLY BILL

No. 2112

Introduced by Assembly Members Dahle and Chesbro

February 20, 2014

An act to amend Section 4590 of the Public Resources Code, relating to forestry.

LEGISLATIVE COUNSEL'S DIGEST

AB 2112, as introduced, Dahle. Forestry: timber operations.

The Z'Berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations, as defined, unless a timber harvesting plan prepared by a registered professional forester has been submitted to, and is approved by, the Department of Forestry and Fire Protection. Existing law requires a timber harvesting plan approved on or after July 1, 2012, to be effective for a period of not more than 5 years, unless extended as provided. Existing law requires the notice of extension to be provided to the department not sooner than 30 days, but at least 10 days, prior to the expiration of the plan.

This bill would instead require the notice of extension to be provided to the department not sooner than 140 days, but at least 10 days, prior to the expiration of the plan and would make a conforming change.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 4590 of the Public Resources Code is
- 2 amended to read:

1 4590. (a) (1) A timber harvesting plan approved on or after
2 July 1, 2012, is effective for a period of not more than five years,
3 unless extended pursuant to paragraph (2).

4 (2) A timber harvesting plan, on which timber operations have
5 commenced but not been completed, may be extended by
6 amendment for a two-year period in order to complete the timber
7 operations, if both of the following occur:

8 (A) Good cause is shown.

9 (B) All timber operations are in conformance with the plan, this
10 chapter, and all applicable rules and regulations, upon the filing
11 of the notice of extension as required by this section.

12 (b) The extension shall apply to any area covered by the plan
13 for which a report has not been submitted under Section 4585. The
14 notice of extension shall be provided to the department not sooner
15 than ~~30~~ 140 days, but at least 10 days, prior to the expiration date
16 of the plan. The notice shall include the circumstances that
17 prevented a timely completion of the timber operations under the
18 plan and, consistent with Section 4583, an agreement to comply
19 with this chapter and the rules and regulations of the board as these
20 exist on the date the extension notice is filed.

21 (c) Stocking work may continue for more than the effective
22 period of the plan under subdivision (a), but shall be completed
23 within five years after the conclusion of other work.

24 (d) ~~(1)~~ A timber harvesting plan that is approved on or after
25 January 1, 2010, to August 31, 2012, inclusive, may be extended
26 by amendment for a two-year period in order to complete the
27 timber operations, up to a maximum of two 2-year extensions, if
28 the plan complies with subparagraphs (A) and (B) of paragraph
29 (2) of subdivision (a) and the notice of extension, pursuant to
30 subdivision (b), includes written certification by a registered
31 professional forester that neither of the conditions in subdivision
32 (e) has occurred.

33 ~~(2) Notwithstanding the notice provision of subdivision (b), for~~
34 ~~the purposes of this subdivision, the notice of extension shall be~~
35 ~~provided to the department not sooner than 140 days, but at least~~
36 ~~10 days, prior to the expiration date of the plan.~~

37 (e) The department shall not approve an extension pursuant to
38 subdivision (a) or (d) if either of the following has occurred:

39 (1) Listed species, as defined in Article 1 (commencing with
40 Section 2050) of Chapter 1.5 of Division 3 of the Fish and Game

1 Code or the federal Endangered Species Act (16 U.S.C. Sec. 1531
2 et seq.), have been discovered in the logging area of the plan since
3 approval of the timber harvesting plan.

4 (2) Significant physical changes to the harvest area or adjacent
5 areas have occurred since the timber harvesting plan's cumulative
6 impacts were originally assessed.

7 (f) An extension of a timber harvesting plan on which either of
8 the conditions in subdivision (e) has occurred may be obtained
9 only pursuant to Section 1039 of Title 14 of the California Code
10 of Regulations.

O

ASSEMBLY BILL

No. 2082

Introduced by Assembly Members Dahle and Chesbro

February 20, 2014

An act to repeal and add Section 4561.1 of the Public Resources Code, relating to forest practices.

LEGISLATIVE COUNSEL'S DIGEST

AB 2082, as introduced, Dahle. Forest practices: resource conservation standards: stocking standards.

The Z'berg-Nejedly Forest Practice Act of 1973 prohibits a person from conducting timber operations on timberland unless a timber harvesting plan has been prepared by a registered professional forester and has been submitted to the Department of Forestry and Fire Protection and approved by the Director of Forestry and Fire Protection or the State Board of Forestry and Fire Protection.

Existing law establishes minimum acceptable stocking standards and provides that an area covered by a timber harvesting plan is considered acceptably stocked if certain conditions are met within 5 years after completion of timber operations, including that the area contains an average point count of 300 per acre, as provided. Existing law requires the board to adopt stocking standards for each district, after a public hearing, that are equal to or stricter than the minimum standards.

This bill would delete that requirement and instead authorize the board to adopt alternative stocking standards if those alternative standards are necessary to address variables in forest characteristics, as provided.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 4561.1 of the Public Resources Code is
2 repealed.

3 ~~4561.1. The resource conservation standards relating to~~
4 ~~stocking enumerated in Section 4561 shall constitute minimum~~
5 ~~requirements, and these shall be the standards to which all timber~~
6 ~~harvesting plans shall conform unless the board adopts higher~~
7 ~~stocking standards for each district. The board shall adopt standards~~
8 ~~for each district, after a public hearing, which are equal to or stricter~~
9 ~~than the standards of this chapter and shall report such standards~~
10 ~~to the Legislature.~~

11 It is not the intent of the Legislature in designating minimum
12 standards that such standards shall be deemed to be preferred as
13 the standards to be adopted by the board. The board may, by a
14 majority vote as provided in Section 736, adopt higher minimum
15 standards of stocking if, in the opinion of the board, growing
16 conditions, tree species, site quality, or other factors justify such
17 stricter standards and if such action is consistent with the purposes
18 of this article.

19 SEC. 2. Section 4561.1 is added to the Public Resources Code,
20 to read:

21 4561.1. Notwithstanding the resource conservation standards
22 relating to stocking enumerated in Section 4561, the board may
23 adopt alternative stocking standards to meet the purposes of Section
24 4561 if those alternative standards are necessary to address the
25 variables in forest characteristics.

O



Sustainable Forest Action Coalition
542 Main St., Placerville, CA 95667

Organization Representatives
Laurel Brent-Bumb: (530) 621 5885
chamber@eldoradocounty.org

Bill Wickman: (530) 283 0973
billwickman@sbcglobal.net
109 Cottonwood Ct. Quincy

**Participating
Representation from
the following:**

March 28, 2014

CALIFORNIA

Amador
Butte
Calaveras
Del Norte
El Dorado
Glenn
Inyo
Lassen
Modoc
Nevada
Placer
Plumas
Sacramento
Shasta
Siskiyou
Sierra
Tehama
Trinity
Tuolumne
Yuba

Honorable Wes Chesbro
Honorable Brian Dahle
State Capitol
Sacramento, CA 95814

Subject: AB 2112 (Chesbro / Dahle) - SUPPORT

Dear Assembly member Chesbro and Dahle,

The Sustainable Forest Action Coalition supports AB 2112, which allows for a greater length of time for a landowner to submit a request to extend the life of a timber harvest plan (THP). Currently, California law allows up to 20 days to submit a request to extend a THP. AB 2112 seeks to extend the notice period to 140 days. Increasing the ability to extend the life of a THP improves the economical and the environmental aspects of land management.

Extending the life of a THP can allow a land manager more leeway to address market and operational changes over time and allows greater opportunity for the integration of new adaptive management techniques. Better land management can occur when landowners are not rushed to harvest areas and harvest when conditions are optimal.

Due to highly comprehensive regulations and environmental protections, a THP can cost a landowner \$40,000 to \$100,000 to prepare. Due to unforeseen changes in the market, weather and other disruptions, it may not be feasible financially or environmentally to harvest trees within the boundaries of the THP.

Moreover, reviewing a THP extension permit calls on the expertise of multiple agencies and can make the process of reviewing and approving timber harvest plan (THP) extremely complex and lengthy. Allowing more time ensures concerns and request for changes can be address.

OREGON

Curry
Douglas
Jackson
Klamath
Josephine
Lake

NEVADA

Nye

Senate Committee on Natural Resources and Water

Senator Fran Pavely, Chair

State Capitol, Room 4035
Sacramento, CA 95814

Phone: (916) 651-4027

Fax: (916) 651-4927

Senator Bill Monning

State Capitol, Room 4066
Sacramento, CA 95814

Phone: (916) 651-4017

Fax: (916) 651-4917

Senator Anthony Cannella, Vice Chair

State Capitol, Room 3048
Sacramento, CA 95814

Phone: 916.651.4012

Fax: 916.651-4912

Senator Lois Wolk

State Capitol, Room 5114
Sacramento, CA 95814

Phone: (916) 651-4003

Fax: (916) 651-4903

Senator Noreen Evans

State Capitol,
1303 10th Street
Sacramento, CA 95814

Phone: 916-651-4002

Fax: 916-651-4902

Senator Jean Fuller

Capitol Office
State Capitol, Room 3063
Sacramento, CA 95814

Phone: 916.651.4018

Fax: 916.651.4918

Senator Ben Hueso

State Capitol, Room 2054
Sacramento, CA 95814

Phone: (916) 651-4040

Fax: (916) 651-4940

Senator Hannah-Beth Jackson

Capitol Office
State Capitol, Room 5080
Sacramento, CA 95814

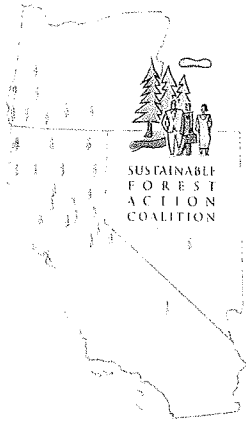
Phone: (916) 651-4019

Senator Ricardo Lara

State Capitol, Room 5050
Sacramento, CA 95814

Phone: (916) 651-4033

Fax: (916) 651-4933



Sustainable Forest Action Coalition
542 Main St., Placerville, CA 95667

Organization Representatives
Laurel Brent-Bumb: (530) 621 5885
chamber@eldoradocounty.org

Bill Wickman: (530) 283 0973
billwickman@sbcglobal.net
109 Cottonwood Ct. Quincy

**Participating
Representation from
the following:**

CALIFORNIA

Amador
Butte
Calaveras
Del Norte
El Dorado
Glenn
Inyo
Lassen
Modoc
Nevada
Placer
Plumas
Sacramento
Shasta
Siskiyou
Sierra
Tehama
Trinity
Tuolumne
Yuba

OREGON

Curry
Douglas
Jackson
Klamath
Josephine
Lake

NEVADA

Nye

March 28, 2014

Honorable Brian Dahle
State Capitol
Sacramento, CA 95814

Subject: AB 2082 (Dahle) - SUPPORT

Dear Assembly member Brian Dahle,

The Sustainable Forest Action Coalition are writing to express support for AB 2082, a bill that would address a issue plaguing one our forestlands. Forests are one of California's most beautiful resources covering 33 million acres of the state. California forests are becoming increasingly unhealthy and tree mortality is on the rise. The forestland is becoming more dense, dry and more susceptible to disease, insect infestation and catastrophic wildfire.

In 1973, regulations were put in place to ensure California forests were replanted after a harvest. Replanting forests has been an important and successful component to ensure we have sustainable forests. In 1973, only 55% of seedlings planted survived. Due to the advancement in growing trees, the survival rate has increase to upwards of 95%. In the Sierra Nevada, an average forest acre has 266 trees, much more than the historical 20 to 50 trees. The significant increase in survival lead overly-dense trees. Without enough space, resources and nutrients, many trees grow to be small and weak.

California's drought conditions is worsening and climate becomes warmer, unhealthy forests feed the growing threat of catastrophic wildfires. Over-stocking of forestlands has become a substantial threat to California's water quality and supply, wildlife habitat, climate, public health & safety and natural resources.

New stocking standards need to be created on a species and region-specific basis to ensure we are maintaining and growing forests that can adapt to our rapidly-changing climate and environment. By supporting AB 2082, the legislature give the Board of Forestry the ability to adopt alternate stocking standards to address variable forest characteristics.

Appropriate stocking standards will address immediate and long-term forest health issues and create ecologically sound forests. While it is not the silver bullet, it is a necessary change to limit unnecessary and potential very harm impacts of an out-of-date rule.

Support AB 2082 to help create healthy, productive forestlands in California.

Sincerely,

Bill Wickman

Laurel Brent Bumb

Bill Wickman and Laurel Brent-Bumb
Representatives for the Sustainable Forest Action Coalition

AGENDA TRANSMITTAL FORM

To: Board of Supervisors
 Date: 04/03/2014

From: Jennifer Burns, Clerk of the Board Phone Ext. x470
 (Department Head - please type)

<input checked="" type="radio"/> Regular Agenda <input type="radio"/> Consent Agenda <input type="radio"/> Blue Slip <input type="radio"/> Closed Session Meeting Date Requested: <u>04/08/2014</u>
--

Department Head Signature _____

Agenda Title: Minutes

Summary: (Provide detailed summary of the purpose of this item; attach additional page if necessary)
Review and approval of the March 25, 2014 Board of Supervisors Meeting Minutes.

Recommendation/Requested Action: _____

Fiscal Impacts (attach budget transfer form if appropriate) _____ Staffing Impacts _____

Is a 4/5ths vote required? Yes <input type="radio"/> No <input type="radio"/>	Contract Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Resolution Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Ordinance Attached: <input type="radio"/> Yes <input type="radio"/> No <input type="radio"/> N/A Comments: _____
Committee Review? Name _____ N/A <input type="checkbox"/> Committee Recommendation: _____	

Request Reviewed by:

Chairman _____ Counsel _____
 Auditor _____ GSA Director _____
 CAO _____ Risk Management _____

Distribution Instructions: (Inter-Departmental Only, the requesting Department is responsible for distribution outside County Departments)

FOR CLERK USE ONLY

Meeting Date _____ Time _____ Item # 15

Board Action: Approved Yes ___ No ___ Unanimous Vote: Yes ___ No ___

Ayes: _____ Resolution _____ Ordinance _____ Other: _____
 Noes: _____ Resolution _____ Ordinance _____
 Absent: _____ Comments: _____

Distributed on _____ Completed by _____	A new ATF is required from _____ Department _____ For meeting of _____	I hereby certify this is a true and correct copy of action(s) taken and entered into the official records of the Amador County Board of Supervisors. ATTEST: _____ Clerk or Deputy Board Clerk
--	--	--