

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

**DATE:** Tuesday, September 23, 2014  
**TIME:** 8:30 a.m.  
**LOCATION:** County Administration Center, 810 Court Street, Jackson, California

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

**Present on Roll Call:**

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

**Staff:**

Charles T. Iley, County Administrative Officer  
Gregory Gillott, County Counsel  
Jennifer Burns, Clerk of the Board

**Absent:** None

NOTE: These minutes remain in *Draft* form until approved by Minute Order at the next regular meeting of the Board of Supervisors. Any packets prepared by County Staff are hereby incorporated into these minutes by reference as though set forth in full. Any staff report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Board members in their decisions which are contained in the staff reports are part of these minutes by reference only. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes by reference.

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

**CLOSED SESSION** may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). **At 8:30 a.m., the Board convened into closed session.**

**REGULAR SESSION: At 9:00 a.m., the Board reconvened into regular session. Chairman Novelli reported the following issues were reviewed in closed session:**

**Conference with Property Negotiators:**

APN 044-010-116-000 Rental Storage-Negotiating Party-AFPD (Terms and Conditions) County Negotiators: Jon Hopkins and Chuck Iley

**ACTION: Direction given to staff.**

**Conference with Labor Negotiators:** Pursuant to Government Code Section 54957.6. County Negotiator: Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, Scott Kasper, Human Resource Director and Diana Doughtie, IEDA. Employee Organization: All Units

**ACTION: Nothing to report.**

**Conference with County Counsel - Existing Litigation [Government Code 54956.9(d)(1)]:** Estate of Duran, et al v. CDCR, et al' United States District Court Eastern District of California Case No. 2:14-CV-02048-TLN-CKD

**ACTION: Direction given to staff.**

Joel Riley v. County of Amador, Workers Compensation Claim No. CAMA-431715

**ACTION: Direction given to staff.**

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

**ACTION: Nothing to report.**

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

**ACTION: Nothing to report.**

**Conference with County Counsel – Anticipated Litigation [Government Code 54956.9(d)(2)]:** Buena Vista Rancheria

**ACTION: Nothing to report.**

Claim of Christine P. Bruff

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

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

**Confidential Minutes:** Review and approval of the confidential minutes of September 9, 2014.

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

**MOTION:** It was moved by Supervisor Plasse, seconded by Supervisor Oneto, and unanimously carried to approve the confidential minutes of September 9, 2014 with minor amendments.

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

Supervisor Boitano requested the following item be pulled from the Agenda for today's date to allow staff and Board members more time to review the issue.

**Emergency Medical Services:** Discussion and possible action relative to an agreement with Mountain Valley Emergency Medical Services Agency and future Emergency Service contracts.

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

**MOTION:** It was moved by Supervisor Plasse, seconded by Supervisor Boitano and unanimously carried to approve the agenda as amended.

**PUBLIC MATTERS NOT ON THE AGENDA:** Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador County Board of Supervisors; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note - there is a three (3) minute limit per person.

**7<sup>th</sup> Annual Wings and Wheels Over Westover Field:** Mr. Dave Sheppard, Airport Manager, took this time to remind the Board and those present that the 7<sup>th</sup> Annual Wings and Wheels Over Westover Field event will be held on Saturday, September 28<sup>th</sup> from 9 a.m. to 3 p.m. He advised children aged 8 to 17 will be offered free airplane rides with parent's permission, courtesy of the Experimental Aircraft Association. The event also features other aircraft, hot rods, and CHP, Sheriff's Office, Cal STAR, and Cal Fire displays. Hot dogs and refreshments will be available. Westover Field is located on Airport Road off Highway 49 in Sutter Hill.

**Upcountry Corridor Vision Meeting:** Mr. John Heissenbittel, District V resident, took this time to invite the Board to a meeting to be held on September 24, 2014 from 6:30 p.m. to 8:00 p.m. at the Pine Grove Community Center to allow the business community in the up-country corridor and concerned citizens to discuss their future vision for the upcountry corridor.

**Consent Agenda Nexus Contracts:** Ms. Lynn Morgan, District III resident, took this time to state she has noticed for several months that contracts were being awarded to the Nexus Group. She specifically took note of the Contract on the Consent Agenda for today's date relative to work being performed for Amador-Tuolumne Community Action Agency. Ms. Morgan was directed to the Consent packet online to further research today's item and was advised that Nexus Group is not specific to A-TCAA, but is a common vendor used by the County.

**October Board Meeting Schedule:** Mr. Chuck Iley, County Administrative Officer, reminded the Board for the record, that the Board of Supervisors Meetings originally scheduled for the 2<sup>nd</sup> and 4<sup>th</sup> Tuesday of the month have been changed to the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday to accommodate the Rural County Representatives of California legislative conference which will be attended by Supervisor Plasse and Oneto. The meetings are scheduled for October 7<sup>th</sup> and October 21<sup>st</sup>.

**Catastrophic Forest Fire:** Supervisor Oneto took this time to express his concern relative to the need to thin our forests before catastrophic fires occur. Supervisor Oneto stated he does not agree with environmental groups who have hindered Forests from being managed prior to a catastrophic fire event taking place. He stated by being proactive and advocating forest thinning it will not only provide long term jobs for some, but also a product such as lumber to be produced. If the forest is taken by fire the jobs are only short lived and other issues can arise such as erosion and loss of habitat. Supervisor Oneto noted he is unhappy with environmental groups and to some extent the Forest Service for not more fully addressing this issue and urged the Board and the public to lobby Congressman McClintock and Federal Senators to look into legislation that would possible assist in resolving this issue.

**Combined Air and Ground Ambulance Tickets:** Supervisor Novelli reminded those present that air and ground Ambulance tickets are now available at the American Legion Ambulance Office at Sutter Hill for \$199.00. He also thanked Supervisors Plasse and Boitano for their efforts in bringing this offer to fruition.

**Drive-In on the Green:** Chairman Novelli stated on October 3, 2014 the Up-Country Rotary will host a fundraiser at Mace meadows Golf Course from 3:30pm to 9pm. He encouraged everyone to attend and enjoy an evening of 50's fun with classic cars, hot rods & a movie "American Graffiti". He noted the event is FREE with a \$5 public parking charge. Movie starts at 7pm. Food will available, as well as a raffle. All proceeds benefit our upcountry communities, seniors & youth, scholarships & camps, dictionaries, food bank and Boy Scouts.

**CONSENT AGENDA:** Items listed on the consent agenda (see attached) are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

Chairman Novelli advised the following item has been added as an addendum to the Consent Agenda for today's date:

**County Health Officer:** Approval of an agreement with Doctor Rita Huspen Kerr as the Contract Public Health Officer and authorize the Chairman to execute said agreement contingent upon a successful background check. (Added to Consent per Addendum)

Chairman Novelli announced the following items will be pulled from the Consent Agenda for today's date:

**Transportation and Public Works:** Approval of a new revenue line added to the Waste Management budget, 46940, which will amount to 25% of Jim McHargue's time, or approximately \$36,215.29 for the 2014-2015 fiscal year. Additionally, the Waste Management expense line 51800 will be increased by \$36,215.29 to account for the revenue increase relative to Jim's assignment as Air Pollution Control Officer and Director of Solid Waste/Safety Programs. (Pulled per the request of the County Administrative Officer)

**General Services Administration:** Approval to award RFP 14-15 Site Connectivity Services to *Volcano Vision, Inc.* in an amount not to exceed \$6,755.00 per month and approve the service agreement. (Pulled per the request of General Services Director, Mr. Jon Hopkins)

Chairman Novelli advised the following correction has been made to Item 4C on the Consent Agenda for today's date:

**General Services Administration:** Approval of a Construction Contract with *Loggin' Logan Tree Service* for the Precision Approach Path Indicator (PAPI) sighting Obstruction Identification and Mitigation.

**MOTION:** It was moved by Supervisor Boitano, seconded by Supervisor Forster and unanimously carried to approve the Consent Agenda as amended above.

## **REGULAR AGENDA**

**Health and Human Services-Public Health:** Discussion and possible action relative to adoption and presentation of a resolution recognizing Nancy Joyner for seventeen years of service to the County of Amador.

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

**MOTION:** It was moved by Supervisor Boitano, seconded by Supervisor Oneto and unanimously carried to adopt the following resolution recognizing Ms. Nancy Joyner for seventeen years of service to the County of Amador.

**RESOLUTION NO. 14-102**

Resolution recognizing Ms. Nancy Joyner for seventeen years of service to the County of Amador.

Chairman Novelli presented the resolution to Ms. Nancy Joyner at this time.

**Grand Jury Response:** Discussion and possible action relative to a response to the Amador County Grand Jury. (Continued from September 9, 2014)

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

**MOTION:**     **It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to accept the 2013-2014 Grand Jury Response with minor revisions to Findings #5 and #8 relative to the portion encompassing Health and Human Services Building-We Did the Math!**

**Kirkwood Out Valley Project:** Discussion and possible action relative to a presentation by Mr. Michael Sharp, Kirkwood Public Utility District General Manager, regarding an update on the Kirkwood Out Valley Project.

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

**9 Lives for \$9.00:** Discussion and possible action relative to Board authorization to move forward with this promotion.

Discussion ensued with the following action being taken.

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

**MOTION:**     **It was moved by Supervisor Oneto, seconded by Supervisor Boitano and unanimously carried to authorize this promotion to move forward for the period of September 26<sup>th</sup> through October 6<sup>th</sup> 2014. (9 working days, with the exception of Sunday and Monday as the Shelter is closed)**

**General Services Administration:** Discussion and possible action relative to Senate Bill No. 863 and solicitation of an Architect for jail renovations.

Sheriff Martin Ryan and Mr. Jon Hopkins, General Services Director, were present for this item. Mr. Hopkins summarized a memorandum as incorporated in full in the Board packet for today's date. He stated in summary, that he and the Sheriff are recommending authorization to staff to pursue qualified consultants through the RFP process to pursue SB863 funding for the jail facility and pursue qualified Architects for design options at the existing jail site for the purpose of adding beds to that facility. He also noted, the CAO's office has recommended a

target not to exceed ten million (\$10,000,000.00) for the proposed project. Mr. Hopkins also indicated the current balance of the Jail Capital Facility Fee fund is \$659,754.53 which may be used to fund the services of a consultant and Architect.

Lengthy discussion ensued with the following action being taken.

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

**MOTION:** It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to authorize the General Services Director to begin the CEQA process at the current jail site and; provide a letter to the BSCC describing the need for improvements to the jail and request preference consideration for the relinquishment of AB900 monies. In addition Supervisor Boitano would like a financial analysis to be prepared by the County Administrative Officer that outlines how this expenditure will be satisfied and brought back to the Board at a future meeting.

**Emergency Medical Services:** Discussion and possible action relative to an agreement with Mountain Valley Emergency Medical Services Agency and future Emergency Service contracts. (This item was pulled and will be placed on a future meeting for discussion if necessary)

**ACTION:** This item was pulled at the request of Supervisor Boitano to allow the Board and staff additional time to review the issue.

**Planning Department:** Public review and comment on Partially Recirculated Draft EIR for the Newman Ridge Project. No action on the project may be taken at this time. This matter was heard at 10:30 a.m. or as soon thereafter as can be heard. Public notice and newspaper advertisement indicate a 10:30 a.m. start time.

Ms. Susan Grijalva, Planning Director, addressed the Board and summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full. She reminded those present that this hearing is being held to provide the opportunity for the project to be presented to the public and the Board members, answer any questions about the project, and to take any comments the public may have at this time on the Partially Recirculated Draft Environmental Impact Report (PRDEIR) only. This hearing is not for debating the merits of the project. That opportunity will be had at a future public hearing. No action will be taken by the Board at this hearing.

Chairman Novelli opened the public hearing at this time. The following individuals wished to speak relative to this matter:

Ms. Sally Barron  
Mr. Fraser West  
Ms. Virginia Silva  
Ms. Sondra West-Moore  
Mr. Tom Bridges

Mr. Jim Scully  
Mr. Joe Ruiz  
Ms. Pat Bennett  
Mr. Mark Bennett  
Ms. Julia Wilder  
Mr. Tom McCarthy  
Mr. Steven Hust  
Ms. Patrice Prest  
Mr. Steve Yanez  
Mr. Rux Oneto  
Ms. Barbara Whitmire  
Mr. Doug Karstens

It should be noted that the audio encompassing this entire discussion verbatim is posted on the County website at [www.amadorgov.org](http://www.amadorgov.org).

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

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

**Minutes:** Discussion and possible action relative to review and approval of the September 9, 2014 Board of Supervisors Meeting Minutes.

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

**MOTION: It was moved by Supervisor Forster, seconded by Supervisor Plasse, and unanimously carried to approve the September 9, 2014 Board of Supervisors Meeting Minutes with corrections.**

**\*\*1:30 P.M.\*\***

## **PUBLIC HEARING**

**Planning Department:** Discussion and possible action relative to a public hearing to consider adoption of an ordinance extending interim urgency ordinance #1745 for ten (10) months and 15 days (August 26, 2015). **\*\*Please note, this matter was heard at 1:30 p.m. or as soon thereafter as can be heard, pursuant to public notice and newspaper advertisement indicating a 1:30 p.m. start time.\*\***

Ms. Susan Grijalva, Planning Director, addressed the Board and summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full. In summary she stated the proposed action today is to adopt an ordinance extending for a period of ten (10) months and fifteen (15) days (to August 26, 2015, or a shorter time period), the interim



ordinance previously adopted as Ordinance No. 1745 which limits the indoor cultivation of medical marijuana in the unincorporated area of Amador County.

Discussion ensued with the following action being taken.

Chairman Novelli opened the public hearing at this time. The following members of the public wished to speak relative to this matter.

Mr. Larry Graham

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

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

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

**MOTION #2:** It was moved by Supervisor Boitano, seconded by Supervisor Plasse and unanimously carried to extend for a period of ten (10) months and fifteen (15) days (to August 26, 2015, or a shorter time period), the interim ordinance previously adopted as Ordinance No. 1745 which limits the indoor cultivation of medical marijuana in the unincorporated area of Amador County.

*Direction also given to refer this matter back to the Planning Commission and staff to conduct the process of considering, developing, and possibly approving regulations that would be applicable to the indoor cultivation of medical marijuana in the unincorporated area of Amador County.*

**ADJOURNMENT:** Until Tuesday, October 7, 2014, at 8:30 a.m.

**AMADOR COUNTY  
BOARD OF SUPERVISORS**

**CONSENT AGENDA**

**September 23, 2014**

NOTE: Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and possible action, and made a part of the regular agenda at the request of a Board member(s).

1. **BUDGET MATTERS**

- A. ~~**Transportation and Public Works:** Approval of a new revenue line added to the Waste Management budget, 46940, which will amount to 25% of Jim McHargue's time, or approximately \$36,215.29 for the 2014-2015 fiscal year. Additionally, the Waste Management expense line 51800 will be increased by \$36,215.29 to account for the revenue increase relative to Jim's assignment as Air Pollution Control Officer and Director of Solid Waste/Safety Programs.~~ **(Pulled per the Chairman's request)**
- B. **Administrative Agency:** Approval of a request to increase budget as a result of income received from the sale of the Bergo property, not included in 14/15 budget. Increasing *Public Defender* revenue line item 2180-46520 by \$240,952.00 for actual receipt amount and decreasing revenue line item 11000-43233 *Excess Loss Reserves* by \$37,326.00, reducing the Excess Tax Loss Reserve contribution. Increasing 1220-52300 *Assessor's Professional & Specialized Services* line item by \$17,126.00 for Mineral Rights consultant, increasing 1700-51400 by \$11,500.00 *Facilities* Household Supplies line for county wide paper supplies and increasing 1902-57025 *General Fund* Operating Transfers (intrafund) by \$175,000.00. Increasing *Public Works* Budget for the \$175,000.00 General Fund contribution to increase Rabbit Creek Phase II Culvert Replacement line item 3000-56327, and revenue Operating Transfers in line item 3000-47940 by the same amount.

2. **TAX MATTERS**

- A. **Assessor's Office:** Approval of the following: APN 020-140-044-000 (Sullivan, Fredrick T. and Deborah Family Trust); APN 018-152-041-000 (Williamson Family Trust and Laforge Family Trust D); APN 003-691-041-000 (Issakani, Sarkiz Daniel).

3. **RESOLUTIONS**

- A. **Health and Human Services (#14-103):** Approval of a resolution recognizing *Ms. Penny Stone* for 28 years of dedicated service.
- B. **Building Department (#14-104):** Approval of a resolution authorizing recordation of an *Agreement to Limit Uses of Agricultural Structure* for Frank L. Busi and Mary Ann Busi – Building Permit #AG01023.
- C. **Surveying and Engineering (#14-105):** Approval of a resolution approving a new private road name of Timber Creek Drive at a junction on the southerly side of Sentinels Way and extends approximately 300 feet southerly to the end, in the Kirkwood area (APN 026-270-033).

4. **AGREEMENTS**

- A. **General Services Administration:** Approval of a First Amendment to original Services Agreement (7/1/14) with *Hunt & Sons, Inc.* to provide fuel services. The changes include corrections to addresses; camera installation at FIRST GAS location and the Fast Gas will not be available until the end of 2015. However, John's Pit Stop located at 10773 Highway 49, Martell, CA will now be available for use by County employees.
- B. **General Services Administration:** Approval to award Bid No. 14-24 to *Traffic Limited* located in Lodi, CA in the amount not to exceed \$30,000.00 annually for Road Striping on Various County Roads and approve the contract.
- C. **General Services Administration:** Approval of a Construction Contract with *Loggin' Logan Tree Service* for the Design **Instruction** of Precision Approach Path Indicator (PAPI) sighting Obstruction Identification and Mitigation.
- D. **General Services Administration:** Approval to award RFP 14-25 Services Agreement to *Nexus Youth and Family* services for *Aggression Replacement Therapy Program* in the amount not to exceed \$23,184.00 and the *180 You-Turn Program* in the amount not to exceed \$36,358.00 for fiscal year 2014/2015.
- E. **Health and Human Services:** Approval of a Second Amendment to Services Agreement with *Sierra Child and Family Services, Inc.* to provide out-patient community based programs to emotionally disturbed girls and boys of Amador County.
- F. **Health and Human Services:** Approval of the Children's Medical Services (CMS) Branch Budgets for fiscal year 2014-2015. The packet includes three federal, state and locally funded children's programs: *California Children's Services, Child Health and Disability Prevention Program, and the Health Care Program for Children in Foster Care.* All three are federal and/or state mandated programs.
- G. **Transportation and Public Works:** Approval of two purchasing agreements for right-of-way from *F. & J. Oneto Ranch, L.P.* (APN 015-120-044-000) and from *Amoruso Family Trust,* (APN 015-010-028-000) at a cost of \$1,000.00 each for the Turnout Project on Shakeridge Road and Fiddletown Road.
- H. ~~**General Services Administration:** Approval to award RFP 14-15 Site Connectivity Services to *Volcano Vision, Inc.* in an amount not to exceed \$6,755.00 per month and approve the service agreement.~~ **(Pulled per the request of the General Services Director)**

- I. **Administrative Agency:** Approval of a Memorandum of Understanding between the County of Amador and the *Amador County Deputy District Attorneys Association* for the period of October 1, 2014 through September 30, 2016.
- J. **County Health Officer:** Approval of an agreement with Doctor Rita Huspen Kerr as the Contract Public Health Officer and authorize the Chairman to execute said agreement contingent upon a successful background check. (Added to Consent per Addendum)

5. **ORDINANCES**      None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Behavioral Health Advisory Board:** Approval of the re-appointment of Ms. Candice Jayne as “Family Member” to the subject Board for a term of three (3) years.

7. **MISCELLANEOUS**

- A. **General Services Administration:** Approval of authorization to dispense with the formal bidding procedures and authorize the Purchasing Agent to issue a purchase order in the amount of \$29,579.25 for one (1) used 2012 Dodge Durango in the amount of \$28,214.25 and one (1) used 2010 Chevrolet Silverado 1500 from CARMAX in Sacramento.
- B. **Health and Human Services:** Approval of a request to hire one (1) *Eligibility Worker I/II* due to employee resignation. This is a Merit Systems position and must be hired through the Merit Systems process.

8. **GENERAL CORRESPONDENCE**

- A. Notice of Proposed Regulatory Action from the *State Fish and Game Commission* relative to Sections 465 and 472, Title 14, California Code of Regulations, relative to the prohibition of prizes for the take of furbearers and nongame mammals, which will be published in the California Regulatory Notice Register. Ms. Caren Woodson of Fish and Game Commission has been designated to respond to questions on the substance of the proposed regulations and can be reached at (916) 651-1329.
- B. Notice of Receipt of Petition from the *State Fish and Game Commission* relative to list the Livermore tarplant (*Deinandra bacigalupii*) as endangered under the California Endangered Species Act. Interested parties may contact Ms. Helen Birss, Habitat Conservation Planning Branch Chief, California Department of Fish and Wildlife at (916) 653-9834.
- C. An Application for *Alcoholic Beverage License* for PERKO’S CAFÉ, located at 11988 State Highway 88, Jackson, California, 95642.

- D. Memorandum from the Building Department relative to a recap of activity for August totaling \$30,852.17.
- E. Auditor's check register dated August 8, 2014, totaling \$ 640,506.14.

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THEODORE F. NOVELLI, Chairman  
Board of Supervisors

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

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Deputy