

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, January 27, 2015
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:

Brian Oneto, Chairman, District V
Louis D. Boitano, Supervisor, District IV
John Plasse, Vice-Chairman, District I
Richard M. Forster, Supervisor, District II
Lynn A. Morgan, Supervisor, District III

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 Oneto 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 Oneto reported the following issues were reviewed in closed session:

Conference with Real Property Negotiators:

APN: 042-171-001 Right of way acquisition for a fee title and construction easement.(Terms and Conditions) Negotiating Parties: James and Jennifer Dann. County Negotiators: Charles T. Iley, County Administrative Officer and Aaron Brusatori, Community Services Director.

ACTION: Direction given to staff.

Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6. County Negotiator: Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, and Darrell P. Murray, IEDA. Employee Organization: All Units

ACTION: Update only.

Conference with County Counsel - Existing Litigation [Government Code 54956.9(d)(1)]: Tiffany L. Northern v. City of Jackson, County of Amador, Christopher K. Rice, et al, Superior Court of California, County of Amador, Case No. 12CV7967

ACTION: Update only.

Raymond Marchant v. County of Amador, Workers Compensation Claim No. CAMA-555822
Robert Wurm v. County of Amador, Workers Compensation Claim No. CAMA-431858

ACTION: Direction given to staff.

Robert Wurm v. County of Amador, Workers Compensation Claim No. CAMA-431858

ACTION: Direction given to staff.

Confidential Minutes: Review and approval of the confidential minutes of January 13, 2015.

ACTION: Minutes approved pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Morgan and unanimously carried to approve the confidential minutes of January 13, 2015.

Ayes: Supervisors Plasse, Forster, Morgan and Oneto

Noes: None

Abstain: Supervisor Boitano

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

ACTION: Approved pursuant to the following motion.

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

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.

Up-Country Commercial Signage: Mr. Mike Spence, District III resident, addressed the Board at this time and expressed concern relative to code enforcement in the up-country as it relates to commercial signage. Mr. Spence prefaced his statements by noting his concern is not specific to signage in front of businesses, and he is not criticizing current enforcement ordinances, but rather strongly supports up-country businesses and understands their struggle for visibility. However, over last year it appears the signage ordinance has not been rigorously enforced and has developed into a problem of signage being posted in “non-sight specific” (i.e., signage indicating gas or food one mile ahead etc.) Mr. Spence also stated he brought this matter to the attention of the District III Planning Commissioner and the Planning Director over six months ago but has not noticed any enforcement of this type of signage in that time. Mr. Spence continued by stating he would like the Board to consider requiring unilateral enforcement of any signage that is not site specific, and to encourage staff to strive to be more expedient and rigorous in enforcement relative to these types of situations.

District IV Supervisor: Supervisor Louis Boitano took this time to dispel a rumor that indicates he will not be running for re-election at the end of his current term. He stated there is nothing farther from the truth and wanted to state for the records that he does intend to run for re-election.

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 Oneto stated the following item will be pulled from the Consent Agenda for today’s date and brought back to the Board on a future agenda:

Transportation and Public Works: Approval of a Cooperative Agreement with Amador County Transportation Commission (ACTC) for funding of the Pavement Management Program Update.

ACTION: Direction given pursuant to the following motion.

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

REGULAR AGENDA

Central Sierra Connect: Discussion and possible action relative to a presentation by representatives of Central Sierra Connect and Cal.net regarding potential adoption of a resolution supporting the California Advanced Services Fund (CASF) for Cal.net's efforts to bring high speed internet to unserved and underserved areas of Amador County.

Mr. Darrel Slocum, representing Central Sierra Connect, addressed the Board and provided a brief summary of the background of this item. A complete copy of his memo is incorporated in full in the Board packet for today's date.

Mr. Ken Garnett, Cal.net, addressed the Board and stated it is the intent of Cal.net to utilize any CASF grant funding received to utilize TV White Space technology and other fixed-wireless broadband technologies to build broadband projects in Amador County where residents are either unserved or underserved. Projects to be submitted to CASF for their consideration include but may not be limited to, the Clinton Road area outside of Jackson city limits, a portion of eastern Ione and areas between Sutter Creek and Amador City off of Highway 49.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Morgan and unanimously carried to adopt the following resolution showing support to CASF for Cal.net's efforts to bring high speed Internet to unserved and underserved areas of Amador County.

RESOLUTION NO. 15-002

Resolution showing support for Cal.net Broadband Projects in Amador County.

Senate Bill 854 (SB854): Discussion and possible action relative to the subject Bill which mandates its requirements to apply to all Public Work projects as of January 1, 2015.

Mr. Jon Hopkins, General Services Director, and Ms. Danielle Whitaker, Executive Assistant, addressed the Board and provided a brief Power Point presentation highlighting the effects of SB 854 and how this Bill could impact the County bidding process. A complete outline of the presentation is incorporated in full in the Board packet for today's date.

The following individuals wished to speak relative to this matter.

- Ms. Cindy Bassi
- Ms. Sherry Curits
- Mr. Casey Emerson

Discussion ensued with the Board giving direction to the General Services Director to

take whatever action necessary to ensure ample and detailed notification is given to local contractors before April 1, 2015. In addition, if staff training is provided by General Services, local Contractors should be notified and encouraged to attend. Supervisor Forster also requested other local entities such as the Amador Water Agency, Jackson Valley Irrigation District as well as representatives from the cities of Jackson, Ione, Plymouth, Sutter Creek and Amador City be notified. The Supervisors also directed staff to ensure notification is easily accessible on the County website.

ACTION: Direction given to staff.

Amador Council of Tourism: Discussion and possible action relative to a presentation by Ms. Maureen Funk, ACT Executive Director, regarding an update on the 2014 State Fair and 2015 State Fair planning.

Ms. Maureen Funk, ACT Executive Director, addressed the Board and provided a brief update relative to the 2014 State Fair and planning progress for the 2015 State Fair. She stated the 2014 State Fair increased in attendance by 8% and the Counties Exhibit Building is the most visited at Cal Expo. Ms. Funk took this time to thank Ms. Jennifer Pachette, Amador Vintners Association, for display help and educational materials, and Bobby Gullett for the video about family wineries. She also expressed thanks to the Board of Supervisors for supporting tourism and the State Fair Booths. Ms. Funk also summarized a Profit and Loss Report for the 2014 State Fair county exhibit which is incorporated in full in the Board packet for today's date. In addition, Ms. Funk shared a mock design of the proposed 2015 exhibit which will replicate the Preston Castle in an "island setup" which would reflect the story of Preston Castle on the inside and around the exterior of the exhibit will be the opportunity for the designer to promote other aspects of Amador County and tell the large story. Ms. Funk indicated the Preston Castle Foundation has expressed interest in taking possession of the exhibit at the conclusion of the Fair and display at some of their events or onsite at the Castle.

ACTION: None. Presentation only.

MACT Health Board: Presentation by Mr. John S. Alexander, M.A.C.T. Health Board Executive Director, regarding strategic plans and goals as well as challenges of being one of the very few healthcare providers serving Medi-Cal patients in Amador County.

Mr. John Alexander, MACT Health Board Executive Director, took this time to provide a very informative Power Point presentation relative to the strategic plans and goals of the M.A.C.T. Health Board in Amador County. A complete copy of the presentation is incorporated in full in the Board packet for today's date. Mr. Alexander noted major areas of focus for M.A.C.T. over the next five years can be summarized into the five following areas:

1. Maintain a balance between traditional medicine, western medicine and alternative healing.
2. Improving the quality of health care for the communities that the M.A.C.T. Health Board, Inc. serves.
3. Providing professional staff and services to patients.

4. Creating and maintain a business plan for sustainability through adverse situations.

Mr. Alexander continued by summarizing the current status of M.A.C.T. in Amador County as well as the challenges and future plans of the M.A.C.T. Health Board.

ACTION: None. Presentation only.

King Fire Restoration Project: Discussion and possible action relative to the Chairman's signature on a comment letter in response to a scoping request by the US Forest Service.

Mr. John Hofmann, County Consultant, addressed the Board and reviewed the proposed draft letter with the Board.

Discussion ensued with the Board requesting the following modifications be made to the letter and brought back to the Administrative Committee for approval and dissemination.

- Expand the focus from less than 35% slopes to include greater than 35% slopes
- Added support for more dead tree removal to reduce future fire risk, increase recreational safety, expand reforestation and minimize erosion and sedimentation
- Include mushroom gathering and hunting in the recreational section
- Suggest helicopter/cable logging can be economical if done early before trees deteriorate.

The following individuals wished to speak relative to this matter.

- Ms. Kimberly Pruett, Congressman McClintock's Office
- Mr. Casey Emerson, District I resident

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Plasse and unanimously carried to direct staff to make the modifications to the letter as discussed and bring to the Administrative Committee on February 2, 2015 for approval and authorization to send to the U.S. Forest Service, Senator Tom Berryhill, Congressman Tom McClintock, Assembly Member Frank Bigelow, Rural County Representatives of California, National Association of Counties and California State Association of Counties.

Ayes: Supervisors Boitano, Plasse, Forster and Oneto

Noes: None

Abstain: Supervisor Morgan

Assembly Bill 142 (AB142): Discussion and possible action relative to the subject Bill as it relates to wild and scenic rivers.

MOTION: It was moved by Supervisor Morgan to delay action on this Bill because appropriations have not been clearly identified, another study could be redundant as the Mokelumne has been studied at least twice before by BLM and the USFS in 2005, and it is apparent that Cache Creek and the South Yuba River have been designated without the completion of a special study.

The above motion failed for lack of second.

Discussion ensued with Supervisor Plasse stating the mindset in the above motion is precisely the tact taken by the legislature last year when the Board was advocating in opposition of SB1199. He stated the Act clearly states that the Secretary of Natural Resources *shall* conduct a suitability or non-suitability study. However, the legislature took the opinion that since a “workaround” was found to that provision for Cache Creek and the South Yuba River that a “workaround” could also be applied in the instance of the Mokelumne. Supervisor Plasse takes exception to disregard being taken towards an Assembly Bill or act of legislature that clearly states something shall be done and then find a “workaround”. Supervisor Plasse continued by stating that is why he feels Assembly Bill 142 is a necessity to prevent the legislature from conducting that type of “double speak”.

Supervisor Morgan stated she feels with the Mokewise project and other studies going forward this may be an example of “analysis paralysis” as it is one more study that the consultant will be paid by the resource agency to conduct.

Supervisor Plasse state the Mokewise process is doing nothing as far as a suitability study either for or against the Wild and Scenic designation and in fact the Foothill Conservancy has pulled designation of the Mokelumne from the list of concepts and projects in the Mokewise analysis.

Supervisor Oneto stated among his many concerns regarding the Wild and Scenic designation, he is very concerned about long term water supply for Amador County residents. He stated he feels Amador County needs to be in control of water storage for the future. He mentioned utilizing more of Bear River reservoir for storage of water than can be used in extended droughts. However he feels Wild and Scenic designation would make that impossible to accomplish. He also expressed concern relative to condemnation or eminent domain of properties along the river.

Supervisor Plasse noted for the record that three private property owners along the Mokelumne in District I have adamantly expressed opposition to the Wild and Scenic Designation.

Supervisor Morgan states during her campaign she made it clear that she was in favor of Wild and Scenic Designation and several of her constituents have indicated support as well.

Supervisors Boitano and Forster also indicated they are in favor of Assembly Bill 142 and fully vetting the designation proposal and looking at all possible impacts.

The following individuals wished to speak relative to this matter.

- Mr. Chuck Tamraz, District III
- Ms. Kimberly Pruett, Congressman McClintock's Office
- Mr. Casey Emerson, District I resident
- Ms. Sherry Curtis, District III resident
- Mr. Mark Bennett, District III resident
- Mr. Rich Farrington, District III Amador Water Agency Director

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

MOTION: **It was moved by Supervisor Forster, seconded by Supervisor Boitano and carried to approve the Chairman's signature on a letter of support relative to Assembly Bill 142.**

Ayes: Supervisors Forster, Boitano, Plasse and Oneto

Noes: Supervisor Morgan

Minutes: Discussion and possible action relative to approval of the January 13, 2015 Board of Supervisors Meeting Minutes.

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

MOTION: **It was moved by Supervisor Forster, seconded by Supervisor Plasse and unanimously carried to approve the January 13, 2015 Board of Supervisors Meeting Minutes with minor corrections.**

Ayes: **Supervisors Forster, Plasse, Oneto and Morgan**

Noes: **None**

Abstain: **Supervisor Boitano**

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 12:30 p.m., the Board convened into closed session. The following matters were heard.**

Conference with County Counsel - Existing Litigation [Government Code 54956.9(d)(1)]:
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: Update only.

REGULAR SESSION: At 12:45 p.m., the Board reconvened into regular session. Vice-Chairman Plasse reported the above issues were reviewed in closed session:

ADJOURNMENT: Until Tuesday, February 10, 2015, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

January 27, 2015

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** None

2. **TAX MATTERS** None

3. **RESOLUTIONS** None

4. **AGREEMENTS**

A. **Sheriff's Office:** Approval of an amended Federal Equitable Sharing Agreement and Certification for Fiscal Year 2013/2014. The form documents income and expenditures as they relate to federal asset forfeiture and is required for continued participation in the program. Corrections were necessary to comply with US Department of Justice Detailed Distribution Reports.

B. **Transportation and Public Works:** Approval of extending the contract for the operation of the Amador County Household Hazardous Waste (HHW) Collection Facility by *Stericycle Environmental Solutions*. All fees have been maintained at the original rate.

C. ~~**Transportation and Public Works:** Approval of a Cooperative Agreement with Amador County Transportation Commission (ACTC) for funding of the Pavement Management Program Update.~~ (Pulled per the request of the Department Head)

D. **Health and Human Services:** Approval of a Third Amendment with *Staff Care, Inc.* for fiscal year 2014-2015 to provide services for Temporary Psychiatry/Psychiatric Nurse Practitioner Locum Tenens coverage for Amador County Behavioral Health clients.

E. **General Services Administration:** Approval of a First Amendment to the Lease with *Pacific Bell Telephone Company* for the County Radio Building located at 12200 Airport Road, Martell.

F. **General Services Administration:** Approval of a Community Hangar License agreement between the County of Amador and Alan J. Krueger for Airport Hangar #E-4.

G. **General Services Administration:** Approval of a lease for Ione Library with the Native Sons of the Golden West, Parlor #33.

H. **Amador Air District:** Approval of a First Amendment to original agreement (8/19/14) for Services and Plan of Cooperation between Amador County and Amador Air District. This amendment allows the County's Budget Analyst to review the District's financial document on a quarterly basis to provide oversight and recommendations as observed. A written summary of the review will be provided to the District.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Commission on Aging:** Approval of the appointment of Ms. Nancy Kearns to the subject commission for a three (3) year term.
- B. **Behavioral Health Advisory Board:** Approval of the appointment of Arnold M. Zeiderman, M.D. to the subject Board for a three (3) year term.
- C. **Law Library Committee:** Approval of the re-appointments of the following persons to the subject commission for the term January 1, 2015 through December 31, 2015:
 - Laura Einstadter
 - Renee C. Day
 - John Allen
 - Gail S. Smyth
 - Michael T. McEnroe

7. **MISCELLANEOUS**

- A. **Health and Human Services:** Approval of a request to hire one (1) Eligibility Worker I/II due to employee termination. This is a Merit Systems position and must be hired through the Merit Systems process.

8. **GENERAL CORRESPONDENCE**

- A. Notice of Completion Draft Environmental Document from the *State Fish and Wildlife* relating to AB 711, which became effective January 1, 2014 (Stats. 2013, ch 742, § 2, adding Fish & G. Code, § 3004.5) requires the use of nonlead ammunitions statewide not later than July 1, 2019 when taking any wildlife with a firearm. Program can be reviewed online at the Program Website (<https://www.dfg.ca.gov/wildlife/hunting/lead-free/>). Additionally, copies of the Draft ED along with all referenced documents are available for public review at the following location:
 - California Department of Fish and Wildlife
 - Resources Building
 - 1416 9th Street, 12th Floor
 - Sacramento, CA 95814
- B. Notice of Proposed Regulatory Action from State Fish and Game Commission relative to Amending Sections 311, 353, 464, 465, 475; repealing Section 355; and adding Section 250.1, Title 14, California Code of Regulations, relating to the prohibition on the use of lead projectiles and ammunition using lead projectiles for the take of wildlife with firearms. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.
- C. Auditor's check register dated January 9, 2015 totaling \$281,167.67.
- D. Auditor's check register dated January 21, 2015 totaling \$643,266.63.

Brian Oneto, Chairman
Board of Supervisors

ATTEST:

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