

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, January 13, 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
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: Louis D. Boitano, Supervisor, District IV (due to illness)

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 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: Nothing to report.

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

Pine Grove Business Alliance v. County of Amador, et al; Del Rapini Construction, Inc, et al; Superior Court of the State of California in and for the County of Amador, Case No. 14CV9062

ACTION: Update given.

Confidential Minutes: Review and approval of the confidential minutes of December 23, 2014.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Plasse and unanimously carried to approve the confidential minutes of December 23, 2014 as presented.

Ayes: Supervisors Forster, Plasse and Oneto

Noes: None

Abstain: Supervisor Morgan

Absent: Supervisor Boitano

At approximately 8:55 a.m., Supervisor Oneto left the closed session meeting to avoid any perceived conflict of interest issues due to his family owning property adjacent to the proposed Buena Vista Rancheria Casino site. Upon advice in the form of a letter from the Fair Political Practices Commission (FPPC) informing him that he could not participate in governmental decisions related to the efforts by the Ione Band of Miwoks to take land located near the town of Plymouth into trust for the construction of a proposed casino, Supervisor Oneto has recused himself from these matters.

Vice-Chairman Plasse reported the following issues were reviewed in closed session.

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: Update only.

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

ACTION: Update only.

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

ACTION: Update only.

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

Chairman Oneto stated the following item has been added as an Addendum to the agenda for today's date:

2015 Committee Assignments: Discussion and possible action relative to adoption of Board of Supervisors Committee Assignments for 2015.

ACTION: Approved pursuant to the following motion.

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

Ayes: Supervisors Plasse, Forster, Oneto and Morgan

Noes: None

Absent: Supervisor Boitano

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.

Planning Commission Appointment: Mr. Steve McLean, District I resident, addressed the Board and posed a question relating specifically to Item 6c on the Consent Agenda. His concern was mainly related to the background research and vetting of qualifications and experience of potential candidates. Chairman Oneto advised this item will be pulled from the Consent Agenda and discussed as item 5a on the Regular Agenda.

Vacation Rental Ordinance Concerns: Ms. Nicole Ryan, District V resident, addressed the Board and expressed her concern relative to the current vacation rental ordinance and the current zoning codes regarding conversion of residences to commercial uses in Amador County. Ms. Ryan is specifically concerned about a current project that will be before the Planning Commission tonight relative to a request for a use permit application to demolish an existing

home and develop a nearly 16,000 square foot resort, under the description of a Bed and Breakfast Inn. Ms. Ryan feels the current zoning codes are vague and do not take into account the growth of our region or the impact that strict regulations in other wine regions are having on Amador County. She stated other regions ban and regulate the more commercial type developments in their agricultural regions. She also noted, Amador County has become a prime location for developers to take advantage of somewhat vague ordinances and codes, and she respectfully requested the Board look into more clearly defining certain aspects of the codes to keep them from being abused and distorted by developers. Mr. Jon Colburn, District V resident, also spoke relative to this matter and brought up the point of Transient Occupancy Tax Collection for vacation rentals. Mr. Mike Ryan, Treasurer-Tax Collector, responded by stating his office does collect TOT tax from vacation rentals when his office is aware of such an endeavor. However, he pointed out, it is sometimes difficult to track all of these types of rentals but his office is diligent about trying to identify them through newspaper, internet or word of mouth ads and will follow through by contacting the owner to begin the process of TOT collection.

SR 16 Relinquishment: Supervisor Plasse took this time to report on a meeting that he and Supervisor Forster had with Supervisor Don Notolli, Sacramento County Board of Supervisors, relative to the continuing effort of Sacramento County to request relinquishment of a portion of SR 16 between Watt Avenue and Grant Line Road (on Jackson Highway) to Sacramento County. Supervisor Plasse stated this issue has become largely based around growth desires of Sacramento County to construct 30,000-50,000 new homes along the Jackson Highway corridor which brings concerns regarding effects of relinquishment of a State highway system to a County road system and the impacts on our Community and residents who depend on SR 16 as direct route to Sacramento County. Supervisor Plasse stated Supervisor Notolli is cognizant of the concerns and has invited Supervisor Plasse and Mr. Charles Field, Amador Transportation Commission Executive Director, to speak before the Sacramento County Board of Supervisors regarding this matter on January 14, 2015. Supervisor Plasse stated he will be suggesting the Board look for ways to identify certain traffic based performance measures that could suggest that CalTrans in their relinquishment of the highway to Sacramento County, make conditional provisions that the design, construction and operation of the proposed highway segment be to Sacramento's county road benefit, but with the design being in such a way that will preserve operational efficiencies that a State Highway should maintain.

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 has been added to the Consent agenda for today's date.

Auditor's Office: Approval of an agreement for OMB A-87 Cost Allocation Plan Services between MGT of America and the County of Amador.

Chairman Oneto stated the following item will be pulled from the Consent Agenda for today's date and placed as Item 5A for discussion on the Regular Agenda per the request of Mr. Steve McClean under Public Matters not on the agenda earlier in this meeting.

Planning Commission: Approval of the appointment of Ms. Caryl Callsen, District III Planning Commissioner for a term of four years.

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 Consent Agenda as amended above.

Ayes: Supervisors Forster, Plasse, Oneto and Morgan
Noes: None
Absent: Supervisor Boitano

REGULAR AGENDA

Planning Commission: Approval of the appointment of Ms. Caryl Callsen, District III Planning Commissioner for a term of four years. (Pulled from the Consent Agenda, Item 6C)

Mr. Steve McLean, District I, addressed the Board and questioned the procedure for appointment of Planning Commissioners. His questioned whether or not the Board of Supervisors investigates the background of applicant or otherwise vets the individual as to qualifications for the seat. Supervisor Lynn Morgan responded, with the concurrence of the other Board members present, that the appointment of Planning Commissioner is the pleasure of the Board member of the District and the seat runs coterminous with the term of the Supervisor. In addition, it was mentioned that the appointee can also be removed from his or her seat at any time during the term if they do not meet the requirements and expectations of the position. Mr. McLean substantiated his concern by stating he does not have any particular concern regarding this specific appointee, rather is just curious regarding the process.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Morgan and unanimously carried to approve the above item (6c on the consent agenda) as presented.

Ayes: Supervisors Forster, Plasse, Oneto and Morgan
Noes: None
Absent: Supervisor Boitano

Kirkwood Out Valley Project: Presentation by Mr. Michael Sharp, Kirkwood Public Utility District General Manager, regarding an update on the subject project.

Mr. Michael Sharp, Kirkwood Public Utility District General Manager, addressed the Board and provided an informative update relative to the subject project and was pleased to announce that after two years of construction and quite a few challenges Kirkwood joined the

National Electric Grid on November 1, 2014, on time and on budget. Mr. Sharp invited Board members to schedule a tour of the project and powerhouse to become more familiar with the site and the impact this project will have on Kirkwood residents.

ACTION: None. Presentation only.

Mokelumne Watershed Inter-regional Sustainability Evaluation (MokeWISE): Review and comment by the Board of Supervisors relative to proposed MokeWISE concepts and projects.

Supervisor Plasse stated he placed this item on the agenda today at the request of the consultant group working with MokeWISE that the stakeholders of MokeWise relay the concerns of their entities to MokeWise by January 2nd, 2015. Due to meeting scheduling, this matter is being brought before the Board today. However, Supervisor Plasse continued by stating some concern has been raised that the presentation of materials to fellow Board members and the public is outside the protocol requirements adopted by MokeWISE that essential state stakeholders will not make available to the public any draft documents or other materials discussed at MokeWISE prior to them being formally adopted and placed on the website. Supervisor Plasse noted that requirement raised the question of how does one solicit the concerns of its public entity without violating the Brown Act. He noted the information would have to be shared on an individual basis in confidence to solicit concerns and then report back to MokeWISE, or present the materials in an open meeting and allow the opportunity for comment, which is how materials were presented for today's meeting. Mr. Greg Gilott, County Counsel, stated while he understands it is difficult for the County to provide any input without discussing amongst each other, he does appreciate the request to keep draft documents from becoming public as they are a work in progress and subject to change and making them public can cause unnecessary angst and upset. However, he continued for this particular issue the documents have already been made public and therefore the Board can take comment if they choose to. He suggested this matter should be brought to the attention of the MokeWISE group to ascertain their input on how to gain input within the context of keeping draft documents confidential.

Ms. Sherry Curtis, District III resident, addressed the Board and stated she does not understand how the Board can represent the public on this matter if the public is not privy to any information being proposed.

Ms. Rebecca Brown, District I resident, stated she is also concerned about the public being informed and participating in MokeWISE meetings as well as meetings being more broadly noticed so that interested parties may attend if they desire.

Supervisor Morgan requested Supervisor Plasse provide a brief definition of what MokeWise is and the concepts they support.

Supervisor Plasse stated Mokelumne Watershed Inter-regional Sustainability Evaluation (MokeWISE) is a group of declared stakeholders that are formed throughout the Mokelumne Region and watershed. The State requested that these groups be compiled to regionally assess impacts to river water supply and proposed concepts or projects that may help to address all concerns of stakeholders. He continued by stating stakeholders include entities from the

headwaters of Alpine County to San Joaquin County where the Mokelumne ends up in the Delta. EBMUD, Amador County, California Sport Fishing Alliance, Calaveras Planning Coalition, My Valley Springs, Foothill Conservancy, are also among participating stakeholders. Supervisor Plasse also noted that the objective of MokeWISE is to achieve consensus of all stakeholders on a supported portfolio of projects and research funding opportunities to achieve completion of projects.

Ms. Gwen Clayton, District IV resident asked if reports or press releases could be distributed to constituents individually by Supervisor Plasse. Supervisor Plasse indicated he did not feel comfortable releasing this information individually in light of the recent concern about information being brought before the public in violation of MokeWISE protocols. He felt it could lead to comments not being deemed valid as Amador County operated outside of MokeWISE purview.

Further discussion ensued with the following action being taken.

ACTION: Direction given to Supervisor Plasse to contact Allison Watson from the Consultant group working with MokeWISE and possibly schedule a workshop or a presentation at a future Board meeting to discuss projects as they are currently proposed and clarify specific proposals and other issues brought forth today.

Minutes: Discussion and possible action relative to review and approval of the December 23, 2014 Board of Supervisors' Meeting Minutes.

Supervisor Plasse requested the following verbiage highlighted in yellow be added to the body of the following item on Page 6 of the December 23, 2014 Board Meeting Minutes.

Administrative Agency: Discussion and possible action relative to approval of an agreement for Regional Sales, Use and Transactions Tax Information Services between the County of Amador and Hinderliter, De Llamas and Associates; and adoption of a Resolution authorizing examination of Sales, Use and Transactions Tax Records. (continued from December 9, 2014).

Mr. Matt Hinderliter, Hinderliter, De Llamas and Associates (HDL), addressed the Board at this time. He briefly explained that HDL is working with the City of Ione to track and monitor local sales tax relative to the expansion work at Mule Creek State Prison. Mr. Hinderliter continued by stating HDL is requesting the Board add them to the resolution of confidentiality on file with the Board of Equalization which would give broader access to county wide sales tax data and in turn allow HDL to do a better job in assisting the City of Ione. The Board also requested Mr. Hinderliter alert the Board in the event he comes across any missed or mis-allocations of taxes that may affect Amador County to which he responded in the affirmative.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Plasse

and unanimously carried to approve the December 23, 2014 Board of Supervisors Meeting Minutes.

Ayes: Supervisors

Noes: None

Abstain: Supervisor Morgan

Absent: Supervisor Boitano

ADJOURNMENT: Until Tuesday, January 27, 2015, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

January 13, 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**

- A. **Administrative Office:** Approval of a request for a Budget transfer of \$105,000.00 from Contingencies to Assessor's budget line item 1220-52308 Special Appraisals to cover cost of assessing mineral rights and legal services for mineral rights.

2. **TAX MATTERS**

- A. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 003-081-008-000 (Sauret, Ken Leroy and Sherry Ann); APN 003-190-003-000 (Bibby, Bryan Allan); APN 008-413-003-000 (Colon, Guy and Carol R.); APN 020-410-041-000 (Unauk Corporation); APN 033-160-013-000 (Maisenback, Sarah M.).

3. **RESOLUTIONS**

- A. **Treasurer/Tax Collector:** Approval of a resolution approving Statement of Investment Policy of the Amador County Treasurer-Tax Collector.

4. **AGREEMENTS**

- A. **Sheriff's Office:** Approval of an agreement between the Sheriff's Office (ACSO) and *Code RED* which provides a rapid county wide notification system. This will replace Reverse 911 with a more efficient, effective, technologically advanced, and user friendly system. The full cost of implementation and maintenance is funded via an OES grant.
- B. **Transportation and Public Works:** Approval of a contract with *NCE Engineering and Environmental Services* to provide a Pavement Management Program Update on County roads.
- C. **General Services Administration:** Approval to award RFP 14-29 to *Brandis Tallman, LLC* for Underwriter or Placement Services.
- D. **Health and Human Services:** Approval of a Second Amendment to original agreement (dated January 28, 2013) between County of Amador and *William Halloran, M.D.* to provide psychiatry services to clients of Amador County Behavioral Health.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Emergency Medical Care Committee:** Approval of the following members to the subject Board for a three-year term which expires December 31, 2017:

<u>Agency</u>	<u>Regular Member</u>	<u>Alternate</u>
AFPD	Dave Bellerive	Antonio Moreno
American Legion Ambulance	Alan McNany	Nicole Vasquez
Cal Fire	Mike Olivarria	Charlie Blankenheim
General Public	Eileen Hardy	
OES Coordinator	John Silva	
Public Health	Debbie Staniford	
Sheriff's Office	Jim Wegner	
Sutter Amador Hospital	Connie McKenna	
CHP	Craig Harmon	

- B. **Amador Child Care Council:** Approval of a Certification Statement regarding Composition of Local Child Planning Council membership of the California Department of Education, Child Development Division for 2015.
- C. **Planning Commission:** Approval of the appointment of Ms. Caryl Callsen, District III Planning Commissioner for a term of four years.

7. **MISCELLANEOUS** None

8. **GENERAL CORRESPONDENCE**

- A. A letter from the *Department of Alcoholic Beverage Control* relative to a request from *Dickeys Barbeque Pit* located at 12240 Industry Blvd., #74 in Jackson, CA to expand their licensed premises to include the adjacent suite measuring 20' x 32', with no new entrances (emergency exits only) to include recorded music, amplified music, karaoke and patron dancing. Please contact Janette Flores at (916) 419-3783 no later than January 16, 2015 with any objections or comments to the proposed change (s).
- B. Notice of Findings from the *State Fish and Game Commission* regarding the Clear Lake Hitch (*Lavinia exilicaudachi chi*) will be added to the California Endangered Species Act.
- C. Notice of Proposed Regulatory Action from the *State Fish and Game Commission* relating to ocean salmon sport fishing regulations for April 2015, recovery of coded-wire tags from salmon heads and coordinates of ocean salmon fishery closures around river mouths. Dr. Craig Shuman, Regional Manager of the Marine Region, at (805) 568-1246, has been designated to respond to questions on the substance of the proposed regulations.
- D. Notice of Proposed Regulatory Action from the *State Fish and Game Commission* relative to Amending California Code of Regulations, relating to Mammal Hunting

regulations for the 2015-2016 season. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.

- E. Notice of Proposed Regulatory Action from the State Fish and Game Commission relative to Amending Section 7.50 relating to the proposed changes in Central Valley Salmon Sport Fishing regulations. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.
- F. Auditor's check register dated December 29, 2014 totaling \$ 165,178.62.
- G. Memorandum from the Environmental Health Department relative to a recap of the activity during December 2014.

Brian Oneto, Chairman
Board of Supervisors

ATTEST:

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