

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

**DATE:** Tuesday, February 10, 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:**

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:** Brian Oneto, Chairman, District V (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:** Vice-Chairman Plasse 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. Vice-Chairman Plasse 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: Update given.**

**Conference with Real Property Negotiators:**

APN: 010-023-007-000 (Terms and Conditions) Negotiating Parties: Doug Hill. County Negotiators: Chuck Iley, County Administrative Officer and Aaron Brusatori, Community Services Director.

**ACTION: Direction given to staff.**

**Conference with Real Property Negotiators:**

APN: (Portion of ) 008-230-001-000 and (Portion of) APN 008-230-020-501 Right of way acquisition for a fee title and construction easement.(Terms and Conditions) Negotiating Parties: Joseph and Shirley Sinai and Nancy Engle Slenger and William and Martha Engle. County Negotiators: Chuck. Iley, County Administrative Officer and Aaron Brusatori, Community Services Director.

**ACTION: Direction given to staff.**

**Conference with County Counsel - Existing Litigation [Government Code 54956.9(d)(1)]:**Raymond Marchant v. County of Amador, Workers Compensation Claim No. CAMA-555822

**ACTION: Update given.**

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

**ACTION: Direction given to staff.**

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 January 27, 2015.

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

**MOTION:** It was moved by Supervisor Boitano, seconded by Supervisor Forster and unanimously carried to approve the confidential minutes of January 27, 2015 as presented.  
**Absent:** Supervisor Oneto

**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 Forster, seconded by Supervisor Morgan and unanimously carried to approve the agenda as amended above.  
**Absent:** Supervisor Oneto

**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. Theodore F. Novelli, District III resident, addressed the Board relative to comments made at the January 27, 2015 meeting regarding code enforcement of up-country commercial signage. Mr. Novelli stated the County had an Ordinance Committee several years ago that reviewed current ordinances and suggested possible revisions and he does not recall any of the people currently upset with the ordinance attending any of the meetings. Mr. Novelli stated he would like to suggest people exhaust other avenues when having concern over current ordinances such as contacting the specific County Departments responsible for the ordinance in question. He also mentioned several volunteer agencies in the County that assist in sign removal and suggested those with concerns may consider volunteering their time to remove the signs. Supervisor Morgan stated she agreed with Mr. Novelli in that there are better ways to seek remedy to concerns prior to coming to the Board of Supervisors. She also suggested that perhaps a letter could be drafted and sent out to those businesses in violation reminding them that they are in violation of the current ordinance.

**Storm Update:** Mr. John Silva, OES Coordinator, addressed the Board and provided an update of damages occurring during the recent storm. He also explained the process of declaring a State of Emergency, and noted it would have to be done within ten days of the storm event. Supervisor Boitano expressed concern relative to some businesses in Sutter Creek that were damaged by flooding. Further discussion ensued with the Board directing the County Administrative Officer to work with the Administrative Committee and Mr. Silva to investigate and identify the significant damages and determine if calling a state of emergency is necessary. If it is deemed necessary a Special Board Meeting will be called.

**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).

Vice-Chairman Plasse stated the following item will be added to the Consent Agenda as an addendum for today's date.

**Board of Supervisors:** Adoption of a resolution recognizing February 22, 2015 and September 21, 2015 as General Harry B. Liversedge Day in Amador County.

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

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

**Absent:** Supervisor Oneto

### **REGULAR AGENDA**

**Level II Infill Correctional Facilities Project:** Discussion and possible action relative to an update by Mr. Bob Sleppy, CDCR, Facilities Planning and Management, regarding the Level II Infill Correctional Facilities Project at the Mule Creek State Prison Infill Site-Secondary Effluent Spray Field Enhancement Measures.

Lengthy discussion ensued with the Mr. Sleppy fielding questions from the Board and the following action being taken. It should be noted a complete copy of the Power Point presentation is incorporated in the Board packet for today's date.

**ACTION:** None. Presentation only.

**CUPA Inspection and Enforcement Plan Updates:** Discussion and possible action relative to proposed updates to the subject Plan and adoption of a resolution approving changes to the Inspection and Enforcement plans adopted by the Board in 2009.

Mr. Mike Israel, Environmental Health Director, addressed the Board and summarized this matter. He stated during the routine triennial CUPA evaluation in March, 2014, it was determined that the Inspection and Enforcement program plans were in need of updates to reflect the implementation of CERS, to clearly state required staff training & qualification for the UST portion of the program and to correct some outdated code citations.

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 Morgan and unanimously carried to approve the resolution

**Absent:** Supervisor Oneto

**RESOLUTION NO. 15-005**

Resolution approving updates to the Amador County  
Uniform Program Agency Inspection and Enforcement Plan.

**Rural County Representatives of California:** Discussion and possible action relative to an update by Chairman Brian Oneto relative to a recent meeting of the RCRC Board of Directors.

**ACTION:** This matter will be held over to the February 24, 2015 meeting when Chairman Oneto can be present.

**Federal PILT/SRS Update and Reauthorization Status:** Discussion and possible action relative to the subject topic and consideration of adoption of Resolutions encouraging the 114<sup>th</sup> Congress to reauthorize funding.

Discussion ensued with the Board directing the CAO to work with the Chairman and Mr. John Hofmann to draft a letter relative to the reauthorization of the Secure Rural Schools and Community Self-Determination Act of 2000 and authorization to the Administrative Committee to approve the letter and adoption of a Resolution relative to the Federal Payment in Lieu of Taxes program.

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

**MOTION:** It was moved by Supervisor Forster, seconded by Supervisor Morgan and unanimously carried to authorize the Administrative Committee to approve the draft letter and resolution relative to the Federal Payment in Lieu of Taxes Program and send to appropriate entities under the Chairman's signature.

**Absent:** Supervisor Oneto

**State Water Board Grazing Regulatory Action Project (GRAP):** Discussion and possible action relative to approval of the Chairman's signature on a letter of opposition regarding the subject project relating to development of a regulatory program for grazing operations.

**ACTION:** This matter will be held over to the February 24, 2015 meeting when Chairman Oneto can be present.

**Rural Counties' Environmental Services Joint Powers Authority (ESJPA):** Discussion and possible action relative to designation of the 2015 Delegate and Alternates for the subject JPA.

Discussion ensued with the following action being taken.

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

**MOTION:** It was moved by Supervisor Morgan, seconded by Supervisor Boitano and unanimously carried to delegate Supervisor Oneto as the primary delegate, Mr. Jim Mchargue as the 1<sup>st</sup> alternate and Supervisor Plasse as the 2<sup>nd</sup> alternate.

**Absent:** Supervisor Oneto

**Minutes:** Discussion and possible action relative to approval of the January 27, 2015 Board of Supervisors Meeting Minutes.

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

**MOTION:** It was moved by Supervisor Boitano, seconded by Supervisor Forster and unanimously carried to approve the January 27, 2015 Board of Supervisors Meeting Minutes with minor corrections.

**Absent:** Supervisor Oneto

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

## **PUBLIC HEARING**

**Surveying Department:** Discussion and possible action relative to a public hearing to consider a Certificate of Merger for David and Christine Looney. Property is located on the northerly side of Allan Road, approximately 0.7 of a mile westerly of the junction with Shakeridge Road, in the Lockwood area. (APN 21-270-003).

Mr. George Allen, Surveyor, addressed the Board and reviewed the staff report incorporated in full in the Board packet for today's date.

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

**MOTION #1:** It was moved by Supervisor Forster, 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 Forster, seconded by Supervisor Boitano, and unanimously carried to approve a resolution issuing certificate of merger to David I. Looney and Christine A. Looney as Trustees of the David I. and Christine A. Looney Family Trust Dated August 2, 2002 and David Looney and Chris Looney.

**Absent:** Supervisor Oneto

**RESOLUTION 15-006**

Resolution issuing certificate of merger to David I. Looney and Christine A. Looney as Trustees of the David I. and Christine A. Looney Family Trust Dated August 2, 2002 and David Looney and Chris Looney.

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

**WORKSHOP**

**Board of State and Community Corrections (BSCC) Workshop:** A workshop wherein the BSCC will be providing the Board of Supervisor's a summary of the requirements and processes required by the State as they relate to Senate Bill 863 and the scope for Jail construction funding.

**ACTION: None. Workshop only.**

**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 2:45 p.m., the Board convened into closed session.**

**REGULAR SESSION: At 3:20 p.m., the Board reconvened into regular session. Vice-Chairman Plasse reported the above 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 given.**

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

**ACTION: Update given.**

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

**ACTION: Nothing to report.**

Jackson Rancheria Casino

**ACTION: Update given.**

**Conference with County Counsel - Anticipated Litigation [Government Code 54956.9(d)(4)]:**  
One Case

**ACTION:**    **Direction given to staff.**

**ADJOURNMENT:**    Until Tuesday, February 24, 2015, at 8:30 a.m.

**Staff Contacts: Chuck Iley, County Administrative Officer  
Jennifer Burns, Clerk of the Board  
Teresa Wagstaff, Deputy Board Clerk I  
810 Court Street, Jackson, California 95642  
Telephone (209) 223-6470  
FAX# (209) 257-0619  
[www.amadorgov.org](http://www.amadorgov.org)**

**AMADOR COUNTY  
BOARD OF SUPERVISORS**

**CONSENT AGENDA**

**February 10, 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. **Human Resources:** Approval of a request for a petty cash fund in the amount of \$100 for miscellaneous expenses for subject department.
- B. **General Services Administration:** Approval of a request to increase the Library Budget in the amount of \$15,411.00 due to additional Library Literacy Grant revenue which was received from the State Library. The original approved budget amount was \$10,000.00 for Library Literacy Grant revenue and expenditures. However, \$25,411.00 has actually been received in Library Literacy Grant revenue for fiscal year 2014-2015.

2. **TAX MATTERS**                      None

3. **RESOLUTIONS**

- A. **Transportation and Public Works:** Approval of a resolution accepting the work by *K.W. Emerson, Inc.* for the construction of Rabbit Creek Causeway Culvert Repair Project (Phase Two Open Cut) as complete.
- B. **County Counsel:** Approval of a resolution authorizing Industrial Disability Retirement for Raymond Marchant.
- C. **Board of Supervisors:** Adoption of a resolution recognizing February 22, 2015 and September 21, 2015 as General Harry B. Liversedge Day in Amador County. (Added, see page 4).

4. **AGREEMENTS**

- A. **Health and Human Services:** Approval of a Second Amendment to original agreement (dated 1/22/13) with *BHC Sierra Vista Hospital, Inc.* to provide Psychiatric Inpatient treatment services to Amador County clients. This Second Amendment changes the Term and Fee schedule. The fee schedule for Medi-Cal Day Rate has increased by \$23.00.
- B. **General Services Administration:** Approval of a Request for Qualifications (RFQ 14-30) Architectural and Consulting Services for Jail Expansion received from *Nacht & Lewis* and; approval to authorize the GSA Director, Sheriff, CAO and County Counsel to negotiate final terms and conditions and develop a contract based upon the needs outlined in RFQ 14-30.

5. **ORDINANCES**                      None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Commission on Aging:** Approval of the resignation of Ms. Sharon McVicker to the subject Commission and the approval of the appointment of Ms. Susan Tomasich who will replace Ms. McVicker to the subject commission.

7. **MISCELLANEOUS** None

8. **GENERAL CORRESPONDENCE**

- A. Notice of Proposed Regulatory Action from the *State Fish and Game Commission* relative to subsections of Section 7.50, Title 14, California Code of Regulations, relating to Klamath/Trinity rivers sport fishing. Mr. Stafford Lehr, Chief of Fisheries Branch can be reached at (916) 327-8840, with any questions.
- B. Notice of Proposed Regulatory Action from *State Fish and Game Commission* relative to subsection (b) of Section 27.65 and subsection (b) of Section 28.38, Title 14, and California Code of Regulations relating to Pacific Bluefin tuna daily bag limit and tuna fillet procedures. Ms. Mandy Lewis can be reached at [Mandy.Lewis@wildlife.ca.gov](mailto:Mandy.Lewis@wildlife.ca.gov) with any questions.
- C. Notice of Proposed Regulatory Action from the *State Fish and Game Commission* relative to Sections 28.20 and 28.95, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing regulations. Dr. Craig Shuman can be reached at [Craig.Shuman@wildlife.ca.gov](mailto:Craig.Shuman@wildlife.ca.gov) with any questions.
- D. Application for Alcoholic Beverage License for *Hotel Sutter* located at 9621 Main Street, Plymouth, CA 95669.
- E. Application for Alcoholic Beverage License for *Scott Harvey Wines* located at 10861 Shenandoah Road, Plymouth, CA 95669.
- F. Memorandum from the *Building Department* relative to a recap of activity during the month of December, 2014 totaling \$31,396.12.
- G. Memorandum from the *Environmental Health Department* relative to a recap of the activity during the month of January 2015 totaling \$88,274.25.
- H. Auditor's check register dated January 26, 2015 totaling \$322,944.01.
- I. Auditor's check register dated January 30, 2015 totaling \$116,081.95.

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John Plasse, Vice-Chairman  
Board of Supervisors

ATTEST:

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

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