

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, April 8, 2014
TIME: 8:15 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

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 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: Update only.

Conference with County Counsel - Existing Litigation [Government Code 54956.9(a)]: 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 – Potential Litigation [Government Code 54956.9(b)]: Buena Vista Rancheria [Government Code 54956.9 (b)]

ACTION: Update only.

Confidential Minutes: Review and approval of the confidential minutes of March 25, 2014.

ACTION: The confidential minutes of March 25, 2014 were held over for approval at a future meeting.

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 Plasse and unanimously carried to approve the agenda as presented.

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.

Mr. Jon Hopkins, General Service Administration, addressed the Board and provided additional information regarding the following item on the consent agenda for today's date. Mr. Hopkins stated Hunt and Sons has been in contact with Mr. Jon Luy regarding providing fuel service at the Fast Gas location in Jackson as well as the Pacific Pride Location in Martell. There would not be any change in the cost or terms of the agreement. It was also noted that there may be a future possibility of Jon's Pit Stop being an alternative fueling location, however nothing firm has been agreed upon at this time.

General Services Administration: Approval to award Fuel RFP 13-19 to *Hunt & Sons, Inc.* waiving any irregularities and authorize the GSA Director and County Counsel to develop a contract with final terms and conditions based upon Hunt & Sons proposal for a period of three (3) years.

Wild and Scenic Designation: Supervisor Oneto stated he has been contacted by some of his constituents and advised that the Foothill Conservancy newsletter reports legislation has been introduced by Senator Loni Hancock from Oakland to designate the Mokelumne River as wild and scenic. Supervisor Oneto advised he contacted Assemblyman Bigelow and Senator Berryhill and they were not supportive of this legislation. Supervisor Oneto expressed his concern relative to an Oakland legislator bringing forth legislation that could greatly benefit bay area constituents by providing water to the east bay.

Political Signs: Supervisor Forster stated this past weekend Supervisor Novelli had seven of his re-election signs vandalized and two signs were stolen. Supervisor Forster encouraged citizens to be aware and report any suspicious activity or any knowledge of the vandalism. He stated this is a really ugly part of politics and has no place in our society.

Interfaith Food Bank: Chairman Novelli took this time to thank Davis Ranch for donating 40,000 pounds of produce to the Interfaith Food Bank in the last year. Supervisor Novelli also commended Mr. Tom Thompson for his work and dedication to making the Food Bank run smoothly.

Veterans Service Officer: Supervisor Novelli took this time to commend Mr. Terry Sanders, Amador County Veterans Services Officer, for his dedication and commitment to working with the Department of Veterans Service Administration and increasing the allocation to the County of Amador in the amount of \$51,806.00.

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).

Supervisor John Plasse requested item 4a be pulled from the Consent agenda as he will need to recuse himself from the following item as he is a signatory on the subject sublease. In addition item 4d will be pulled and opened for any public comment.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to approve the consent agenda with items 4a and 4d being pulled.

Supervisor Plasse left the Board Chambers at this time.

Item 4a-General Services Administration: Approval of a Second Amendment to Sublease between the County of Amador and *Amador Community College Foundation* for a period of three (3) years through February 28, 2017.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Boitano and unanimously carried to approve the Second Amendment to the sublease between the County of Amador and Amador Community College Foundation for a period of three (3) years through February 28, 2017.

Ayes: Supervisors Forster, Boitano, Novelli and Oneto

Noes: None

Recused: Supervisor Plasse

Supervisor Plasse returned to the meeting at this time.

The following item was pulled from the Consent Agenda for discussion and possible action.

Item 4d-General Services Administration: Approval to award Fuel RFP 13-19 to *Hunt & Sons, Inc.* waiving any irregularities and authorize the GSA Director and County Counsel to develop a contract with final terms and conditions based upon Hunt & Sons proposal for a period of three (3) years.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Forster and unanimously carried to award Fuel RFP 13-9 to Hunt and Sons, Inc. waiving any irregularities and authorize the GSA Director and County Counsel to develop a contract with final terms and conditions based upon Hunt & Sons proposal for a period of three (3) years.

ACTION: Approved pursuant to the following motion.

REGULAR AGENDA

Community Development Agency: Discussion and possible action relative to adoption and presentation of Resolution No. 14-021 recognizing and honoring Mr. Bryan Saleen upon his retirement from the County of Amador.

ACTION: Resolution adopted pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Boitano and unanimously carried to approve the resolution recognizing and honoring Mr. Bryan Saleen upon his retirement from the County of Amador.

RESOLUTION NO. 14-021

Resolution recognizing and honoring Mr. Bryan Saleen upon his retirement from the County of Amador.

Chairman Novelli presented Resolution No. 14-021 to Mr. Saleen at this time and commended Mr. Saleen for his years of service and stated his wealth of knowledge and information will be missed.

Drought Safety Standard Plan: Presentation by Mr. Wendell Peart regarding the subject Plan related to California's drought.

Mr. Wendell Peart, District IV resident, provided an informative presentation relative to drought concerns and possible solutions moving forward. He reviewed the Drought Standard Plan introduced by Placer County Supervisor Phil Ozenick in 1994 and later incorporated into the Placer County General Plan. In essence the Plan would limit population in our region to the water available in the reservoirs over a four year dry period, based on a family of five using one acre foot of water per year. A complete copy of Mr. Peart's presentation is incorporated in full in the Board packet for today's date and is available for review upon request or by accessing the online agenda packet for today's meeting.

ACTION: Presentation only.

Administrative Agency: Discussion and possible action regarding and Early Retirement Incentive for Management, Mid-Management, Confidential and Miscellaneous (SEIU) employees.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and summarized this matter. He stated the County is looking at a budget shortfall and is hoping to achieve the savings through an Early Retirement Incentive offer. He continued by stating the offer would

apply to certain employees within the general unit that are funded by the general fund. In essence the offer would be \$1,000.00 per year of service to those within five years of retirement age. The funds would be deposited in a Health Savings Account (HSA) which would be used to offset future health care costs. In addition he noted, the HSA contribution would be tax free but vacation and sick leave payout would remain as it is per the current contract. Mr. Iley stated employees of the management mid-management, confidential and general unit employees will be given a 45 day window in which applications will be accepted.

Ms. Anne Mooney, SEIU, stated if the Early Retirement Incentive does result in long time employees retiring, the Union is committed to working with the County to ensure the smoothest transition for public services, whether that be by reclassifications of certain employees or reorganization of specific Departments.

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 Boitano and unanimously carried to move forward with the Early Retirement Incentive Plan and agreement as presented and drafted by the County Administrative Officer.

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

PUBLIC HEARING

2014 Community Development Block Grant (CDBG) Application: Discussion and possible action relative to a public hearing for the purpose of soliciting citizens' views to consider submission of a Community Development Block Grant application to the State Department of Housing and Community Development.

Ms. Terry Cox, Cox Consulting, addressed the Board and summarized this matter by stating at its meeting on January 14, 2014, the Board of Supervisors completed selection of projects for its 2014 Community Development Block Grant (CDBG) application. The proposed activities are:

- Pioneer Water Improvements \$1,435,000
- Housing Stabilization Services \$ 374,000
- RPPUD Water Planning \$ 95,000
- Administration \$ 96,000

Ms. Cox continued by stating the Amador Water Agency (AWA) owns and operates the Pioneer Water system. The proposed improvements will renovate the distribution system, increasing the size of the mainlines and looping the system. This will eliminate problems with low pressures than can contaminate the drinking water. She noted a subrecipient agreement with AWA will be required. In addition, AWA has committed \$67,800.00 to the project.

Ms. Cox stated the Amador Tuolumne Community Action Agency (ATCAA) operates the housing stabilization program under a subrecipient agreement for CDBG #12-CDBG-8371. She noted in the last 13 months, ATCAA helped 683 persons to avoid becoming homeless.

Ms. Cox stated the River Pines Public Utility District (RPPUD) owns and operates the River Pines water system. The proposed planning grant will allow the District to do testing and preliminary design work necessary to apply for construction funding to renovate their water system. She continued by noting for the planning grant for the RPPUD water system, the State requires that the County, as grantee, commit the required local match of 5% (5,000). She noted should the grant be awarded, RPPUD has committed to supplying the match. The match must be expended before grant funds can be drawn down.

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

Ms. Beetle Barbour, ATCAA
Ms. Sherry Curtis, District III resident, Upcountry Council,
Mr. Art Toy, AWA President
Mr. Rich Farrington, AWA Vice President

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 Oneto, seconded by Supervisor Boitano and unanimously carried to authorize the County Administrator to approve the content and submit an application for a Community Development Block Grant to the California Department of Housing and Community Development on behalf of the County of Amador for the activities as outlined above.

Ms. Cox addressed the Board at this time and stated action now needs to be taken to approve the subrecipient agreement with the Amador Water Agency.

ACTION #3: Direction given pursuant to the following motion.

MOTION #3: It was moved by Supervisor Forster, seconded by Supervisor Plasse and unanimously carried to authorize the County Administrator to sign the subrecipient agreement as presented.

Board of Supervisors: Discussion and possible action relative to an Ordinance postponing the Boards salary increase until July 1, 2015, keeping the salaries of the Supervisors as they have been since 2008.

Mr. Chuck Iley, County Administrative Officer, summarized this matter by stating the Board has indicated a preference to postpone the shifting of salary from 35% to 40% of the Superior Court Judges salary. Mr. Iley stated the Board of Supervisors have not received a pay raise since 2008 and in fact took a 10% pay decrease when County Employees were furloughed. Mr. Iley stated if this Ordinance is adopted the pay raise will be postponed until July 1, 2015, at which time the Board can make the decision to continue to postpone the increase.

Discussion ensued with the Supervisors concurring that in light of the economic situation the County is facing and in an effort to lead by example, the increase should be postponed for another year.

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 ordinance postponing the salary increase of 40% of the Amador County Superior Court Judges salary for the Board of Supervisors until June 15, 2015.

ORDINANCE NO. 1738

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

2.04.090 Salaries and benefits.

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

Board of Supervisors: Discussion and possible action relative to adoption of a Resolution that increases the employee contribution (decreasing the amount paid by the County) towards PERS for the Board of Supervisors from 0% to 6% of their salary effective July 1, 2014.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to adopt the following resolution to reflect a change in the Employer Paid Member Contributions (EPMC) for members of the Board of Supervisors.

RESOLUTION NO. 14-026

Resolution reflecting a change in the Employer Paid Member Contributions (EPMC) or members of the Board of Supervisors. Effective July 1, 2014, the EPMC for members of the Board of Supervisors shall be 4% (Board Members will be paying 3% of their CalPERS Member Contributions) and effective July 1, 2015 EPMC shall be 1% (Board Members will be paying an additional 3% of their CalPERS Member Contributions, for a total CalPERS Member Contribution by Board Members of 6%)

Community Development Agency: Discussion and possible action relative to implementation of a Phase II MS4 Stormwater Permit Program as required by the California Regional Water Quality Control Board.

Mr. Jim McHargue, Director of Solid Waste/Safety Programs, addressed the Board and summarized this matter. He stated in 1987 amendments to the federal Water Pollution Control Act of 1972 (known as the Clean Water Act) regulated storm water discharges under the National Pollutant Discharge Elimination System (NPDES). In 1990 the U.S. EPA promulgated regulations for permitting storm water from industrial sites, including construction sites and municipal separate storm sewer systems known as MS4s. Phase I regulations require operators of medium and large MS4s to obtain storm water permits. On July 1, 2013, Phase II regulations became effective and regulate small MS4s. He continued by stating the County is required to comply with first year requirements of the Phase II Small MS4 permit immediately which includes payment of the permit fee. Secondly, there are a number of actions required by Amador County during the first permit year which began on July 1, 2013. Some of the requirements are:

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

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

Mr. Mchargue stated the following are recommended actions the Board may consider today.

1. Establish a budget line for storm water
 - a.) This item can be funded by Gas Taxes as the road side ditches area function of road maintenance.
2. a.) Direct staff to conduct preliminary sampling to determine actual County impacts
-or-
 - b.) Direct staff to wait until Regional Board officially makes 303 (d) listing and prescribes monitoring (June 30, 2014).

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 Boitano and unanimously carried to move forward with directing staff to conduct preliminary sampling to determine actual County impacts in addition to gathering data from agencies associated with the subject water bodies. Direction also given to staff to work with the Regional Water Quality Control Board to request documentation they have to prove that there are issues with the storm water situation in Amador County and continue to work with RWQCB staff to see if gathering such data would subvert any action towards the County.

Planning Department: Discussion and possible action relative to consideration of extending the sunset clause in County Code Section 19.32.010 H. (Banners), of the County's sign regulations.

Ms. Susan Grijalva, Planning Director, addressed the Board and stated on April 24, 2012 the Board of Supervisors adopted Ordinance 1724 amending the County Code by adding regulations in recognition of the need for additional banners for businesses in times of economic decline ant to allow for the display of banners advertising as service benefiting local non-profit organizations. Per the ordinance, these regulations were to remain in effect until 2 years after the date of the approval (that being April 24, 2014), and upon expiration, the Board of Supervisors may extend the provisions of the ordinance "in the even the Board of Supervisors declares the economic need for additional banners continues to exist."

Discussion ensued with the concurrence of the Board being to extend Amador County Ordinance 1724 for an additional two years. This matter will be reviewed again in April 2016 to determine if another extension is necessary.

On-Road Diesel Truck Rule: Discussion and possible action relative to recent changes to the proposed amendments to the subject Rule.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to support the recent changes to the subject Rule and direction given to Supervisor Oneto to draft the letter of support with additional language regarding a log truck exemption.

Senate Bill 1270: Discussion and possible action relative to the subject legislation.

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 Chairman's signature on a letter of opposition regarding the subject Bill.

Assembly Bills 2112 and 2082: Discussion and possible action relative to the subject legislation and approval of the Chairman's signature on letters of support.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Forster and unanimously carried to authorize the Chairman's signature on letters of support for Assembly Bills support 2112 and 2082 as they relate to forestry and forest practices.

Minutes: Review and approval of the March 25, 2014 Board of Supervisors meeting minutes.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to approve the March 25, 2014 Board of Supervisors meeting minutes with minor corrections.

ADJOURNMENT: Until Tuesday, April 22, 2014, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

April 8, 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** None

2. **TAX MATTERS** None

3. **RESOLUTIONS**

- A. **Agricultural Department (14-022)** : Approval of a resolution approving the cooperative Agreement No. 13-0520-SF with the State of California Department of Food and Agriculture relative to the *Statewide European Grapevine Moth Trapping Program* for the 2014/2015 fiscal year.
- B. **Treasurer/Tax Collector (14-023)**: Approval of a resolution authorizing distribution of excess proceeds from March 13, 2013, Public Auction Sale.
- C. **County Counsel (14-024)**: Approval of a resolution vacating project approvals and underlying environmental findings and certifications in connection with the *Newman Ridge Project* in compliance with Amador County Superior Court's Writ of Mandate filed March 5, 2014.

4. **AGREEMENTS**

- A. **General Services Administration**: Approval of a Second Amendment to Sublease between the County of Amador and *Amador Community College Foundation* for a period of three (3) years through February 28, 2017.
- B. **General Services Administration**: Approval of a Hangar Ground Lease Assignment and Assumption for Airport Lot #163 between *Helimax Aviation, Inc.* and *John W. Stoney* which transfers the existing lease (dated 3/11/14) to Mr. Stoney.
- C. **General Services Administration**: Approval to award Bid No. 14-08 for the purchase of agricultural chemicals for the Agricultural Department and Public Works Department.
- D. **General Services Administration**: Approval to award Fuel RFP 13-19 to *Hunt & Sons, Inc.* waiving any irregularities and authorize the GSA Director and County Counsel to develop a contract with final terms and conditions based upon Hunt & Sons proposal for a period of three (3) years.
- E. **General Services Administration**: Approval to award RFP 14-06 to *Bennett Trenchless Engineers, Inc.* in an amount not to exceed \$13,478.00 for Rabbit Creek Causeway Culvert Repair Project – Phase II Culvert.

5. **ORDINANCES** None
6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS** None
7. **MISCELLANEOUS** None
8. **GENERAL CORRESPONDENCE**
- A. Notice of Proposed Regulatory Action from the *Fish and Game Commission* relative to Section 28.20, Title 14, California Code of Regulations, relating to Pacific halibut sport fishing, which will be published in the California Regulatory Notice Register. www.fgc.ca.gov
- B. Auditor's check register dated March 24, 2014 totaling \$ 132,111.96.
- C. Auditor's check register dated March 31, 2014 totaling \$ 776,976.79.

THEODORE F. NOVELLI, Chairman
Board of Supervisors

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

Deputy