

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, August 26, 2014
TIME: 8:30 a.m.
LOCATION: County Administration Center, 810 Court Street, Jackson, California

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

Present on Roll Call:

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

Staff:

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

Absent: None

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

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

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

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

Conference with Property Negotiators:

APN 023-070-025-Scout Hut-Negotiating Party-Robert Mees (Terms and Conditions) County Negotiators: Jon Hopkins and Chuck Iley

ACTION: Direction given to staff.

APN 023-070-025 Snack Shack-Negotiating Parties-ACRA (Terms and Conditions) County Negotiators: Jon Hopkins and Chuck Iley

ACTION: Direction given to staff.

APN 030-010-127-000-David L. Burke-(Terms and Conditions) County Negotiators: Jon Hopkins and Chuck Iley

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Plasse and unanimously carried approve the purchase agreement in the amount of \$1,300.00 and authorize the Chairman to sign the agreement and escrow documents.

**Conference with County Counsel – Anticipated Litigation [Government Code 54956.9(d)(2)]:
Claim of Paul Rigney Roach**

ACTION: Direction given to staff.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Boitano, and unanimously carried to reject the Claim of Paul Rigney Roach.

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.

Congressman Tom McClintock: Ms. Kimberly Pruet, from Congressman Tom McClintock's office, addressed the Board and provided an update on a few items the Congressman is working on. She stated before the session ended in Washington D.C. the Congressman signed onto and supported the ESA Reform Bill which will help the Forest Service and other agencies to expedite fuel reduction projects. She continued by stating the Congressman also supports the Sierra Forest Action Coalition and is focused on wildfire and efforts to prevent catastrophic wildfire. She also noted work is actively being done on the Waters of US Rule. Ms. Pruet commented on getting fire areas salvaged and noted logging has begun in the area of the American Fire and she is hopeful logging will begin soon in the Rim Fire area before the timber becomes unsalvageable. Ms. Pruet also thanked Cal Fire and all of the firefighters for their exemplary efforts in fighting the Sand Fire.

Dollar General Store: Mr. Craig Burman, District IV resident, took this time to express his concern relative to the proposed Dollar General Store in the Pine Grove area. He referred to free market capitalism, competition and the role of Government in constraining the effects of Dollar General. A complete copy of Mr. Burman's comments is incorporated in the Board records for today's date.

2014 Miss Amador: Ms. Bailey Lubenko, reigning 2014 Miss Amador, took this time to thank the Board for their support of the Miss Amador Scholarship Competition and the Fair in general.

Senate Bill 1199: Mr. John Heissenbittel, District V resident, took this time to publicly thank the Board for opposing SB1199. He stated this bill was not passed and he feels it is in large part to the Boards vigilant efforts and those of Assemblyman Bigelow, Senator Berryhill and their representatives.

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 Forster requested the following item be pulled from the Consent Agenda for today's date as he has not had the opportunity to consider the appointment and is not willing to consent to it at this time.

Camanche Regional Park Advisory Board: Approval of the appointment of Ms. April A. Hughes to the subject Board for a two (2) year term.

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

REGULAR AGENDA

Medical Marijuana: Discussion and possible action relative to consideration of adopting an interim Urgency Ordinance limiting indoor cultivation and a Resolution of Intention to initiate the process for adopting permanent regulations relative to indoor cultivation of medical marijuana.

Mr. Greg Gillott, County Counsel, addressed the Board and summarized this matter by stating in 2011 the Board initiated and subsequently adopted regulations and standards for the outdoor cultivation of medical marijuana. He continued by noting due to the lack of regulations for the indoor cultivation of medical marijuana and because a potential situation has arisen for the operation of an extremely large indoor growing facility which would have the potential to increase the risk of criminal activity, degrade the natural environment, generate malodorous smells, create an attractive nuisance, and negatively impact surrounding land uses and the public’s health, safety and welfare, the County may wish to consider adoption of an Interim Urgency Ordinance pursuant to Govt. Code 65858 that would limit the indoor cultivation of medical marijuana while the process to consider adopting regulations and standards for indoor cultivation is completed.

Sheriff Martin Ryan and District Attorney Todd Riebe spoke in favor of the adoption of the proposed Ordinance and Resolution of Intention.

Mr. Robert Allen, District IV resident addressed the Board and expressed concern relative to the amount of plants that would be allowed for an indoor grow, he would like the Board to consider expanding the number of plants allowed per household to more than twelve, in addition he made note of the timing of the ordinance and how if adopted it could leave current growers non-compliant in the middle of a growing period.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Boitano and unanimously carried to adopt an interim Ordinance amending Chapter 19.86 of Amador County Code regarding cultivation of Medical Marijuana within the unincorporated area of Amador County to include indoor cultivation; and adopt a Resolution of Intention to initiate proceedings to amend the Amador County Code as it relates to indoor medical marijuana cultivation.

ORDINANCE NO. 1745

An Interim Urgency Ordinance of the Board of Supervisors of the County of Amador amending Chapter 19.86 regarding cultivation of Medical Marijuana within the unincorporated area of Amador County to include indoor cultivation.

RESOLUTION NO. 14-092

Resolution of Intention to initiate proceedings to amend the Amador County Code as it relates to indoor medical marijuana cultivation.

Ms. Jennifer Burns, Clerk of the Board left the meeting at this time. Ms. Teresa Wagstaff, Deputy Board Clerk I was present for the remainder of items discussed.

Administrative Agency: Discussion and possible action regarding refinancing of the Certificates of Participation for the County Administration Center.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and summarized a memorandum relative to this matter by stating The Certificates of Participation that were issued by the County to pay for the County Administration Center are eligible to be repaid without penalty any time after October 2014. He continued by stating the County could refinance these bonds by issuing new ones and repaying the old ones and could save approximately \$35,000 per year after all other costs without changing the original term of the bonds. Mr. Iley stated he is requesting Board permission to go forward with an RFP for a Financial Advisor, who will oversee this transaction. Mr. Iley stated he does not anticipate investing more than \$15,000 to cover expenses related, but not limited to bond counsel and other legal issues that may arise.

Supervisor Oneto requested County Counsel research the possibility of utilizing Water Development Funds to finance some of costs associated with this transaction and report back to the Board with his findings.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Plasse and unanimously carried to direct the County Administrative Officer to move forward with a Request for Proposal for a Financial Advisor who will oversee the transactions relative to refinancing existing bonds by issuing new ones and repaying the old ones.

Health and Human Services Agency-Public Health: Discussion and possible action relative to an agreement between the County of Amador and the California Department of Public Health Emergency Preparedness Agreement with the County of Amador. (continued from August 12, 2014)

Supervisor Plasse advised he asked to have this matter placed on the Regular Agenda for discussion due to the voluminous package that came through on Consent on August 12, 2014 that was difficult to sort through as well past issues on how this funding was used. Mr. Jim Foley, Health and Human Services Director reviewed the following outline which is incorporated in full in the Board packet for today's date.

Mr. Jim Foley, Health and Human Services Director, Ms. Marsha Stone, Public Health, and Diana Evensen, Public Health, were present for this item.

Emergency Preparedness Grants

Overview

- California disasters often have public health and medical impact.
- Federal government grants money to local government to manage and limit the health and medical impact (Post 9-11 preparedness mandates: Homeland Security Act; US Code Title 42).
- The money is approved for a three-year cycle.
- Funds come from three separate funding streams for the purposes listed below:

Public Health Emergency Preparedness (PHEP)

\$120,417 per year-73% (\$87,893) allocated to staffing costs.

- Monitor, evaluate and share medical or health threat information with all health care facilities, ambulances, law enforcement, and fire agencies. Support first responder safety.
- Investigate and contain contagious diseases (pertussis, tuberculosis rabuesm etc.). Coordinate response with Center for Disease Control (CDC).
- Manage and prioritize a supply of antibiotics, vaccines, antidotes, antitoxins and other critical supplies for first responders to use in the event of a natural epidemic, agricultural spill, or terrorist attack.

Hospital Preparedness Program (HPP)

\$121,801 per year-66% (\$80,751.00) allocated to staffing costs.

- Coordinate and train multi-agency preparedness and response with all health care facilities, Office of Emergency Services, and many social service agencies for local health emergencies.
- Plan for evacuating or sheltering high-risk populations and those with special medical needs (elderly, children, disabled, etc.)
- Recruit and train medical volunteers, HAM operators, and animal caregivers to be ready in a disaster.

Pandemic Influenza Plan

\$61,238.00 per year-83% (\$50,658.00) allocated to staffing costs.

- Supports schools, long-term facilities, and health care agencies in flu prevention.
- Maintain surveillance system for severe cases (hospitalized, intensive care, or fatality). Monitor quarantine or isolation needs of local disease.
- Monitor, direct and circulate information on an emerging or mutating virus to medical offices and to the public.

Discussion ensued with the following action being taken.

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

MOTION: **It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to approve the subject agreement and authorize the Chairman to sign.**

2013-2014 Grand Jury Response: Discussion and possible action relative to Board direction regarding a response to the Amador County Grand Jury.

ACTION: **This matter will be held over for discussion and possible action at the September 9, 2014 Board of Supervisors Meeting.**

Kennedy Mine Project: Discussion and possible action relative to approval of the Chairman's signature on a letter of support to be sent to Cal Fire indicating Amador County will be a "Sponsoring Agency" as it relates to using inmate crews to perform fuel reduction work on Kennedy Mine Property.

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 the necessary documents indicating Amador County will be a "Sponsoring Agency" as it relates to using inmate crews to perform fuel reduction work on Kennedy Mine Property.**

Minutes: Discussion and possible action relative to review and approval of the July 15, 2014, July 29, 2014 and August 12, 2014 Board of Supervisors Meeting Minutes.

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

MOTION: **It was moved by Supervisor Plasse, seconded by Supervisor Oneto and unanimously carried to approve the July 15, 2014, July 29, 2014 and August 12, 2014 Board of Supervisors Meeting Minutes with minor corrections.**

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

PUBLIC HEARING

Supervisor Plasse recused himself from the following item to avoid any potential conflict of interest issues that could arise due to a close family member being employed by ACES Waste Services Inc.

Community Development Agency-Waste Management: Discussion and possible action relative to a public hearing to consider protests in response to a Proposition 218 notification letter, regarding proposed rate increases requested by ACES Waste Services Inc., sent by the Waste Management Department to all affected customers. (continued from August 12, 2014)

Mr. Jim McHargue, Solid Waste Director, addressed the Board and clarified that the Proposition 218 hearing was conducted on August 12, 2014 and the issue before the Board today is primarily the proposed increases.

Chairman Novelli opened the public hearing at this time. Hearing no public comment the following actions were taken.

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

MOTION #2: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to close the public hearing.

Ayes: Supervisors Boitano, Oneto, Novelli and Forster

Noes: None

Recused: Supervisor Plasse

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

MOTION #2: It was moved by Supervisor Boitano, seconded by Supervisor Oneto and carried to approve the ACES rate increase request for Solid Waste Collection Franchise Area 1, 2, 3 and 3c.

Ayes: Supervisor Boitano, Oneto and Forster

Noes; Supervisor Novelli

Recused: Supervisor Plasse

RESOLUTION NO. 14-093

Resolution approving the rate increase request for Solid Waste Collection in Franchise Area 1.

RESOLUTION NO. 14-094

Resolution approving the rate increase request for Solid Waste Collection in Franchise Area 2.

RESOLUTION NO. 14-095

Resolution approving the rate increase request for Solid Waste Collection in Franchise Area 3.

Supervisor Plasse returned to the meeting at this time and was present for the remainder of items discussed.

Planning Department: Discussion and possible action relative to a public hearing to consider the Planning Commission’s recommendation to approve a request for a zone change from “M” Manufacturing district to “R1A,” Residential Single Family and Agricultural district for 17.19 acres located along Charleston Road approximately 0.6 miles north of Volcano.

Ms. Susan Grijalva, Planning Director, addressed the Board and summarized the staff report which is hereby incorporated by reference into these minutes as though set forth in full.

Chairman Novelli opened the public hearing at this time. Hearing no comment the following actions were taken.

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 #1: Direction given pursuant to the following motion.

MOTION #2: It was moved by Supervisor Forster, seconded by Supervisor Boitano and unanimously carried to approve Ordinance amending Sectional Zoning District Man No. N-201 pursuant to Section 19.20.020 of the Amador County Code by rezoning certain real property from the “M,” Manufacturing District to the “R1A,” Single Family Residential and Agricultural District including the following findings.

1. The Zone Change is consistent with the surrounding land uses and the Amador County General Plan, Land Use Element at this location; and
2. A review of the proposal was conducted by staff who, through their own research, found that the Zone Change will not have a significant effect on the environment and is Categorically Exempt from CEQA per Section 15183. Therefore, a Notice of Exemption will be adopted and filed with the County Recorder.

ORDINANCE NO. 1744

Ordinance amending Sectional Zoning District Map No. N-201 pursuant to Section 19.20.020

of the Amador County Code by rezoning certain real property from the “M,” Manufacturing District to the “R1A,” Single Family Residential and Agricultural District

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 11:25 a.m., the Board convened into closed session.**

Ms. Teresa Wagstaff, Deputy Board Clerk I was present for this portion of Closed Session due to the absence of Ms. Jennifer Burns, Clerk of the Board.

Conference with County Counsel - Existing Litigation [Government Code 54956.9(d)(1)]:
Greg Stilphen v. County of Amador, Workers Compensation Claim No. CAMA-555808

ACTION: Direction given to staff.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Oneto and carried to accept Option 1-Compromise and Release up to \$10,000.00 to resolve all issues. Settlement negotiations will start at \$8,000.00.

Ayes: Supervisors Boitano, Oneto and Novelli

Noes: Supervisors Plasse and Forster

Confidential Minutes: Review and approval of the confidential minutes of July 29, 2014 and August 12, 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 July 29, 2014 and August 12, 2014 with corrections.

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: No Update.

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 [Government Code 54956.9 (b)]

ACTION: Update only.

REGULAR SESSION: At 11:50 a.m., the Board reconvened into regular session. Chairman Novelli reported the above issues were reviewed in closed session:

ADJOURNMENT: Until Tuesday, September 9, 2014, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

August 26, 2014

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

1. **BUDGET MATTERS**

A. **Auditor-Controller:** Approval of Budget Appropriation Transfers to bring departments out of red.

2. **TAX MATTERS**

A. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 003-681-008-000 (Mondragon, Kathleen A.); APN 008-080-015-000 (Galan, Linda J.).

B. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 044-010-125-000 (Sierra Pacific Industries, LLC & Sierra Pacific IND); APN 044-010-125-000 (Sierra Pacific Industries, LLC & Sierra Pacific IND); APN 044-010-125-000 (Sierra Pacific Industries, LLC & Sierra Pacific IND); APN 044-010-125-000 (Sierra Pacific Industries, LLC & Sierra Pacific IND); APN 020-410-042-506 (HIE Clinton Road, LLC); APN 005-472-006-000 (Morehouse, Terry G.); APN 005-020-014-000 (Boral Roofing, LLC); APN 005-020-014-000 (Boral Roofing, LLC); APN 008-140-030-000 (Evitt, Russel & Doris Trust); APN 008-140-030-000 (Evit, Russell & Doris Trust); APN 006-140-030-000 (Evitt, Russell & Doris Trust).

3. **RESOLUTIONS** None

4. **AGREEMENTS**

A. **Health and Human Services:** Approval of a Memorandum of Understanding for

Coordination of Services between Amador County Division of Behavioral Health Plan and *Blue Cross of California Partnership Plan, Inc.*

- B. **Transportation and Public Works:** Approval of an Assignment of Contract for Household Hazardous Waste Collection to *21st Century Environmental Management of California* for the operation of the Amador County Household Hazardous Waste (HHW) Collection Facility.
- C. **General Services Administration:** Approval of a Community Hanger License Agreement for *Airport Hangar #E-7* between County of Amador and Martin Fenaux.
- D. **Amador Air District:** Approval of an agreement for Services and Plan of Cooperation between the County of Amador and the Amador Air District.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. ~~**Camanche Regional Park Advisory Board:** Approval of the appointment of Ms. April A. Hughes to the subject Board for a two (2) year term. (Pulled per the request of Supervisor Forster)~~

7. **MISCELLANEOUS**

- A. **Health and Human Services:** Approval of a request of the modification of title for one (1) Merit Systems Position in Social Services. The Merit systems title for Social Services fiscal position (1) has been changed from Principal Staff Services Analyst Fiscal to Staff Services Manager. The County classification remains as Fiscal Officer.
- B. **Agricultural Department:** Approval of a request to fill one (1) *Agricultural and Standards Inspector I* position for subject department.
- C. **General Services Administration:** Approval to award Bid No. 14-10 to Thunder Jet Boats located in Clarkston, Washington in the amount of \$75,000.00 for the purchase one (1) patrol marine vessel for the Sheriff's Department. Funding is provided by the Department of Boating and Waterways Grant.

8. **GENERAL CORRESPONDENCE**

- A. An Application for *Alcoholic Beverage License* for Amador Foothill Winery located at 12500 Steiner Road, Plymouth, California 95669.
- B. Notice of Proposed Emergency Action from the State Fish and Game Commission relative to "*Merced River Closure Due to Drought Conditions.*" The proposed regulatory changes would implement the emergency closure through October 31, 2014 to increase survival of juvenile and adult wild rainbow trout/steelhead by reducing hooking-related mortality. For the status of the FGC submittal to the Office of Administrative Law (OAL), please consult the Web site of the OAL at <http://www.oal.ca.gov> under the heading "Emergency Regulations."

C. Auditor's check register dated August 8, 2014, totaling \$ 198,420.00.

THEODORE F. NOVELLI, Chairman
Board of Supervisors

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

Deputy