

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, January 26, 2016
TIME: 8:00 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
Louis D. Boitano, Supervisor, District IV
Lynn A. Morgan, Supervisor, District III

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

Absent: None

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

PLEDGE OF ALLEGIANCE: Chairman 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 8:00 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: **Direction given to staff.**

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. The United States Department of the Interior; United States District Court for the Eastrn District of California. Case No. 2:12-CV-01710-JAM-CKD

ACTION: **Nothing to report.**

Pine Grove Business Alliance v. County of Amador, et al; Amador County Superior Court; Case No. 14CV9062

ACTION: **Direction given to staff.**

Confidential Minutes: Review and approval of the confidential minutes for January 12, 2016.

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

MOTION: **It was moved by Supervisor Oneto, seconded by Supervisor Forster and unanimously carried to approve the confidential minutes for January 12, 2016.**

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 Plasse advised in the interest of time predictability and anticipated short matters to be heard, the following two items currently agendized as items #8 and #9 will be moved to the beginning of the agenda for today’s date.

Community Development Agency: Discussion and possible action relative to the SR88 Corridor Project and potential adoption of a Resolution Electing to Hear Resolutions of Necessity for the project.

Fiddletown Cemetery Committee: Discussion and possible action relative to adoption of a Resolution establishing the Fiddletown Cemetery Committee and criteria for membership.

ACTION: Direction given pursuant to the following motion.

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

PUBLIC MATTERS NOT ON THE AGENDA: Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador County Board of Supervisors; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note - there is a three (3) minute limit per person.

CalAm Forestry Team: Mr. John Heissenbuttel, representing the CalAm Forestry Team, addressed the Board and provided an update on various grants the Team has been working on relative to restoration of the areas affected by the Butte Fire as well as fuel hazard reduction throughout Amador County.

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 stated he will recuse himself from the following item as he does not feel it is appropriate to vote on approval of a resolution concerning him personally.

Board of Supervisors: Approval of a resolution to honor Richard M. Forster as Recipient of the 2016 Margaret Dalton Golden Nugget Award.

Supervisor Forster stated he will recuse himself from the following item to avoid any perceived conflict of interest due to his son-in-law being employed by Quincy Engineering.

Transportation and Public Works: Approval of a First Amendment to Contract 14-03 with Quincy Engineering for Task Order 14-03E Construction Engineering. This amendment will increase the Consulting Budget, but will be reimbursed at a 90% ratio.

ACTION #1: Direction given pursuant to the following motion.

MOTION #1: It was moved by Supervisor Boitano, seconded by Supervisor Morgan and unanimously carried to approve the Consent Agenda excluding items 3A and 4D for the reasons stated above.

Supervisor Forster left the meeting room at this time.

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

MOTION #2: It was moved by Supervisor Boitano, seconded by Supervisor Oneto and unanimously carried to approve Items 3A and 4D as outlined above.

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

REGULAR AGENDA

Community Development Agency: Discussion and possible action relative to the SR88 Corridor Project and potential adoption of a Resolution Electing to hear Resolutions of Necessity for the project.

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 Morgan and unanimously carried to adopt the following Resolution electing to hear Resolution of Necessity for the State Route 88 Pine Grove Corridor Improvement Project.

RESOLUTION NO. 16-014

Resolution of Amador County Board of Supervisors electing to hear Resolution of Necessity for the State Route 88 Pine Grove Corridor Improvement Project.

Fiddletown Cemetery Committee: Discussion and possible action relative to adoption of a Resolution establishing the Fiddletown Cemetery Committee and criteria for membership.

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 Morgan and unanimously carried to establish a Fiddletown Cemetery Committee and criteria for membership with amended language to reflect membership is not limited specifically to District V residents.

RESOLUTION NO. 16-015

Resolution establishing Fiddletown Cemetery Committee and criteria for membership.

Community Development Agency: Discussion and possible action relative to the Shenandoah Road-Fiddletown Road Improvement Project-Initial Study/Mitigated Negative Declaration.

Mr. Aaron Brusatori, Community Development Director, addressed the Board and reviewed the staff report as incorporated in full in the Board packet for today's date.

The following members of the public wished to speak relative to this matter:

- Ms. Ellie Routt, Executive Director of Motherlode Land Trust
- Ms. Elaine Zorbas, District V resident
- Ms. Rebecca Brown, District V resident
- Ms. Katherine Venturelli, District V resident
- Mr. Bob Leitzell, Registered Traffic Engineer
- Ms. Margie Strauss, District V resident
- Ms. Michelle Grondin, District V resident

Lengthy 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 Forster and carried to find the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program for the subject improvement project adequate and complete under the provisions of CEQA, and adopt the Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program prepared for the project pursuant to CEQA Guidelines Section 15074.; and approve the project and direct staff to complete the plans and specifications for the project and to acquire the necessary right-of-way.

Ayes: Supervisors Oneto, Forster, Boitano and Plasse

Noes: Supervisor Morgan

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

PUBLIC HEARINGS:

Planning Department: Discussion and possible action relative to a public hearing to consider a proposed ordinance amending County Codes 19.84 regarding medical marijuana dispensaries and 19.86 regarding medical marijuana cultivation within the unincorporated County.

Ms. Susan Grijalva, Planning Director addressed the Board and reviewed the staff report as incorporated in full in the Board packet for today's date.

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

Mr. David Jack, District V resident
Mr. Amir Daliri
Mr. Steve Goldsmith, District V resident
Mr. August Gonzaga, District V resident
Ms. Marina Dobbie, District III resident
Ms. Sherry Curtis, District III resident
Ms. Ronny Asher, District V resident
Ms. Alexandra Hardin, District V resident

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

MOTION #1: It was moved by Supervisor Morgan, seconded by Supervisor Boitano and unanimously carried to close the public hearing.

RECESS: At 1:40 p.m., Chairman Plasse recessed the meeting until 2:15 p.m., at which time business was resumed.

Lengthy discussion ensued with the following action being taken.

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

MOTION #2: It was moved by Supervisor Forster, seconded by Supervisor Boitano and carried to adopt the following ordinance amending Chapters 19.84 regarding medical marijuana dispensaries and 19.86 regarding the cultivation of medical marijuana. The proposed amendments to Chapter 19.84 clarify that mobile deliveries of medical marijuana fall within the ban on dispensaries within the unincorporated County and are prohibited. The proposed amendments to Chapter 19.86 will expressly prohibit certain indoor and outdoor activities related to marijuana, such as cultivation, manufacturing and distribution of marijuana, identify which County officials may enforce the regulations, and clarify what

enforcement mechanism and penalties are available. The amendments to Chapter 19.86 may also modify the limited exemption allowing cultivation of medical marijuana by qualified patients and/or caregivers. The Ordinance was adopted by the following vote:

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

State of Jefferson: Discussion and possible action relative to the following:

1. Potential fiscal impacts regarding the State of Jefferson concept.
2. State of Jefferson Advisory Ballot Measure

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

- Mr. Martin Hopper, District III resident
- Ms. Beverly Rose Hopper, District III resident
- Ms. Cindy Ellsmore, Keep It California
- Ms. Margie Straus, District V resident
- Mr. Gary Reinoehl, District V resident
- Ms. Marilyn Hoopes, District V resident
- Ms. Kathy Radosinovich, District IV resident
- Ms. Catherine Cowan, District V resident

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 Forster and unanimously carried to withdraw the request to place the State of Jefferson Advisory Ballot Measure on the ballot in June 2016, per the request of State of Jefferson advocates.

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 approximately 4:00 p.m., the Board convened into closed session. The following matters were heard.**

Conference with Real Property Negotiators: APN 044-010-116-000; (Terms & Conditions) Negotiating Parties: Mr. Jim Lewis, Airtronics Inc.; County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins, General Services Director.

ACTION: Direction given to staff.

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

ACTION: Update given.

REGULAR SESSION: At 4:30 p.m., the Board reconvened into regular session. Chairman Plasse reported the above issues were reviewed in closed session.

ADJOURNMENT: Until Tuesday, January 26, 2016, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

C O N S E N T A G E N D A

January 26, 2016

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. **Sheriff:** Request to increase department budget and revenues by \$111,819.00 due to the award of a Homeland Security Grant in said amount.

2. **TAX MATTERS** None

3. **RESOLUTIONS**

- A. **Board of Supervisors:** Approval of a resolution to honor Richard M. Forster as Recipient of the 2016 Margaret Dalton Golden Nugget Award. (Resolution #16-009)
- B. **Board of Supervisors:** Approval of a resolution to honor Wayne Garibaldi as Recipient of the 2016 Margaret Dalton Golden Nugget Award. (Resolution #16-010)
- C. **Surveyor:** Approval of Final Subdivision Map No. 123, Pine Grove Bluffs Phase 2 and accepting the offers of dedication for public utility easements and rejecting all other offers (APN:30-740-017 and 30-740-018). (Resolution #16-011)
- D. **General Services Administration:** Approval of a resolution to grant a right of way easement to Volcano Communications Group on Airport Road between the County Warehouse and the GSA building. (Resolution #16-012)
- E. **General Services Administration:** Approval of a resolution accepting Quit Claim Deed from Kennedy Mine, who acquired Title as Kennedy Mining and Milling Company, a California Corporation. (Resolution #16-013)

4. **AGREEMENTS**

- A. **Environmental Health:** Approval of a Professional Services Agreement for Food Safety Training and Certification that will enable the program to continue for one year.

- B. **Transportation and Public Works:** Approval of Subdivision Improvement Agreement for TSM 123 Pine Grove Bluffs Phase 2 to allow Subdivider to record the Final Map.
- C. **Transportation and Public Works:** Approval of a First Amendment to Contract for Consulting Services with Mark Thomas & Company, Inc. for SR88/Pine Grove Corridor Improvement Project. The amendment will increase the amount of the contract to include extra work as requested.
- D. **Transportation and Public Works:** Approval of a First Amendment to Contract 14-03 with Quincy Engineering for Task Order 14-03E Construction Engineering. This amendment will increase the Consulting Budget, but will be reimbursed at a 90% ratio.
- E. **Transportation and Public Works:** Approval of a Sixth Amendment to Contract with Stantec Consulting Services, Inc. for New York Ranch Road / Ridge Road Intersection Project. This amendment will increase the amount of the contract to include additional design, bidding and construction phase services.
- F. **Human Resources:** Approval of a side letter agreement between the County and Service Employees International Union Local 1021.

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Ione Memorial District:** Approval of the appointment of Thomas J. Sears and the re-appointment of Mike Finch to the subject board for terms of four years.
- B. **Juvenile Justice Commission:** Approval of the appointment of Amy Hixon to the subject board for a four year term ending 01/2020.
- C. **Mental Health Advisory Board:** Approval of the re-appointment of Richard Reinoehl to the subject board for a three year term that will end March 11, 2019.

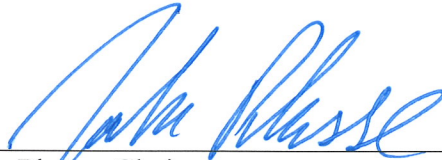
7. **MISCELLANEOUS**

- A. **Health and Human Services:** Approval of a request to backfill one Eligibility Worker I/II due to employee termination on 12/31/15. This is a Merit Systems position and must be hired through the Merit System process.
- B. **Probation:** Approval of a request to begin recruitment to backfill the position of Deputy Probation Officer I/II.
- C. **Transportation and Public Works:** Approval of a request to adopt the Final Initial Study/Mitigated Negative Declaration for the Fiddletown Road Bridge Replacement Project.

8. **GENERAL CORRESPONDENCE**

- A. A Notice of Findings regarding the tricolored blackbird which will be published in the California Regulatory Notice Register on January 8, 2016.

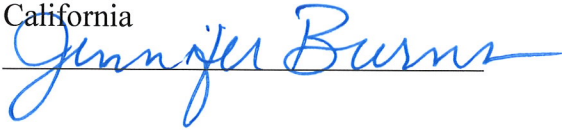
- B. A Notice of Proposed Regulatory Action relative to amending sections 265, 353, 360, 361, 362, 363, 364, 364.1 and 472; and adding Section 708.18 Title 14, California Code of Relations, relating to mammal regulations for the 2016-2017 seasons.
- C. Application for Alcoholic Beverage License SLO 2 20 Vineyard, located at 19955 Shenandoah School Road, Plymouth, CA 95669.
- D. An Approval of Agreement Funding Application between the State of California Department of Public Health and the Amador County Public Health Department for fiscal year 2015-16.



John Plasse, Chairman
Board of Supervisors

ATTEST:

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



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