

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, May 12, 2015
TIME: 8:30 a.m.
LOCATION: County Administration Center, 810 Court Street, Jackson, California

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

Present on Roll Call:

Brian Oneto, Chairman, District V
Louis D. Boitano, Supervisor, District IV (left meeting early, see page 5)
John Plasse, Vice-Chairman, District I
Lynn A. Morgan, Supervisor, District III

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

Absent: Richard M. Forster, Supervisor, District II (Attending Senate Sub-Committee Meeting) joined the meeting late. (See page 6)

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

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

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

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

Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6. County Negotiator: Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, and Darrell P. Murray, IEDA. Employee Organization: All Units

ACTION: Update given.

Conference with County Counsel - Existing Litigation [Government Code 54956.9(d)(1)]: Pine Grove Business Alliance v. County of Amador, et al; Del Rapini Construction, Inc., et al; Superior Court of the State of California in and for the County of Amador, Case No. 14CV9062.

ACTION: Update given.

Ione Valley Land, Air and Water Defense Alliance, LLC v. County of Amador, Newman Mineral, LLC, et al Superior Court of the State of California for the County of Amador, Case No. 12CV8091

ACTION: Update given.

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 Plasse, seconded by Supervisor Boitano 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.

Amador Business Council-Amador Partnership: Mr. Jim Conklin, Executive Director of Amador Business Council and Amador Partnership, addressed the Board and advised he will be submitting a partnership letter request regarding continuation and investment by the Board in the Amador Development Partnership. He stated the County initially invested \$10,000.00 for Phase

I. The initial investment helped produce four reports, two that focused on macro and micro economic development conditions in Amador County, one outlining a hypothetical example of the wine industry and illustration of how a 5% increase in production may affect revenue, direct and indirect job opportunities etc., and the final report focused on a major transportation project. Mr. Conklin state the Business Partnership is now requesting investment in the amount of \$30,000.00 for the second phase which would focus on transportation and return on investment, as well as targeting industries that would be compatible to the infrastructure of Amador County. Mr. Conklin advised he would be happy to meet with Board members individually to discuss this proposal further if needed.

Congressman Tom McClintock: Mr. Adam Pugh, Constituent Services Officer for Congressman McClintock, took this time to advise the Board that the Congressman is a co-sponsor for HR 1732 which is intended to revoke the current Waters of the U.S. legislation and rewrite the rule making process. He advised the Congressman will be voting yes when this matter is heard on the House floor today. In addition, Mr. Pugh reported an amendment was passed on water and power appropriation to prevent the federal government from buying state water to release for environmental releases. In conclusion, Mr. Pugh stated a group from the White House will be visiting the site of the King Fire today to evaluate and establish a restoration plan.

Building Permit Fee Waiver or Reduction: Ms. Jennifer Nguyen addressed the Board and requested a place on the May 26, 2015 agenda to discuss a possible waiver or reduction in one time fees associated with a proposed home to be built on property located in Willow Creek Ranch Estates, 15235 Muller Road in Plymouth, California.

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

Chairman Oneto advised the following item will be pulled from the agenda for today's date per the request of Undersheriff Wegner. This item will return to the Board at a future meeting not yet determined.

Item #4G: Sheriff's Office: Approval of an agreement which authorizes Amador-Tuolumne Community Action Agency (A-TCAA) to provide *Positive Parenting and Anger Reduction* classes to persons incarcerated in the Amador County Detention Facility. The services are paid for with Inmate Welfare Funds.

ACTION: Direction given pursuant to the following motion.

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

REGULAR AGENDA

Wild and Scenic Study Cost Commitment: Discussion and possible action regarding UMRWA Member Agencies willingness to fund their proportionate share of the proposed \$100,000.00 commitment towards the cost of a proposed State study to evaluate the suitability of the Mokelumne River for possible designation under the California Wild and Scenic Act with specific consideration of local water supplies and climate change.

Supervisor Plasse stated it has been requested that in the event Assembly Bill 142 needs assistance to move through the legislative process and some sub-committee hearings that will be required, that UMRWA consider committing to cost sharing for the Wild and Scenic study. The total cost sharing commitment would be up to, but not to exceed, \$100,000.00. Supervisor Plasse stated it is uncertain at this time if the State will be willing to cover the cost of the study. He continued by stating each UMRWA member agency would be asked to commit to \$9,200.00. He also noted he is not aware if the other Member Agencies are willing to contribute at this time or not.

Supervisor Morgan questioned where the funds would come from for the study. Mr. Chuck Iley, County Administrative Officer, advised it could come from contingency or one time monies which will be discussed at a future meeting.

Supervisor Oneto stated he originally supported Assembly Bill 142 however last minute amendments have been put into place and he is not in favor of supporting the legislation or contributing funds at this time.

Supervisor Morgan stated she is in support of AB142 as it is written and would like to propose a motion of support.

Chairman Oneto advised comment from the rest of the Board and the public should be taken before a motion is heard.

Supervisor Plasse stated this bill was originally put in place as a response to what Counties were faced with after the passage of SB1199. He continued by stating not one Water Agency Boards of Supervisors in Calaveras or Amador Counties were in support of SB1199, as of January 1, 2015 every agency had taken a stance of opposition to designation of Wild and Scenic on the Mokelumne River. After January 2015, a new position was taken by Calaveras County and their opposition was repealed by their Board. But in spite of all the local representation SB1199 was still thrown at the County by a Senator from Berkeley which he feels was completely wrong and unjust. Supervisor Plasse stated the introductory language of AB142 contains language that states a study shall be conducted prior to passage, however, in his opinion it has morphed into an endorsement of wild and scenic designation. Therefore, he continued by stating he has serious reservations regarding the legislation and the request for funds. He stated

if the Bill was moving forward with the intention it was initially supporting he would be in favor, but the amendment as it is corrupts it. If the legislation could be amended to alleviate concerns before it goes to the House floor he would be more supportive. Supervisor Plasse stated he would like to see the Board reserve the opportunity to request Assembly Member Bigelow to pull the legislation if it continues to be corrupted in the manner it has been to date.

Supervisor Oneto stated if legislation could be amended to protect water rights and access to water he would be supportive.

Supervisor Boitano concurred with the statements made above and noted he does not support AB142 as it is currently being proposed.

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

Mr. Mark Bennett,
Ms. Sherry Curtis
Mr. Casey Emerson
Mr. John Hofmann, Consultant for the Board (speaking as a private citizen)

Supervisor Morgan stated at this time that she is supportive of the Bill as currently amended and is also supportive of committing monies necessary for the study. She proposed the following motion at this time.

MOTION: It was moved by Supervisor Morgan to indicate willingness to commit \$9,200.00 if needed to the total sum of \$100,000.00 required for the study that will be done contingent upon the passage of Assembly Bill 142 with the caveat that other agencies agree to commit as well.

The above motion died for a lack of second.

Supervisor Plasse stated he would like to suggest the Board continue to work with Assemblyman Bigelow and monitor any subsequent drafts and amendments to the legislation and reserve the right to contribute any funds contingent upon approval of language of the Bill being amended at a later date.

ACTION: This matter died for lack of direction by the Board. Staff will continue to monitor this situation as it moves forward.

****Supervisor Boitano left the meeting at this time due to family commitments. He was not present for the remainder of the meeting****

General Services Administration: Update on project and discussion and possible action relative to authorizing the Auditor to transfer funds from Capital Facility Fees into the Capital Improvement budget 1815-56185 in the amount of \$15,000.00 for ancillary work as needed for component one (1) for the Jail project.

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 Morgan and unanimously carried to authorize the Auditor to transfer funds from Capital Facility Fees into the Capital Improvement budget 1815-56185 in the amount of \$15,000.00 for ancillary work as needed for component one (1) for the Jail project.

Absent: Supervisors Forster and Boitano

General Services Administration: Discussion and possible action relative to authorization of a letter to be signed by the Chairman and the Sheriff and sent to the Board of State and Community Corrections (BSCC) relative to a revisions in the SB 863 Special Factor Point System.

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 Morgan and unanimously carried to authorize a letter to be signed by the Chairman and the Sheriff and sent to the Board State and Community Corrections (BSCC) relative to revision in the SB 863 Special Factor Point System.

Absent: Supervisors Forster and Boitano

Tuolumne County Jail Expansion: Discussion and possible action relative to an update by Tuolumne County staff relative to their new jail facility.

ACTION: None. Presentation only.

Supervisor Richard Forster joined the meeting at this time and was present for the remainder of the meeting.

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

PUBLIC HEARING

Planning Department: Discussion and possible action relative to a request from Sierra Pacific Industries/Amador Ridge, LLC, for an “overrule” of the Amador County Airport Land Use Commission’s determination that the proposed use is not allowed in Safety Area 2 of Westover Field Airport Land Use Plan’s (ALUP) Compatibility Guidelines for Safety. Said overrule is requested to deviate from the Compatibility Guidelines to allow a pediatric dentistry and orthodontics business (Surfside Kids Dental) within the Airport’s Safety Area 2-Approach/Departure Zone.

Mr. Daenen Merrill, Chief Executive Officer, representing Surfside Dental, addressed the Board and this time and officially requested an appeal of the decision of the Airport Land Use Commission on April 1, 2015. He stated the Commission interpreted that the term used in the Airport Land Use Plan, “medical and other healthcare clinic,” includes “dental offices,” therefore preventing the county from issuing a “use permit” to Surfside Dental.

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

Chairman Oneto opened the public hearing at this time. The following members of the public wished to speak relative to this matter.

- Mr. Ron Reagan, property owner near the proposed site.
- Ms. Anne Heissenbuttel, spoke in support of the overrule.
- Ms. Jan Bray, Volunteer Court Appointed Special Advocate (CASA), spoke in favor of the overrule.
- Mr. Casey Emerson, spoke in favor of supporting the ALUC decision.

Discussion ensued with the following action being taken.

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

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

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

MOTION #2: It was moved by Supervisor Plasse, seconded by Supervisor Morgan and carried to determine the public health, safety and welfare objectives of the Airport Land Use Compatibility Plan outweigh any hardships created by the Land Use Compatibility Guidelines for Safety Area 2 which prohibit the proposed use for a pediatric dentistry and orthodontics business at this location and deny the request for an overrule of the Plan.

Ayes: Supervisors Plasse, Morgan and Oneto

Noes: Supervisor Forster

Absent: Supervisor Boitano

CalFire Fuels Reduction Grant: Discussion and possible action relative to an update regarding the content of the application and direction as to whether the county should pursue the subject grant.

Mr. John Heissenbuttle addressed the Board and provided a brief summary of the proposed grant. He stated in brief, the proposal is for funding to reduce fuel loading along specific county roads which can serve as fuel breaks (fire lines) and critical escape routes for county residents. The concepts are drawn from

existing Community Wildfire Protection Plans (CWPPs) within Amador County. In addition, the proposal uses the recently completed MACA Study (Mokelumne Watershed Avoided Cost Analysis) which concluded that it does indeed make sense to increase investment in proactive forest management (fuel treatments) to reduce the risk of large, damaging fires. The amount requested in the concept proposal was \$900,000.00 based on the roads initially selected. It should be noted a complete copy of the proposal is included in the Board packet for today's date and can be viewed online or by requesting a copy through the Board Office.

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 Forster and unanimously carried to support this grant going forward pending clarification of details related, but not limited to grant administration.

Absent: Supervisor Boitano

General Services Administration: Discussion and possible action relative to approval to republish a second call for bids for a six month listing period regarding Lot 498 located at Lake Camanche Village Unit 1 at 4531 Newman Court in Ione.

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 Plasse and unanimously carried to authorize the General Services Director to republish listing of property at 5,000.00 and to work with the Property Negotiator to secure a buyer. Minimum bid will be listed at \$5,000.00 with a \$500.00 deposit requirement. Bids will be opened no later than August 20, 2015 at 1:30 p.m. and a report will be given to the Board as to the outcome at the August 20, 2015 meeting.

Ayes: Supervisors Forster, Plasse and Morgan

Noes: Supervisor Oneto

Absent: Supervisor Boitano

RESOLUTION NO. 15-040

Resolution declaring intention to sell a .52 acre lot in Ione California.

- General Services Administration:** Discussion and possible action relative to:
- 1) Awarding Bid No. 14-32 to Mr. Reno Robles and accept the offer of \$27,105.00 for the Pioneer Volcano Road Property (APN 030-060-062) and;
 - 2) Authorize the preparation of escrow and closing documents by Coldwell Banker Award Realtors in conjunction with County Counsel and the General Services Director and;

- 3) Adopt a resolution selling Pioneer-Volcano Road Property (APN 030-060-062) as surplus.

Discussion ensued with the following motion being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Plasse and unanimously carried to:

- 1) Awarding Bid No. 14-32 to Mr. Reno Robles and accept the offer of \$27,105.00 for the Pioneer Volcano Road Property (APN 030-060-062) and;
- 2) Authorize the preparation of escrow and closing documents by Coldwell Banker Award Realtors in conjunction with County Counsel and the General Services Director and;
- 3) Adopt a resolution selling Pioneer-Volcano Road Property (APN 030-060-062) as surplus.

Ayes: Supervisors Forster, Plasse, Oneto and Morgan

Noes: None

Absent: Supervisor Boitano

RESOLUTION NO. 15-041

Resoution selling Pioneer-Volcano Road Property (APN 030-060-062) as surplus.

Minutes: Review and possible approval of the April 14, 2015 Board of Supervisors Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Morgan and unanimously carried to approve the April 14, 2015 Board of Supervisors Meeting Minutes.

Absent: Supervisor Boitano

****1:00 P.M.****

****AT THIS TIME THE BOARD OF SUPERVISORS WILL CONVENE AS THE BOARD OF EQUALIZATION AND THE FOLLOWING MATTER WILL BE HEARD****

Wright, Edward J. Jr., and Dorothe M. (2014-12 APN 011-310-004-000): Discussion and possible action relative to a stipulation for reduction of assessment for the subject property.

Discussion ensued with the following action being taken.

ACTION: Stipulation approved pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Forster and unanimously carried to approve the stipulation for reduction of assessment as presented.

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 1:20 p.m., the Board convened into closed session and the following matters were heard.**

Conference with County Counsel – Initiation of Litigation [Government Code 54956.9(d)(4)]:
One Case

ACTION: Direction given to staff.

Confidential Minutes: Review and approval of the confidential minutes for April 28, 2015.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Plasse, seconded by Supervisor Morgan and unanimously carried to approve the confidential minutes for April 28, 2015.

Conference with County Counsel - Existing Litigation [Government Code 54956.9(d)(1)]:
County of Amador v. Kenneth L. Salazar, Secretary of the Interior; et al: In the United States District Court for the District of Columbia, Case No. 1:05-CV-00658 (RWR)

ACTION: Update only.

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

ACTION: Update only.

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

ACTION: Nothing to report.

REGULAR SESSION: At 1:00 p.m., the Board reconvened into regular session. Vice-Chairman Plasse reported the above issues were reviewed in closed session:

ADJOURNMENT: Until Tuesday, May 26, 2015, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA

May 12, 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. **Probation Department:** Approval to increase revenue by \$55,000.00 in the Local Community Corrections Budget to rectify the current overdrawn expenditure budget line, 2390-52330, due to an increase in female out of county jail bed usage.

2. **TAX MATTERS** None

3. **RESOLUTIONS**

- A. **Transportation and Public Works (#15-037):** Approval of a resolution authorizing the Board Chairman to sign the 2014/2015 Regional Surface Transportation Program (RSTP) State Match and Exchange Funds Agreement with Caltrans.
- B. **Elections Department (#15-038):** Approval of a resolution to enter into Agreement No. 14G26102 with State of California to provide Amador County with Federal Reimbursement Funds (HAVA) in the amount of \$20,000.00.
- C. **Administrative Agency (#15-039):** Approval of adopting a resolution recognizing Invasive Species Week to help bring awareness to this issue by observing California's Invasive Species Action Week, June 6-14, 2015.

4. **AGREEMENTS**

- A. **Health and Human Services:** Approval of an Agreement for Services 316-S1511 Use of County El Dorado Psychiatric Health Facility who contracts with Telecare Corporation, Inc., to provide acute psychiatric inpatient care and maintenance for mentally disordered persons.
- B. **Assessor's Office:** Approval of an Agreement for Services of Special Counsel, Norman Dowler, LLP and Brett L. Price with Amador County for proceedings before the Amador County Board of Equalization in relation to various applications for changed assessment

now pending before the Board.

- C. **Area 12 Agency on Aging:** Approval of an Administrative Match Agreement between the County of Amador and Area 12 Agency on Aging in the amount of \$71,844.00, effective through June 30, 2016.
- D. **Environmental Health:** Approval of a Grant Agreement between CUPA Forum Environmental Protection Trust Fund and Amador County Environmental Health Department Agreement No. 2015-15 in the amount of \$26,500.00.
- E. **Sheriff's Office:** Approval of an annual Boating Safety and Enforcement Financial Aid Program Agreement with the California Department of Parks and Recreation, Division of Boating and Waterways in the amount of \$104,136.00.
- F. **Sheriff's Office:** Approval of United Forest Service (USFS) Agreement committing the Amador County sheriff's Office to perform patrol and controlled substance investigations/enforcement on USFS managed properties within Amador County. Patrol services will be reimbursed in an amount not to exceed \$13,000.00 while an additional \$10,000.06 will be available drug enforcement services.
- G. **Sheriff's Office:** Approval of an agreement which authorizes Amador-Tuolumne Community Action Agency (A-TCAA) to provide Positive Parenting and Anger Reduction classes to persons incarcerated in the Amador County Detention Facility. The services are paid for with Inmate Welfare Funds.
- H. **General Services Administration:** Approval of an application for the Federal Aviation Administration (FAA) Airport Improvement Program Grant (AIP) in the amount of \$150,000.00 for the "Updating of the Automated Weather Observation System (AWOS III) and Design of Pavement Maintenance for the Runway and Connecting/Parallel Taxiways".

5. **ORDINANCES** None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Behavior Health Advisory Committee:** Approval of the resignation of Ms. Candice Jayne from the subject Board effective immediately.

7. **MISCELLANEOUS**

- A. **Health and Human Services:** Approval of a request to backfill one (1) *Eligibility Worker III* position due to employee resignation. This is a Merit Systems position and must be hired through the Merit Systems process.

8. **GENERAL CORRESPONDENCE**

- A. Notice of Findings from the State Fish and Game Commission relative to a petition submitted to list the *Livermore Tarplant (Deinandra bacigalupii)* as an endangered species.
- B. Notice of Proposed Regulatory Action from the State Fish and Game Commission relative to amending Sections 300 and 310.5, Title 14, California Code of Regulations, relating to the prohibition on the use of *lead projectiles and ammunition using lead projectiles* for the take of wildlife with firearms. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.
- C. Notice of Proposed Regulatory Action from the State Fish and Game relative to Amending Section 502 Title 14, California Code of regulations, relating to Waterfowl Regulations for the 2015-2016 season, which are published in the California Regulatory Notice Register. Additional information and all associated documents may be found on the Fish and Game Commission website at www.fgc.ca.gov.
- D. Memorandum from the Environmental Health Department relative to the recap of activity during the month of April, 2015 \$14,381.92.
- E. Auditor's check register dated April 21, 2015 totaling \$336,863.94.

Brian Oneto, Chairman
Board of Supervisors

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

**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**