

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

**DATE:** Tuesday, March 22, 2016  
**TIME:** 8:30 a.m.  
**LOCATION:** County Administration Center, 810 Court Street, Jackson, California

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

**Present on Roll Call:**

Louis D. Boitano, Vice-Chairman, District IV  
Brian Oneto, Supervisor, District V  
Richard M. Forster, Supervisor, District II  
Lynn A. Morgan, Supervisor, District III

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

**Absent:** John Plasse, Chairman, District I (due to illness)

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

**PLEDGE OF ALLEGIANCE:** Vice-Chairman Boitano led the Board and the public in the *Pledge of Allegiance*

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

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

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

**ACTION:** Further discussion will be had on this item when the Board reconvenes into closed session.

**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.)

Vice-Chairman Boitano advised the following item will be pulled from the agenda for today's date

**District Attorney's Office:** Discussion and possible action relative to a presentation by Sheriff Martin Ryan and District Attorney Todd Riebe relative to the Public Safety and Rehabilitation Act of 2016 and a request for Board opposition to the proposed initiative.

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

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

**Absent:** Supervisor Plasse

**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.

**Commission on Aging:** Ms. Virginia Manner addressed the Board and distributed the 2015 Commission on Aging Annual Report. Ms. Manner summarized the report by outlining the goals and accomplishments of the Commission in 2015 and the ongoing tasks going forward. A complete copy of the report is incorporated into the Board packet for today's date.

**Amador County Museum:** Mr. Phillip Giurlani, representing the Amador Historical Society, addressed the Board and stated he is seeking Board directions as to how to move forward with depositing a check in the amount of \$25,000.00 received from the Julie B. Wakefield Revocable Trust into the Amador Historical Society account so they can continue with repairs and

refurbishment of the Amador County Museum. He stated the check has been in the possession of Wayne Garibaldi from American River Bank for some time, however he is uncomfortable with depositing the funds into the Historical Society account since it is made payable to the Museum. Mr. Giurlanni requested written permission from the Board to deposit the funds. Vice-chairman Boitano advised no action can be taken today as this matter has not been agendized, however he directed staff to bring this back to the Board for discussion and possible action on April 12, 2016.

**Moment of Silence:** Vice-Chairman Boitano requested a Moment of Silence be taken for the victims of the heinous terrorist attack and recent bombings that occurred in Belgium.

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

Vice-Chairman Boitano advised the following item will be pulled from the Consent Agenda for today's date for discussion on the Regular Agenda. He noted this item will be placed as 8A.

**General Services Administration:** Approval of a resolution approving Right of Way Easements with Volcano Telephone Company and Volcano Vision, Inc. for telecommunication improvements on County property located on Airport Road in Martell, CA.

Supervisor Forster advised he will recuse himself from voting on the following item to avoid any potential conflict of interest issues as his son-in-law is employed by Quincy Engineering.

**General Services:** Approval of award of RFP No. 15-15 Construction Engineering Services for New York Ranch / Ridge Road Intersection Project to Quincy Engineering, Inc.

Supervisor Morgan requested the following item be pulled from the Consent Agenda for today's date for discussion on the Regular Agenda. Vice-Chairman Boitano agreed to place it as item 8B. .

**Amador County Transportation Commission:** Approval of Mr. Tilden "Dave" Richards to the subject Commission for a term expiring on March 23, 2017.

Supervisor Forster left the meeting at this time.

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

**MOTION #1:** It was moved by Supervisor Oneto, seconded by Supervisor Forster and unanimously carried to approve the Consent Agenda with Item 6A and 3E being pulled for discussion on the Regular Agenda.

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

**MOTION #2: It was moved by Supervisor Oneto, seconded by Supervisor Morgan and unanimously carried to approve Item 7C as presented on the Consent Agenda for today's date.**

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

**REGULAR AGENDA**

**District Attorney's Office:** Discussion and possible action relative to a presentation by Sheriff Martin Ryan and District Attorney Todd Riebe relative to the Public Safety and Rehabilitation Act of 2016 and a request for Board opposition to the proposed initiative.

**ACTION: Pulled from the Agenda for today's date by the request of the Department Head. This matter will be placed on a future agenda yet to be determined.**

**Amador County Transportation Commission:** Approval of Mr. Tilden "Dave" Richards to the subject Commission for a term expiring on March 23, 2017. (Item 6A pulled from Consent for discussion)

Supervisor Morgan stated she received several inquiries relative to the process for appointment of Mr. Richards and that is why she is requesting this matter be pulled for discussion.

Mr. Gary Reinoehl, District III resident, addressed the Board and questioned the process of appointments. He stated his concern is relative to public notification and transparency. He questioned why all Committee appointments were not on the website along with Board appointments to allow the public with interest or expertise the opportunity to apply for upcoming vacancies.

Discussion ensued with direction being given to staff to draft a list of all Committees and vacancies to be posted to the website.

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

**MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Forster and unanimously carried to reappoint Mr. "Tilden" Dave Richards to the Amador County Transportation Commission.**

**Absent: Supervisor Plasse**

**Planning Department: Planning Department:** Discussion and possible action relative to a presentation regarding the Technical Evaluation Report for Lincoln Mine Mitigation Measure 61.1.1 Monitoring.

**Vice-Chairman Boitano recused himself from this matter due to his Son being employed by Sutter Gold Mine. Supervisor Forster assumed the seat of acting Chairman.**

Ms. Susan Grijalva, Planning Director addressed the Board and stated as a result of information received from Ms. Jean Pinotti, trustee for the Aldo and Dorothy Pinotti Family Trust regarding the decrease in the flows of the Pinotti spring, the Board directed County staff to implement Mitigation Measure 61.1.1 for the Lincoln Mine Project. She stated an independent hydrologist, EMKO Environmental, Inc., was retained to determine the probability that construction or mining operations at the mine could be causing the decrease in flows at the Pinotti spring.

Mr. Andy Kopania, from EMKO Environmental, Inc., addressed the Board and stated EMKO conducted field reconnaissance and reviewed the relevant data and documents and the results are contained in the Technical Evaluation Report as incorporated in full in the Board packet for today's date.

Discussion ensued with the following individuals wishing to speak relative to this matter:

Ms. Jean Pinotti, trustee for the Aldo and Dorothy Pinotti Family Trust  
Mr. Chris Stellar, current owner of the property  
Mr. Dave Cochran, Vice President, Sutter Gold Mine

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 Morgan and unanimously carried to accept the conclusions outlined in the report prepared by EMKO Environmental and determine that the Sutter gold Mine is not responsible for the decrease in the flows of the Pinotti spring.**

**Ayes: Supervisors Oneto, Morgan and Forster**

**Noes: None**

**Absent: Supervisor Plasse**

**Recused: Supervisor Boitano**

**Vice-Chairman Boitano returned to the meeting at this time and was present for the remainder of items heard.**

**Biomass Facilities:** Discussion and possible action relative to a letter to the Governor requesting support for biomass facilities.

Mr. John Hofmann, County Consultant, addressed the Board and reviewed the draft letter with the Board.

Discussion ensued with the following action being taken.

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

**MOTION:** It was moved by Supervisor Forster, seconded by Supervisor Morgan and unanimously carried to approve the letter and authorize the Chairman's signature.

**Ayes:** Supervisors Forster, Morgan, Boitano and Oneto

**Noes:** None

**Absent:** Supervisor Plasse

**Butte Fire Follow Up Summary:** Discussion and possible Acton relative to final acceptance of the Draft Summary of comments and proposed actions outlined at the Butte Fire Follow Up Workshop on February 23, 2016.

Supervisor Morgan addressed the Board and stated the Draft Summary of comments and proposed actions outlined at the Butte Fire Follow Up Workshop on February 23, 2016 is before the Board today for approval. She stated after the Draft was circulated two additional emails were received from Mr. Rich Farrington and Ms. Sherry Curtis requesting their comments be included. Their comments are as follows:

Rich Farrington, Amador Water Agency, District III Representative stated that three are 148 substandard fire hydrants upcountry that were put in during the early days of Pioneer and need to be replaced to improve fire protection. Upcountry is in a very high fire hazard area as shown by Cal Fire and the Draft General Plan EIR. He also pointed out that the County would have huge losses in revenue if fire burns through Pioneer. He asked that the County work with AWA to get funding to bring upcountry fire hydrants up to current standard.

Ms. Sherry Curtis, District III resident, requested the following additions:

1. The need for CalFIRE to communicate to Amador Fire Protection District and other fire jurisdictions in Amador County when they have a fire in Amador County.
2. The need to encourage BLM to maintain all roads leading into their lands, especially those in residential populated areas, for fire suppression vehicles.
3. The consideration of the suspension of all "Wild & Scenic" fire regulations in dense populated residential areas of the county when fighting fires.
4. Ask CalFIRE to increase updates to their website to three times in 24 hours during fire incidents.

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 Oneto and unanimously carried to accept the report with the inclusion of the comments received from Mr. Rich Farrington and comments 2-4 received from Ms. Sherry Curtis.**

**Absent: Supervisor Plasse**

**General Services Administration:** Approval of a resolution approving Right of Way Easements with Volcano Telephone Company and Volcano Vision, Inc. for telecommunication improvements on County property located on Airport Road in Martell, CA. (Item 3E pulled from Consent for discussion)

Mr. Jon Hopkins, General Services Director, addressed the Board and stated he requested this matter be pulled from Consent and discussed as it has come to his attention that FAA is requesting additional language to the easement document. Mr. Hopkins recommended the Board approve the Resolution and authorize the Chairman's signature on the Right of Way Easements contingent upon the requested changes by FAA and approval by County Counsel.

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 Oneto and unanimously carried to approve the resolution authorizing Right of Way Easements with Volcano Telephone Company and Volcano Vision, Inc., contingent upon review by the FAA and approval by County Counsel.**

**Absent: Supervisor Plasse**

**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 1:15 p.m., the Board convened into closed session. The following matters were heard.**

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

**ACTION: Update given.**

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

**ACTION: Direction given to staff**

**Conference with Real Property Negotiators:** APN 044-540-010; (Terms & Conditions) Negotiating Parties: Mr. Mark Cunningham; County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins, General Services Director.

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

**MOTION:** It was moved by Supervisor Forster, seconded by Supervisor Morgan and unanimously carried to direct outside Counsel, Mr. Dennis Whittlesey, to prepare for and file an appeal in this case as it relates to denial of the summary motion filed on behalf of the County of Amador...

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

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

**ACTION:** No update.

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

**ACTION:** Update given.

**Conference with County Counsel – {Government Code 54957}**  
Public Employee Performance Evaluation-County Administrative Officer

**ACTION:** Direction given to staff.

**Confidential Minutes:** Review and approval of the confidential minutes for March 8, 2016.

**ACTION:** Confidential minutes will be held over for approval at a future meeting.

**REGULAR SESSION:** At 3:05 p.m., the Board reconvened into regular session. Vice-Chairman Plasse reported the above issues were reviewed in closed session.



**ADJOURNMENT:** Until Tuesday, April 12, 2016, at 8:30 a.m.

**AMADOR COUNTY  
BOARD OF SUPERVISORS**

**CONSENT MINUTES**

**March 22, 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. **General Services Administration:** Approval of a request to increase the Literacy Grant budget in the amount of \$19,226.00 due to additional California Library Literacy Grant Revenue received.

2. **TAX MATTERS**                      None

3. **RESOLUTIONS**

- A. **Board of Supervisors:** Approval of a resolution honoring Pat Crosby for his service to Amador County. **(Resolution #16-028)**
- B. **Board of Supervisors:** Approval of a resolution recognizing Mary Dye for her service on the Area 6 Developmental Disabilities Board. **(Resolution #16-033)**
- C. **General Services Administration:** Approval of a resolution honoring Lynda Laolagi upon her retirement after 11 years of service with Amador County Library. **(Resolution #16-29)**
- D. **General Services Administration:** Approval of a resolution honoring Rae LeGrande upon her retirement after 16 years of service with Amador County Library. **(Resolution #16-030)**
- E. ~~**General Services Administration:** Approval of a resolution approving Right of Way Easements with Volcano Telephone Company and Volcano Vision, Inc. for telecommunication improvements on County property located on Airport Road in Martell, CA. **(Item pulled and placed on Regular Agenda – 8A. Resolution #16-034)**~~
- F. **Public Works:** Approval of a resolution for Financial Assurance for post-closure maintenance and corrective action of the Amador County Sanitary Landfill. **(Resolution #16-031)**

4. **AGREEMENTS**

- A. **Health and Human Services:** Approval of an MOU agreement with the Lifestyle Management Drydock, Inc. and Behavioral Health for DUI Program Monitoring.
- B. **Health and Human Services:** Approval of a first amendment to an agreement with California Locums P.C. and Behavioral Health for psychiatric services.
- C. **Health and Human Services:** Approval of an agreement with St. Helena Hospital Center for Behavioral Health for fiscal year 2015/2016. The contract provides psychiatric in-patient treatment services for clients in Amador County.

- D. **Health and Human Services:** Approval of an amendment to the agreement with the State Department of Health Care Services (DHCS) and Behavioral Health for alcohol and drug services. The agreement is a multi-year term through 2016/2017. **(Resolution #16-032)**
- E. **Health and Human Services:** Approval of a first amendment to an agreement with Willow Glen Care Center and Behavioral Health for residential care facilities. The amendment will increase the “not to exceed” amount.
- F. **Public Works:** Approval of Contract Change Order No. 1 to Contract with Groundworks Construction, Inc. (GWCI) for construction of the Countywide Shoulder/Turnout Project to increase the amount of the contract.
- G. **Public Works:** Approval of Proposed Cooperative Agreement between Caltrans, ACTC and Amador County for the SR88 Corridor Improvement Project, which outlines the roles and responsibilities of each entity for the Plans Specifications and Estimates and Right of Way phase of the project.

5. **ORDINANCES**                      None

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. ~~**Amador County Transportation Commission:** Approval of Mr. Tilden “Dave” Richards to the subject Commission for a term expiring on March 23, 2017. **(Item pulled and placed on Regular Agenda - 8B.)**~~
- B. **Camanche Regional Park Advisory Board:** Approval of the re-appointment of James Wishart to the subject board for a two year term ending March 21, 2018.

7. **MISCELLANEOUS**

- A. **Agriculture Department:** Approval of request to fill the Administrative Secretary position due to retirement of current Administrative Secretary.
- B. **Amador County Cemetery Board:** Approval of request to change the name of subject board to “Amador County Historic Cemeteries Board” to better reflect the actual interest and responsibilities of the board and that their focus is on the historic cemeteries in the County.
- C. **General Services:** Approval of award of RFP No. 15-15 Construction Engineering Services for New York Ranch / Ridge Road Intersection Project to Quincy Engineering, Inc.
- D. **Health and Human Services:** Approval of request to approve position and recruit for Personal Service Coordinator in exchange for not backfilling the position of Finance Assistant.
- E. **Health and Human Services:** Approval of request to approve position and recruit for Behavioral Health Director.
- F. **Public Works:** Approval of request to approve PS&E for the Bunker Hill Road Bridge Replacement Project and upon authorization from Caltrans, advertise bids and RFQ for Construction Engineering.

8. **GENERAL CORRESPONDENCE**

- A. A Notice of Availability of Negative Declaration for Proposed Amendments to Central Valley Salmon Sport Fishing Regulations, Title 14, California Code of Regulations from the Department of Fish And Wildlife.
- B. A Notice of Proposed Regulatory Action from the California Fish and Game Commission relative to subsection (b)(91.1) of Section 7.50, Title 14, California Code of Regulations relating to Lower Klamath River Basin sport fishing.
- C. A Notice of Proposal for a 90 day extension of emergency action relative to measures for fisheries at risk due to drought conditions.
- D. Application for *Alcoholic Beverage License* for Starbucks #9418, located at 11248 Old Mill Lane, Jackson, CA 95642.
- E. March 2016 Newsletter from Amador Senior Center.
- F. Auditor's check register dated March 8, 2016 totaling \$238,646.01.
- K. Auditor's check register dated March 14, 2016 totaling \$334,825.97.



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Louis D. Boitano, Vice-Chairman  
Board of Supervisors

ATTEST:

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



**Staff Contacts: Chuck Iley, County Administrative Officer  
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