

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, July 12, 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:

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

Absent: None

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

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

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 Plasse 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, Judy Dias, Human Resources Director and Darrell P. Murray, IEDA. Employee Organization: All Units

ACTION: Nothing to report.

Conference with Real Property Negotiators:

APN 044-010-116; (Airport Property) Terms and Conditions; Negotiating Parties: Mr. Craig Catto, Catto Propellers: 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: Nothing to report.

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: Nothing to report.

Citizens for Smart Development in Amador County, et al v County of Amador, et al; Amador County Superior Court, Case No. 15CV9374

ACTION: Nothing to report.

Conference with County Counsel – Anticipated Litigation {Government Code 54956.9(d) (2)}
Buena Vista Rancheria

ACTION: Update given.

Confidential Minutes: Review and approval of the confidential minutes for June 28, 2016.

ACTION: The June 28, 2016 confidential minutes will be held over for approval at a future meeting.

At this time Chairman Plasse called for a moment of silence in honor and recognition of our fallen sworn officers and officers of the court that were assassinated during a recent incident in Dallas, Texas. Chairman Plasse stated it is disheartening to see our Country take this turn and he is disappointed in elected leaders who seem to rush to judgement and foment additional angst by making comments before due process plays out. He stated that is what the Amador County Board of Supervisors strives to do and he would like to see it done on a nationwide basis.

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

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: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, 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.

Unsafe Fire Hazard: Mr. David Wardall, District II resident, took this time to address the Board and express his concern relative to an unsafe fire hazard condition that exist on property at 17000 Lambert Road in the Ione area. He stated he has brought this matter to the attention of the County on July 8, 2015 but to date he has not seen any correction or remedies to the situation being implemented. He stated he is requesting an immediate declaration of this hazard as a public safety concern and all necessary administrative actions to issue an order for PG&E to disconnect power to this property be taken.

2016 State Fair Awards: Ms. Maureen Funk, Executive Director, Amador Council of Tourism, took this time to share with the Board the recent awards given to the County for the 2016 State Fair Booth Exhibit. She stated the County received a gold ribbon award for the exhibit at well as a best of division award for professional exhibit. Ms. Funk wished to thank her State Fair coordinator, Ms. Emily Hook, as well as the Jackson Rancheria for their assistance with the booth. She also expressed her gratitude to towards the Board for their ongoing support and sponsorship of the State Fair booth and building tourism in Amador County.

Congressman McClintock's Office: Mr. Matt Reed from Congressman McClintock's Office took this time to announce he will be in Conference Room D, upstairs in the County Administration Center from 10:00 a.m. to 11:30 a.m. hosting "office hours", and encouraged

anyone having a problem with a federal agency, needing help navigating bureaucracy or wishing to talk about federal policy to please feel free to stop in.

“Supervising Kickbacks”: Mr. Ted Novelli, District III resident, addressed the Board and provided the Board with a document entitled “Supervising Kickbacks”, dated July 4, 2016 written by Mr. Mike Spence, upcountry resident, that speaks of the special investigation and report by the Amador County Grand Jury. Mr. Novelli stated he received this document via email and he wishes to share it with the Board as it contains many untrue and misleading statements and alleges to actions by members of this and past Boards that are completely false. He feels the Board needs to be aware that this type of information is being distributed. A complete copy of this document will be retained in the Board of Supervisors materials for today’s date.

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 Plasse advised the following item will be pulled from the Consent agenda for today’s date as it was erroneously agendized. The title of the item should have been “Appointments to the ACTC Pedestrian and Bicycle Plan Update Committee.”

Item #6a: Amador County Transportation Commission: Approval to appoint Gary Reinoehl to the subject commission for a four year term ending July 11, 2020. **(Removed, agendized incorrectly)**

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to approve the Consent Agenda as amended.

REGULAR AGENDA

Administrative Agency: Discussion and possible action relative to a report by the County Administrative Officer as to issues encountered by the Elections Department during the June 2016 Primary Election.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and summarized a memo providing an overview of the investigation into Election Issues during the 2016 Primary Election which is hereby incorporated into these minutes as though set forth in full. He stated the investigation primarily focused on the following three issues:

- In the sample ballot, District 4 Supervisorial Candidate Frank Axe was listed last name, first name, despite the fact that the other Supervisorial Candidates were listed first name, last name.
- The candidate statement for all candidates in District 4 were printed in the District 3

- Sample ballot, but were left out of the District 4 Sample Ballots that were distributed.
- Vote by mail ballots were not received by voters until well after the first day that the vote-by mail ballots were allowed to be mailed.

Mr. Iley noted that the Elections staff was very cooperative in this investigation, and the Registrar of Voters, Kim Grady, understands the benefit of an impartial investigation and some constructive criticism to ensure that future elections avoid the issues encountered this time.

Discussion ensued with the following members of the public wishing to speak relative to this matter:

Ms. Katherine Evatt, District V resident
Mr. Ted Novelli, District III resident

ACTION: None. Presentation only.

Tree Mortality: Discussion and possible action relative to Board consideration to allocate funds to address the tree mortality issue and where those funds should come from.

Supervisor Forster stated he and Supervisor Morgan met recently with the Deputy County Administrator in Tuolumne County and gathered some important and useful insight as to what needs to be set into place as this crisis develops. He stated the Board is aware that this is a devastating issue and the Cal Am representatives can attest to the fact that the problem is more severe now than it was in the recent past. He continued by stating there are several things that need to be set into place as we prepare to apply for CDAA funds. Two important aspects are the acquiring of a GIS mapping system, a Registered Professional Forester to take on oversight and to keep accurate records of numbers of trees affected, organize tree removal and identify viable markets for the fallen trees as well as a financial analyst to maintain the records necessary to apply for reimbursement towards the 25% match requirement. Unfortunately, he noted, if we use in-house personnel to accomplish these tasks we will not be able to bill the time towards the match requirement. Therefore, we will likely need to look to the outside to satisfy these needs. However, it should be noted “in-kind” work, such as what is being provided by the Cal Am team can be used towards the match requirement.

Discussion ensued with the County Administrative Officer suggesting expenditures should be tracked through contract as it is easily identified and the State will likely reimburse more readily when costs can be confirmed through a contract. He also noted the Board can only take funds from reserves during the budget process or during a declared emergency. He state an emergency has been declared in this situation, however it is much “cleaner” if the funds can be reserved during the budget process.

Supervisor Oneto stated it has always been the position of this Board to safeguard reserves for an emergency. He feels tree mortality meets the qualifications of a severe emergency at this time.

Supervisor Plasse stated he realized this is a unique situation, albeit a lot of it has been

caused with an over competition for limited water supplies due to forested areas that are so thick that trees are in competition for water which exacerbates the problem. He continued by stating his concern about the expenditure of reserve funds is that the Board doesn't fall prey to the typical governmental response of measuring successes by what is put into something rather than the output derived from it. He noted he would like to see whatever expenditures the Board chooses to put forth bring real results on the ground that genuinely mitigates the emergency that has been declared.

Supervisor Morgan agrees with Supervisor Plasse and stated she feels working with Tuolumne County as a model for the Amador County Tree Mortality Task Force has been very helpful and Tuolumne is already recognizing measurable results so she is hopeful Amador County can glean from their experience and achieve the same success.

Further discussion ensued with the following members of the public wishing to speak relative to this matter:

Ms. Sherry Curtis, District III resident

Lynne Nightengale, District III

Mr. John Heissenbuttel, Cal Am Forestry Team

Ms. Rhonda Pope, Buena Vista Rancheria

Mr. Ed Evans, District II resident

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Morgan and unanimously carried to release \$500,000.00 out of reserves and place in a special line item to be utilized and tracked in the final budget and specifics of expenditure will be decided at a later date.

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

PUBLIC HEARINGS:

Surveying Department: Discussion and possible action relative to a public hearing to consider a proposed vacation of the dedication of road rights-of-way and maintenance of County roads commonly known as Fremont Road, Fremont Court, Danburg Drive and Merrill Road, but reserving easements for public utilities, as the highways are shown on the Subdivision Map titled, "Kirkwood Meadows Unit 1", recorded in Book 3 of Subdivision Maps, at pages 30-32, Records of Amador County, for the Kirkwood Meadows Association. The property is located on the westerly side of Kirkwood Meadows Drive approximately seven hundred (700) feet south of

State Route 88, in the Kirkwood area. Assessor Parcel No.'s: unassessed roads shown on 026-140, 026-150, 026-160 and 026-170. Resolution of Intention No. 16-066 to vacate said dedication of road rights-of-way and maintenance of County roads was adopted by the Board of Supervisors on June 14, 2016.

Mr. Steve Zanetta, Surveyor, addressed the Board and summarized the staff report relative to this matter which is incorporated into these minutes as though set forth in full.

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

Ms. Rebecca Akroyd, Counsel for Kirkwood Meadows Association
Mr. Michael Sharp, Kirkwood Meadows Public Utility District, General Manager
Mr. Frank Whatford, Kirkwood Resident (Danburg Drive)
Mr. Ted Novelli, District III Resident
Ms. Judy Flinn, President of Kirkwood Meadows Association
Ms. Nancy Truvett, Kirkwood Meadows homeowner

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 #2: Direction given pursuant to the following motion.

MOTION #2: It was moved by Supervisor Forster, seconded by Supervisor Morgan and unanimously carried to approve vacation of the dedication of road rights-of-way and maintenance of County roads commonly known as Fremont Road, Fremont Court, Danburg Drive and Merrill Road, but reserving easements for public utilities, as the highways are shown on the Subdivision Map titled, "Kirkwood Meadows Unit 1", recorded in Book 3 of Subdivision Maps, at pages 30-32, Records of Amador County, for the Kirkwood Meadows Association. The property is located on the westerly side of Kirkwood Meadows Drive approximately seven hundred (700) feet south of State Route 88, in the Kirkwood area. Assessor Parcel No.'s: unassessed roads shown on 026-140, 026-150, 026-160 and 026-170.

RESOLUTION NO. 16-084

Resolution approving abandonment of road rights-of way an maintenance of County roads commonly known as Fremont Road, Fremont Court, Dangburg Drive, and Merrill Road for the Kirkwood Meadows Association but reserving easements for public utilities.

Mental Health Needs: Discussion and possible action relative to unmet mental health care needs in Amador County.

Dr. Arnold Zeiderman, addressed the Board and summarized this matter by reviewing a report from the unmet mental health needs sub-committee which is hereby incorporated into these minutes as though set forth in full. The following three unmet needs have been recognized as the most crucial at this time:

- Lack of access to initial and on-going mental/behavioral health care in Amador County.
- Amador County desperately needs to develop a short-term and/or crisis stabilization unit.
- Lack of care for dual-diagnosis population (mental/behavioral health combined with substance abuse issues).

Discussion ensued with the following action being taken.

ACTION: Direction given to Dr. Zeiderman to research the possibility of collaborating with Tuolumne and Calaveras County to explore options for working together towards meeting the unmet mental health care needs in each County.

Senate Bill 350: Discussion and possible action relative to Senate Bill 350 as it relates to the importance of baseload and flexible generation power to reach a 50% renewables portfolio standard.

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 join as a signatory to the July 8, 2016 version of the letter to support achievement of the important benefits of baseload and flexible power generation to be sent to Commissioner Carla Peterman and Judge Anne Simon as well as Rural County Representatives of California and California State Association of Counties.

2015/2016 Grand Jury Report Ad-Hoc Committee: Discussion and possible action relative to appointment of an Ad Hoc Committee to address the 2015/16 Grand Jury Report.

Discussion ensued with the following action being taken.

ACTION: Direction given to appoint Supervisors Forster and Oneto to an Ad-Hoc Committee to assist in preparing a response to the 2015/2016 Grand Jury Special Report.

Minutes: Review and possible approval of the June 28, 2016 Board of Supervisors Meeting Minutes.

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 June 28, 2016 Board of Supervisor Meeting Minutes with minor corrections.

Ayes: Supervisors Forster, Morgan, Plasse and Oneto

Noe: None

Abstain: Supervisor Boitano

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

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT MINUTES

July 12, 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. **Behavioral Health:** Approval of a request to transfer \$66,500.00 from line items within the FY 15-16 budget. Salary savings due to remaining unfilled positions will offset increases in outside placement costs.
- B. **Sheriff's Office:** Approval of a request to increase revenues by \$9,195.20 and increase the FY 15-16 budget line by \$9,195.20 to address the overage due to the replacement of windows due to vandalism and the cost recovered from filing a claim.
- C. **Social Services:** Approval of a request to transfer \$164,000.00 from line items within the budget for FY 15-16. Salary savings due to unfilled positions offset increase in professional and specialized services and other services and supplies.

2. **TAX MATTERS** **None**

3. **RESOLUTIONS**

- A. **Board of Supervisors:** Approval of a resolution declaring a local state of emergency in Amador County due to pervasive Tree Mortality. **(Resolution #16-079)**
- B. **District Attorney:** Approval of a resolution to apply for an Auto Insurance Fraud Program grant for FY 16-17 and authorize the District Attorney and the Board Chairman to sign and execute said grant application. **(Resolution #16-080)**
- C. **District Attorney:** Approval of a resolution to apply for a Worker's Compensation Insurance Fraud Program grant for FY 16-17 and authorize the District Attorney and the Board Chairman to sign and execute said grant application. **(Resolution #16-081)**
- D. **LAFCO:** Approval of a resolution adopting the proposed amendment to Rabb Park CSD Sphere of Influence (Zero Sphere). **(Resolution #16-082)**

4. **AGREEMENTS**

- A. **Assessor:** Approval of an amendment to the original agreement with Harold W. Bertholf, Inc., for mineral appraisals for Leask/Howard assessment appeals which extends agreement for another fiscal year.

- B. **Sheriff's Office:** Approval to apply for a federal COPS grant that would fund 75% of two defunded deputy sheriff positions for three years. The remaining 25% would be paid out of the Sheriff's Office budget. Approval is also requested to authorize an electronic signature of the Board Chairman.
 - C. **Social Services:** Approval of a request to backfill one Social Worker I/II in CPS due to an employee resignation. This is a Merit System position and must be hired through the Merit Systems process.
8. **GENERAL CORRESPONDENCE**
- A. Auditor's check register dated June 30, 2016 totaling \$305,235.92.
 - B. Application for Alcoholic Beverage License for *Boxxed Wine LLC* located at 10901 and 11011 Shenandoah Road, Plymouth, CA 95629.
 - C. Application for Alcoholic Beverage License for *Boxxed Wine LLC* located at 5910 Huot Road, Plymouth, CA 95629.
 - D. Application for Alcoholic Beverage License for *Cooper Vineyards, LLC* located at 21365 Shenandoah School Road, Plymouth, CA 95629
 - D. A memorandum from the Building Department regarding a recap of activity in the department year to date.
 - E. A memorandum from the Environmental Health Department regarding a recap of activity in the department for the month of June 2016.

Louis D. Boitano, Vice-Chairman
Board of Supervisors

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

Deputy

**Staff Contacts: Chuck Iley, County Administrative Officer
Jennifer Burns, Clerk of the Board
Sharon Murphy, Deputy Board Clerk II
810 Court Street, Jackson, California 95642
Telephone (209) 223-6470
FAX# (209) 257-0619
www.amadorgov.org**