

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, August 23, 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
Richard M. Forster, Supervisor, District II
Lynn A. Morgan, Supervisor, District III
Louis D. Boitano, Vice-Chairman, District IV
Brian Oneto, Supervisor, District V

Staff: Gregory Gillott, County Counsel
Charles T. Iley, County Administrative Officer
Sharon Murphy, Deputy 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.

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 8:30 a.m., the Board convened into closed session.**

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

Conference with Real Property Negotiators: APN 008-030-016; (Terms & Conditions)
Negotiating Parties: Cuneo Credit Shelter Trust; Harry R. Schroeter, III Trust & Hazel Schroeter Powell Trust.; County Negotiators: Charles T. Iley, County Administrative Officer and Aaron Brusatori, Community Development Director. (Shenandoah Road/Fiddletown Road Intersection Project)

ACTION: Direction given to staff.

Conference with County Counsel - Existing Litigation {Government Code 54956.9(d)(1)}:
Citizens for Smart Development in Amador County, et al v County of Amador, et al; Amador County Superior Court, Case No. 15CV9374

ACTION: Update given.

Conference with County Counsel-Initiate Litigation {Government Code 54956.9 (d)(4)}
One Case

ACTION: Nothing to report.

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.**

County Window at State Fair: Ms. Teresa Guidi, County Records Manager and Archivist, congratulated the county on winning first place for its window at the Fair. Steve Woods, former County employee and builder of the set, was on hand to receive the blue ribbon.

Congressman McClintock's Office: Mr. Matt Reed from Congressman McClintock's Office announced that 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.

Miss Amador 2016 and Court: Sydney Julien, Angie Lyman, and Bailey Mitchell wished to thank the Board of Supervisors for their sponsorship of the Miss Amador Pageant and the Amador County Fair and presented a token of their appreciation.

Grand Jury 2015-2016: Pat Houghton, Retired Mental Health Nurse, began to comment on the Grand Jury item that is on the Regular Agenda. Chairman Plasse asked her to please wait until the item is heard before continuing with her comments.

Forest Plan Revision, Draft EIS and Forest Plans for Sequoia, Sierra and Inyo National Forests: Anne Heissenbuttel, Registered Forester, submitted a draft comment letter that she has written. She would like each of the Supervisors to use it as a draft for their own comment letter to the Forestry Service in response to the Draft EIS and Forest Plans for Sequoia, Sierra and Inyo National Forests.

Amador County Unified School District Superintendent: Supervisor Morgan reported that she received an unsigned letter imploring that Mr. Richard Glock step down from his position as Superintendent. She wished to clarify that this Board has no authority to do this. He is an elected official and therefore it must be done by a recall.

Tree Removal in Forests: Supervisor Plasse shared a press release for US Forest Service El Dorado Unit stating that larger trees can be removed with a Wood Cutting Permit for \$15.00 per cord of wood cut. This is to encourage removal of dangerous roadside hazard trees by increasing the limit to 20” at eye level.

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 possible action, and made a part of the regular agenda at the request of a Board member(s).

Supervisor Morgan commented that item 3b regarding adopting tax rates is a routine action and not a new tax.

Supervisor Oneto requested that Item 7f be pulled at the request of Undersheriff Jim Wegner.

General Services Administration: Approval of a request to dispense with the formal bidding process and authorize Purchasing Agent to issue a purchase order in the amount of \$133,672.48 for one used 2007 Mobile Command Post Vehicle for LDV, Inc., Burlington, WI, for the Sheriff’s Office.

Undersheriff Jim Wegner was on hand to discuss this matter. He stated that, though the vehicle was in good repair, at a fair price, and would benefit the department’s needs, it was recently questioned whether the unit was CARB compliant since it was coming from out of state. Further investigation will be needed to make that determination, therefore, this item needs to be pulled and will return at a later date.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Morgan and unanimously carried to approve the consent agenda with Item #7f removed to come back at a later date.

REGULAR AGENDA

2015-2016 Grand Jury Special Investigation Report: Discussion and possible action relative to the Board of Supervisors response to the 2015-2016 Grand Jury Special Investigation Report regarding Health and Human Services Building Lease.

Greg Gillott, County Counsel, reported on the county's response to the findings in the report. Generally the findings did not have sufficient facts to support them. One finding sited "deceptive transfers" however, the intent to hide or cover up dealings was not proven nor was there an understanding of the process of transferring funds within in the county. Also, it appears that the Grand Jury assumed that the county purchasing policy includes acquisition of property and leases, which it does not, nor does the policy apply to the Board of Supervisors. The report was full of innuendos of wrongdoing, however, the Grand Jury produced no evidence of it.

Chuck Iley, County Administrative Officer, felt that the county has lessons to learn from the matter of the lease of the Health and Human Services building and will be diligent to remember them in the future when making decisions on large, long-term investments.

The following persons wished to speak regarding the matter:

- Ms. Pat Houghton, Retired Mental Health Nurse
- Ms. Rebecca Podesta, Retired Deputy Auditor
- Mr. Rich Escamilla, former District I Supervisor
- Mr. Frank Axe, Pine Grove resident
- Mr. Jim Laughton, Jackson resident
- Mr. Todd Riebe, District Attorney
- Mr. Mike Kirkley, Sutter Creek resident

Discussion ensued between the Supervisors, who generally felt that the report was full of innuendos with no evidence to back up their findings. They agreed that the original decisions made in 2006 and 2008 may not have been the best or wisest, however, given the condition of the current building, it was what was needed at the time, and the economic outlook was favorable. It was noted that the future rent computation listed in the report is incorrect and that Recommendation #7 from the Grand Jury is actually illegal per Federal Law. Supervisor Morgan felt that the county's response was defensive and unprofessional and should be toned down.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto seconded by Supervisor Forster and

carried to approve the County Response to the 2015-2016 Grand Jury Special Investigation Report – Health and Human Services Building Lease.

AYES: Plasse, Forster, Boitano, Oneto

NOES: Morgan

At this time, Chairman Plasse announced that the order of the agenda will be changed slightly to accommodate the presenters of the High Country Community Wildfire Protection Plan, therefore, their item will be heard next.

High Country Community Wildfire Protection Plan (CWPP): Discussion and possible action relative to the subject Plan.

John Hofmann, Amador Fire Safe Council Board Member, presented the Board with a corrected Chapter 1 Draft for their packets. He then proceeded with a Power Point presentation outlining the plan. After the two public meetings to be held in September and all comments have been gathered, they will bring back the final Plan for signatory.

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

Jan Bray, Amador Fire Safe Council
Tom Tinsley, CalFire
Mike Kirkley, Cabin-owner at Bear River

ACTION: None. Presentation only.

At this time, Chairman Plasse reported that he was contacted recently by the Fire Safe Council regarding their immediate need for space to operate and their files to be more accessible, as they have been stored in member's houses. After speaking with our CAO, County Counsel, General Services Director, and IT Technician, a cubicle was offered to them in the Public Works office. There they can conduct business and utilize conference rooms during regular business hours.

Agriculture Department: Presentation by Ms. Patricia Lesky, Agricultural Commissioner, of the 2015 Agricultural Crop and Livestock Report.

Ms. Patricia Lesky presented the report, noting some of the changing trends within the County. She highlighted some of our local growers and crops, and also reported that, as of last week, the European Grapevine Moth has been eradicated in the State of California.

ACTION: None. Presentation only.

Application for California Disaster Assistance Act Funding: Discussion and possible action relative to submission of the subject application as it relates to Tree Mortality in Amador County.

Cal OES money is being awarded to the 10 emergency counties dealing with bark beetle infestation. This grant can only be used on infrastructure but there is no time frame for when it must be used. The estimated percent of dead and dying trees to be mitigated should be 35%. Our resolution still states the latest aerial survey estimated over 29 million trees have died and should be revised to over 66 million trees.

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 submission of the application for California Disaster Assistance Act Funding with the most recent Resolution and Hazard Mitigation Plan included.

Property Assessed Clean Energy (PACE) Program: Discussion and possible action relative to the subject Program.

Chairman Plasse reported that he has received two emails from people who are interested in the Board hearing this item again (it was first heard June 9, 2015). He asked the County Tax Collector and Auditor to comment. Supervisors Forster and Morgan would have liked to hear from industry representatives and/or jurisdictions that have implemented it to hear their pros and cons, however, it was noted that representatives had been invited to come to this meeting by the Auditor but they were not in attendance.

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

Sherry Curtis, District III resident
Tacy Oneto Rouen, Auditor
Candy Rechter, Deputy Auditor

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Boitano, seconded by Supervisor Oneto and carried to not recommend the PACE Program in Amador County.

AYES: Boitano, Oneto, Plasse

NOES: Forster, Morgan

Minutes: Review and possible approval of the August 9, 2016 Board of Supervisors Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Morgan and carried to approve the August 9, 2016 Board of Supervisors Meeting Minutes with minor corrections and revisions.

ABSTAIN: Boitano

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 1:15 p.m., the Board convened into 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: 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.

Estate of Joseph Duran, et al v CDCR, et al; United States District Court Eastern District of California, Case No. 2:14-CV-02048-TLN-CKD

ACTION: Update given.

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

ACTION: Direction given to staff.

Confidential Minutes: Review and approval of the confidential minutes for August 9, 2016.

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

REGULAR SESSION: At 1:45 p.m., the Board reconvened into regular session.
Chairman Plasse reported the above were reviewed in closed session.

ADJOURNMENT: Until Tuesday, September 13, 2016, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT AGENDA-MINUTES

August 23, 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 create a new expense account named "New Fiddletown Tennis and Basketball Courts" and transfer funds from the District 5 Recreation Impact Fund (Quimby) in the amount of \$36,852.47 increasing the Parks & Recreation (7100) revenue line 47890 to \$36,852.47 and expenditures in an amount not to exceed of \$36,852.47; and authorize the GSA Director to award bids based upon the lowest responsible Bidder for resurfacing courts following receipt of bids on August 25, 2016.

2. **TAX MATTERS** None

3. **RESOLUTIONS**

- A. **Amador Fire Protection District (16-096):** Approval of a resolution of Intention to Annex Territory to Community Facilities District No.2006-1 (Fire Protection Services), setting a public hearing for this matter to be heard.
- B. **Auditor (16-097 & 16-098):** Approval of two resolutions relative to the 2016-2017 property tax rates; Adopting a One Percent (1%) Tax Rate and Adopting a Point Zero One Five (.015%) School Bond Tax Rate, both of which are applicable to all properties in all tax areas in the County of Amador.
- C. **Sheriff's Office (16-099):** Approval of a resolution allowing the Undersheriff to Apply for Grant Funds for the State of California Department of Parks and Recreation Off-Highway Vehicle Grant Funds.

4. **AGREEMENTS**

- A. **General Services Administration:** Approval of an agreement for an assignment and assumption of lease by and between Devin Munz and Double D Family Trust, Dean Sanders Trustee for Airport Lot #201. The lease agreement between the County and Devin Munz allows for the assignment of lease.
- B. **General Services Administration:** Approval of second amendment to agreement with Amador Sawmill & Mining Association regarding the use and restoration of Hangar 1 at the Amador County Airport.
- C. **Human Resources (16-100):** Approval of a Memorandum of Understanding between the County and the Amador County Deputy District Attorney's Association (ACDDAA) for the period of October 1, 2014 through September 30, 2017 and adoption of a resolution approving same.

- D. **Human Resources (16-101):** Approval of a Memorandum of Understanding between the County and the Probation Officer's Association for the period of October 1, 2015 through September 30, 2017 and adoption of a resolution approving same.
- E. **Information Technology:** Approval of an agreement for renewal of the Microsoft Enterprise License and authorize the IT Director to process annual payments under this agreement.
- F. **Probation:** Approval of an agreement with Ventura Superior Court Collections to provide collection services of delinquent court fees and probation fees.
- G. **Sheriff's Office:** Approval of an amendment to the agreement with the Los Angeles County Sheriff's Transportation Unit to provide transport of Amador County Sheriff's inmates statewide.
- H. **Sheriff's Office:** Approval of a DBAW Equipment Grant Agreement for award of \$20,779.00 for the purchase of replacement dive team equipment with new technical dive/rescue gear.
- I. **Transportation and Public Works:** Approval of third amendment to agreement with Drake Haglan and Associates to cover additional costs associated with the Bunker Hill Bridge Replacement Project. Additional costs are partially reimbursable through the grant from the HBP.

5. **ORDINANCES** **None**

6. **MISCELLANEOUS APPOINTMENTS/RESIGNATIONS**

- A. **Amador County Commission on Aging:** Approval of the re-appointment of Emma Darknell to the subject commission for a term of three years that will expire on August 22, 2019.

7. **MISCELLANEOUS**

- A. **Behavioral Health:** Approval of a request to change the Behavioral Health Transportation Officer from extra help to part time to increase efficiency in scheduling transportation appointments.
- B. **Behavioral Health:** Approval of the recruitment of a Behavioral Health Clinician III in lieu of back filling the Clinical Program Manager position.
- C. **Ione Memorial District:** Approval for the Ione Memorial District to have an Annual Financial Statement Review in place of the Annual Audit as allowed in Government Code Section 26909.
- D. **Social Services:** Approval of a request to backfill one Social Worker I/II in CPS due to employee resignation. This is a Merit Systems position and must be hired through the Merit Systems process.
- E. **Social Services:** Approval of a request to backfill one Social Worker I/II in APS due to employee retirement tentatively effective November 30, 2016. This is a Merit Systems position and must be hired through the Merit Systems process.
- F. ~~**General Services Administration:** Approval of a request to dispense with the formal bidding process and authorize Purchasing Agent to issue a purchase order in the amount of \$133,672.48 for one used 2007 Mobile Command Post Vehicle from LDV, Inc. Burlington, WI, for the Sheriff's Office.~~ **Item pulled from agenda.**

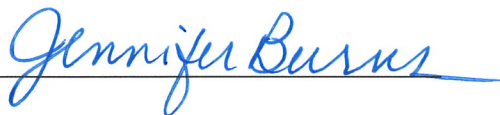
8. **GENERAL CORRESPONDENCE**

- A. Memorandum from the Building Department relative to a recap of commercial activity for the period of July 26 through August 9, 2016.
- B. Memorandum from the Planning Department relative to a recap of activity for the period of July 12 through August 8, 2016.
- C. Auditor's check register dated August 5, 2016 totaling \$232,828.78.
- D. Auditor's check register dated August 15, 2016 totaling \$514,424.46.
- E. Agenda and notice of webcast for the Central Valley Regional Water Quality Control Board public meetings held on August 17 – 19, 2016.
- F. Letter from the Amador Ranger District of the Eldorado National Forest regarding proposed prescribed burn project named the Power Fire Fuels Maintenance Study.



John Plasse, Chairman, Board of Supervisors

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



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