

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, October 25, 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
Brian Oneto, Supervisor, District V

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

Absent: Louis D. Boitano, Vice-Chairman, District IV (Attending Cal LAFCO Conference)

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 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: No Update.

Conference with County Counsel - Existing Litigation {Government Code 54956.9(d)(1)}: SEIU Local 1021 v. County of Amador and Amador County Employees Association, State of California, PERB

ACTION: Direction given.

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

ACTION: Direction given to staff.

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 Forster, seconded by Supervisor Oneto and unanimously carried to approve the agenda as presented.

Absent: Supervisor Boitano

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.**

Time Limit for Speakers: Mr. Wendell Peart addressed the Board and expressed concern relative to the three minute time limit set by the Board for the public speaking under Public Matters Not on the Agenda. He stated he feels that this is a violation of the First Amendment as

it relates to free speech and strongly encouraged the Board to place this matter on the next scheduled Board of Supervisor Agenda and consider changing the time limit to five minutes per person.

Deteriorating Road Conditions: Mr. Gary Reinoehl, District V resident, addressed the Board and expressed concern relative to road conditions in the County. He encouraged the Board to consider holding a special meeting or workshop to discuss this situation and research funding options to bring the roads up to standard as outlined in the pavement management report. He feels if the roads continue to deteriorate the impact to vehicles, public and private is increased as well as the cost for repair as time goes on.

Building Department Commendation: Supervisor Oneto took this time to relay to the Board a message he received from a constituent commending the Building Department on their efficiency and consideration on a recent project. Supervisor Oneto expressed gratitude to Mr. Steve Stokes, Amador County Building Official, for his work in getting the Building Department to the point of efficiency they are today.

Free Flu Clinic: Supervisor Morgan announced a Free Flu Clinic will be held October 29, 2016-December 3, 2016 from 10:00 a.m. to 2:00 p.m. at the Sutter Amador Hospital Outpatient Center.

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)

Chairman Plasse advised the following item will be pulled from the Consent Agenda for today's date per the request of the Department Head. This matter will be brought back before the Board at a future meeting.

General Services Administration: Approval of a resolution accepting the Amador County resurfacing tennis and basketball courts project at Fiddletown Park as complete and authorizes the General Services Director to sign and record a Notice of Completion and sign the Agreement and Release of Claims within 30 days and release final payment.

Chairman Plasse advised the following item will be pulled from the Consent Agenda for today's date and placed as Item #8a on the Regular Agenda for discussion.

Administrative Office: Approval of an agreement for a loan and repayment with the Amador Water Agency in the amount of \$300,000.00 from the Water Supply Fund to cover costs related to the Central Amador Water Project Water Right Application.

ACTION: Direction given pursuant to the following motion.

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

Absent: Supervisor Boitano

REGULAR AGENDA

Kirkwood Meadows Public Utility District and Kirkwood Community: General Update by Mr. Michael Sharp, KMPUD General Manager.

ACTION: Update only.

California State Association of Counties Challenge Award: Presentation of the 2016 California State Association of Counties Challenge Award recognizing Amador County Oral Health Task Force (OHTF) led by First 5 Amador and Amador County Public Health's Maternal Child Adolescent Program for their work in establishing the "Improving Oral Health Services for Amador's Children Program".

ACTION: Presentation only.

City of Plymouth: Discussion and possible action relative to a request by the City of Plymouth for a grant from the Amador County Water Supply Fund in the approximate amount of \$150,000 to cover the City's portion of the matching share required by Cal OES for repairs needed on the Arroyo Ditch due to the Sand Fire.

Mr. Jeff Gardner, City of Plymouth Manager, addressed the Board and reviewed his executive summary which is hereby incorporated into these minutes as though set forth in full. In summary he stated the City wishes to request a grant from the County of Amador's Water Supply Fund in the amount of \$150,000. He stated the Arroyo Ditch is an important resource for the County as a whole and the Pre-1914 water rights could wind up in jeopardy if the City is unable to continue diverting water.

Mr. Gardner noted the City was awarded up to 1.2 million dollars from a California Disaster Assistance Act Grant, however the City will still need contribute a 25% match. Mr. Gardner stated the City is not in a position financially, at this time, to meet that entire commitment. He stated the City is willing to contribute half of the match from money reserved for ditch piping, but is looking to the County for a grant or long term deferral loan to meet the full requirement.

Lengthy discussion ensued with the following action being taken.

ACTION: Direction given to County Counsel to draft an agreement containing language that interest and payment on a loan in the amount of \$150,000 will be deferred for five years at which time an interest rate of the current (at that time) Local Agency Investment Fund (LAIF) plus 1% will begin to be charged. The City of Plymouth may request an additional five year payment deferral extension at that time if needed. Direction was also given to staff to bring this matter back with the draft agreement and copies of the original agreement with the City of Plymouth for conveyance of the Arroyo Ditch (1987) and the amendment to the agreement (2009). City Manager Jeff Gardner will advise when he is ready to come back before the Board.

Administrative Office: Approval of an agreement for a loan and repayment with the Amador Water Agency in the amount of \$300,000.00 from the Water Supply Fund to cover costs related to the Central Amador Water Project Water Right Application. (Pulled from Consent for Discussion and possible action)

Supervisor Plasse stated this matter was before the Board in March 2016 at which time it was explained that the Amador Water Agency has been operating the Central Amador Water Project (CAWP) since the late 1970's when it was constructed because a severe drought was impacting communities along the Highway 88 corridor. Over time the Water Agency realized that the increasing demands on the project would fully utilize the permitted diversion and in 2003 initiated a water right application process for additional annual acre feet. The Water Agency completed all elements of the water right application except for the environmental review because it was believed that once the proposed updated Amador County General Plan was adopted, the effort for the water right environmental review would be reduced. Supervisor Plasse questioned why this request is coming forward now that the General Plan has been adopted.

Mr. Gene Mancebo, Executive Director, Amador Water Agency, addressed the Board at this time and responded to the question posed by Supervisor Plasse by stating the current General Plan does identify for water infrastructure needs and indicates that a review is needed for the impacts of those. One issue associated with the CAWP water right is a concern over potential impacts from growth inducement. Mr. Mancebo stated the AWA currently has infrastructure in place for the project, but an increase is needed. He stated the real concern focuses around growth inducement, if proposed accommodation of increase in water demand as a result of development doesn't exceed that of the General Plan it is assumed the General Plan will fully address those issues, but that does not appear to be the case in this situation. He continued by stating the Agency has hired a consultant who is working on a Draft EIR at this time, and that is why this request is before the Board at this time.

Mr. David Evitt, District IV resident, addressed the Board and stated in his opinion there are three things in play here that would appear to make the granting of this loan a poor choice. He sees abandoned projects by the Agency, poorly spent tax and rate payer dollars, continual requests for bailout or loans from the Water Supply Fund and continual rate increases as being reason to not approve the request. Mr. Evitt stated he is speaking on the behalf of rate payers and strongly urges the Board to not grant the requested loan which he feels would enable bad decisions and disastrous financial mis-management by Amador Water Agency. He suggested the Board hold AWA accountable by proving to the Board and citizens that they can properly manage the people's money and show the Board professionalism before another loan is granted.

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 authorize a loan in the amount of \$300,000.00 to Amador Water Agency from the Water Supply Fund to assist in the costs related to completion of the Environmental Impact Report as it relates to the Central Amador Water Project Water Right Permit Application. The term of the loan will be ten years and Interest will be calculated utilizing the current Local Agency Investment Fund (LAIF) rate (.84%) plus 1 % (1.84%) applied to amounts specific to those disbursed. Monies will be disbursed upon submission of invoices for expenses by the Amador Water Agency to the Amador County Auditor's Office. County Counsel will make revisions to the**

agreement incorporating changes discussed and bring back to the Board on a future Consent Agenda.

Absent: Supervisor Boitano

Jackson Valley Irrigation District (JVID) Bridge Loan Extension: Discussion and possible action relative to a request from JVID to extend the effective date of the JVID \$500,000.00 Bridge Loan from December 31, 2016 to December 31, 2018, allowing JVID the ability to draw from the loan during the new project construction timeline of the JVID Treated Water Project Phase 2.

Mr. Steven Frederick, Jackson Valley Irrigation District General Manager,

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to extend the effective date of the JVID \$500,000.00 Bridge Loan from December 31, 2016 to December 31, 2018 and direct County Counsel to draft amendment and present to the Chairman for signature. This matter does not need to return to the Board agenda for approval of execution by the Chairman.

Absent: Supervisor Boitano

Human Resources: Discussion and possible action relative to the second and final reading and potential adoption of an uncodified Ordinance amending the contract between the County of Amador and the Board of Administration of the California Public Employees Retirement System to implement a share of cost for Classic Members of the PERS Safety Contract. (First reading waived on October 11, 2016).

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Morgan and unanimously carried to adopt an uncodified Ordinance amending the contract between the County of Amador and the Board of Administration of the California Public Employees Retirement System to implement a share of cost for Classic Members of the PERS Safety Contract.

Absent: Supervisor Boitano

ORDINANCE NO. 1761

Ordinance amending the contract between the County of Amador and the Board of Administration of the California Public Employees Retirement System to implement a share of cost for Classic Members of the PERS Safety Contract.

California State Association of Counties: Discussion and possible action relative to approval of the appointment of Supervisor Richard Forster as the 2016 Primary CSAC

Representative and Supervisor Louis Boitano as the Alternate Representative.

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 approve the appointment of Supervisor Richard Forster as the 2016 Primary CSAC Representative and Supervisor Louis Boitano as the Alternate Representative.

Absent: Supervisor Boitano

Minutes: Review and possible approval of the September 27, 2016 and October 11, 2016 Board of Supervisors Meeting Minutes.

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 September 27, 2016 and October 11, 2016 Board of Supervisors Meeting Minutes.

Absent: Supervisor 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 approximately 1:00 a.m., the Board convened into closed session. The following matters were heard.**

Conference with County Counsel - Existing Litigation {Government Code 54956.9(d)(1)}:
Clint Stewart v. County of Amador, in the United States District Court, Eastern District of California, Case No. 2:16-CV-02410-WBS-AC

ACTION: Direction given.

Dave Dennis v. County of Amador, Department of General Services, et al, Superior Court of the State of California, County of Amador, Case No. 14CV8835

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 settlement agreement concerning allegations of wrongful termination by a former County employee in the amount of \$250,000.00 to be paid by the County's insurance carrier.

Ayes: Supervisors Forster, Morgan, Plasse and Oneto

Noes: None

Absent: Supervisor Boitano

Confidential Minutes: Review and approval of the confidential minutes for September 27, 2016 and October 11, 2016.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Forster and unanimously carried to approve the confidential minutes for September 27, 2016 and October 11, 2016 as presented.

Ayes: Supervisors Oneto, Forster, Plasse and Morgan

Noes: None

Absent: Supervisor Boitano

Conference with County Counsel - Existing Litigation {Government Code 54956.9(d)(1)}:
County of Amador v. Department of the Interior, et al: In the United States Court of Appeal, District of Columbia Circuit, Case No. 16-5082

ACTION: No Update.

County of Amador v. The United States Department of the Interior; In the United States Court of Appeal, Ninth Circuit, Case No. 15-17253

ACTION: Update given.

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

ACTION: Update given.

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

**AMADOR COUNTY
BOARD OF SUPERVISORS**

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

October 25, 2016

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

1. **BUDGET MATTERS**

- A. **Sheriff's Office:** Request to increase department budget and revenues by \$20,779.00 due to the award of a DBAW Equipment Grant in said amount for the purchase of replacement dive team equipment with new technical dive/rescue gear.

2. **TAX MATTERS**

- A. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 003-691-023-000 (Tarnasky, Rick; Agundez, Judy); APN 014-020-035-000 (Fountain, Keith & Annie 2006 Revocable Trust); APN 014-220-058-000 (Wintsch Family 1984 Trust); APN 020-341-008-000 (Fuller Family Partnership); APN 021-330-009-000 (Graham, Thomas V. & Debra R. Revocable Trust); APN 023-200-015-000 (Baziuk, Michael & Arroyo, Robert & Soldwisch, David & Soldwisch, Jill); APN 023-300-010-000 (Flaherty, Michael P. & Rose M.); APN 040-030-093-000 (Brusatori, Raymond & Barbara Family Trust – 2002)

3. **RESOLUTIONS**

- A. **Administration:** Approval of a resolution recognizing Rich and Kathleen Lynch as Amador County Peace Officers' Association 2016 Citizen of the Year. **(Resolution #16-126)**
- B. **Administration:** Approval of a resolution recognizing and honoring Ryan Gillespie as Amador County Peace Officers' Association 2016 Peace Officer of the Year. **(Resolution #16-127)**
- C. **Building Department:** Approval of a resolution authorizing recordation of an Agreement to Limit Uses of Agricultural Structure with Keith D. and Wendy L. Jarrett as it relates to Building Permit AG01039 (APN 040-030-099-000). **(Resolution #16-128)**
- D. ~~**General Services Administration:** Approval of a resolution accepting the Amador County resurfacing tennis and basketball courts project at Fiddletown Park as complete and authorizes the General Services Director to sign and record a Notice of Completion and sign the Agreement and Release of Claims within 30 days and release final payment. **Item pulled by Department.**~~
- E. **Surveyor:** Approval of a resolution approving a Boundary Line Adjustment #2015-001 application extension for Kenneth H. Deaver and Mary Jean Deaver. **(Resolution #16-129)**

4. **AGREEMENTS**

- A. **Behavioral Health:** Approval of an agreement with Davis Guest Home to provide a residential care facility to Amador County psychiatric adult clients.
- B. **Behavioral Health:** Approval of an agreement with BHC Sierra Vista Hospital to provide Psychiatric Inpatient Treatment Services to Amador County clients.
- C. **Behavioral Health:** Approval of an agreement with William Halloran M.D. to provide child psychiatry services.

- D. **Behavioral Health:** Approval of an agreement with Sierra Child and Family Services, Inc. to provide out-patient community based programs to emotionally disturbed girls and boys of Amador County.
- E. **Behavioral Health:** Approval of an agreement with The Resource Connection of Amador and Calaveras Counties, Inc. to administer community support for older adults who are parenting their grandchildren.
- F. **Environmental Health:** Approval of an Amendment to the Envision Connect License & Support Agreement to extend service and support through the end of fiscal year 2016-2017.
- G. **Transportation and Public Works:** Approval of a consulting services agreement 15-05 Task Order #2 with Mark Thomas & Company, Inc. for professional engineering services for Plans, Specifications and Estimates (PS&E) for the State Route 88/Pine Grove Corridor Improvement Project and issue a Notice to Proceed for Tasks 1,2,4,5, & 6 waiting to issue a Notice to Proceed for Tasks 3 & 7 when funding comes through the Amador County Transportation Commission.
- H. **Administrative Office:** Approval of an agreement for a loan and repayment with the Amador Water Agency in the amount of \$300,000.00 from the Water Supply Fund to cover costs related to the Central Amador Water Project Water Right Application. **Item pulled and heard as Regular Agenda item 8a.**

5. **ORDINANCES**

- A. **Environmental Health:** Approval of an Ordinance repealing County Code Chapters 2.94.030 and 2.94.040 relative to voting and non-voting members of the Technical Advisory Committee.

6. **MISCELLANEOUS APPOINTMENTS** **None**

7. **MISCELLANEOUS**

- A. **Administration:** Approval of an Amended Conflict of Interest Code that reflects the revision of revised titles of specific positions within the Amador Water Agency.
- B. **General Services:** Approval to award RFP 16-10 to Aramark Corporation for Inmate Food Services and authorize the General Services Director and the Sheriff to negotiate an agreement and authorize the Board Chairman to sign said agreement when terms and conditions are agreed upon.
- C. **Public Works:** Approval of a request to advertise and fill the position of a permanent Administrative Technician.
- D. **Social Services:** Approval of a request to backfill one Eligibility Worker I/II due to employee resignation. This is a Merit Systems position and their standards must be followed.

8. **GENERAL CORRESPONDENCE**

- A. A letter from Betty T. Yee, California State Controller, congratulating Amador County Auditor-Controller Tacy Oneto-Rouen for earning the State Controller's "Award for Counties Financial Transactions Reporting" for the fiscal year ended June 30, 2015.
- B. Auditor's check register dated October 12, 2016 totaling \$281,054.43.
- C. Memorandum from the Building Department relative to a recap of activity in the department year to date.
- D. Commendation Notice from Ken Mackey, Ione Fire Chief regarding traffic control that was required for an extended period of time due to a commercial fire structure. He conveyed his gratitude for the professionalism and cooperation that was shown especially by Tom Stevens and Nathan Hill.

- E. Application for Alcoholic Beverage License for Pioneer Trading Post 1, located at 26632 Highway 88, Pioneer, CA.

John Plasse, Chairman, Board of Supervisors

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

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