

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, December 6, 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, District IV
Richard M. Forster, Supervisor, District II
Lynn A. Morgan, Supervisor, District III
Brian Oneto, Supervisor, District V

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 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 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: **Nothing to report.**

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: **Nothing to report.**

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

ACTION: **Nothing to report.**

Claim of Joshua Guevara

ACTION: **Claim denied pursuant to the following motion.**

MOTION: **It was moved by Supervisor Morgan, seconded by Supervisor Forster and unanimously carried to deny the subject claim due to liabilities and damages by the County being disputed.**

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

Noes: **None**

Absent: **Supervisor Plasse**

One Case

ACTION: **Continued to a future meeting.**

Confidential Minutes: Review and approval of the confidential minutes for November 22, 2016.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to approve the November 22, 2016 confidential minutes.

Ayes: Supervisors Forster, Oneto and Morgan

Noes: None

Abstain: Supervisor Boitano

Absent: Supervisor Plasse

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.

Ayes: Supervisors Forster, Oneto, Morgan and Boitano

Noes: None

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.**

Moment of Silence: Vice-Chairman Boitano requested those present join the Board in a Moment of Silence recognizing the 75th Anniversary of the attack on Pearl Harbor.

Moment of Silence: Supervisor Morgan requested those present join in a Moment of Silence in recognition of Michael Israel who was killed recently in Syria where he was serving as a volunteer with Kurdish forces in the fight against ISIS and its allies.

Request for Response: Ms. Lynley Digitale-Ford addressed the Board and stated she is part owner of the old Digitale Ranch on French Bar Road in Jackson. She explained that when she refused to sell her interest of the property to the Plasse Family for \$1,900 per acre she was forced into co-ownership with Mr. and Mrs. John Plasse in May 2016. She continued by stating that she recently learned that a Certificate of Compliance application was prepared and approved without her signature thereby enabling Mr. and Mrs. Plasse to initiate and complete the Certificate of Compliance process without her knowledge and consent. She noted the Compliance documents were recently recorded as #2016-0009054-00 thru 2016-0009059-00. Ms. Digitale-Ford continued by stating she feels this action creates an appearance of misconduct on the part of Chairman Plasse as he has an obvious conflict of interest based on his powerful position as Chairman of the board of Supervisors. She requested an explanation as to the protocol for reversing the action of recording the Certificate of Compliance and requests a written explanation for it. She also requested a time frame for when she can expect to receive the written response to her concerns and questions.

Ms. Jennifer Magee, Deputy County Counsel, responded by stating staff will have to research these allegations and what the process is, if any, for reversing the action. She stated at this time she is unable to commit to a time certain for responding as research will have to be done as well as discussing this matter with Mr. Greg Gillott, County Counsel, upon his return to the Office.

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)

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 Consent Agenda for today's date as presented.

Ayes: Supervisors Oneto, Forster, Morgan and Plasse

Noes: None

Absent: Supervisor Plasse

REGULAR AGENDA

Elections Department: Adoption of a Resolution accepting the canvass of results of votes cast at the Consolidated General Election held on November 8, 2016 and the declaration of election of certain candidates.

Ms. Kimberly Grady, Registrar of Voters, addressed the Board at this time.

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 adopt the following Resolution accepting the canvass of results of votes cast at the Consolidated General Election held on November 8, 2016 and declaring certain persons elected.

Ayes: Supervisors Oneto, Morgan, Boitano and Forster

Noes: None

Absent: Supervisor Plasse

RESOLUTION NO. 16-154

Resolution accepting the canvass of results of votes cast at the Consolidated General Election held on November 8, 2016 and declaring certain persons elected.

General Assistance/General Relief Update: Discussion and possible action relative to an update relative to the subject topic by Mr. Jim Foley, Health and Human Services Director. (Continued from November 22, 2016)

Mr. Jim Foley, Health and Human Services Director addressed the Board and summarized the proposed changes to the General Assistance Regulations.

Lengthy 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 Section 2.86.500 (Aid Paid Pending) to be deleted from the General Assistance Program, approve a one- time inflation adjustment, and approval of suggested edits as incorporated in the Plan presented to the Board. (ie., incorporate “blue sections” and delete “strikethrough” sections.); and direct staff to continue to move towards implementation of fraud protection programs to minimize or eliminate manipulation of the system and report back to the Board on a bi-annual basis as to how the program is progressing and if monies that may have been paid to clients that were not qualified are being paid back in a timely fashion.**

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

Noes: **None**

Absent: **Supervisor Plasse**

Draft Groundwater Management Joint Powers Agreement (JPA): Discussion and possible action relative to creation of a Groundwater Management JPA to comply with the requirements set forth in the State’s 2014 Sustainable Groundwater Management Act (SGMA) (continued from November 22, 2016).

Mr. Gene Mancebo, Amador Water Agency, addressed the Board and summarized this item and reviewed minor changes to the JPA document with the Board.

Discussion ensued with the following action being taken.

ACTION: **Direction given to staff to incorporate the changes as presented by Mr. Mancebo and direct staff to move forward with scheduling a public hearing and bring the final document back to the Board for final approval.**

Administrative Agency: Discussion and possible action relative to a Request For Qualifications (RFQ) for a General Forestry Consultant, to replace John Hofmann, on an as needed, on-call basis.

Supervisor Morgan requested this matter be held over until the new Board is seated in January to allow more time to consider if a Forestry Consultant is really needed. She stated she would like the Board to consider other needs the County may have such as grant writing positions or water expert consultants and would like to see a strategic discussion take place before deciding on this matter today.

Discussion ensued with Supervisors Oneto, Forster and Boitano indicating they would be in favor of possibly broadening the scope of the RFQ by adding more emphasis to someone with

Natural Resource background rather than specific to Forestry and perhaps seeking someone with grant writing skills, however they did not agree with the necessity of waiting until the new Board is seated.

Discussions ensued with the following action being taken.

ACTION: Direction given to staff move forward with Request for Qualifications for a General Forestry Consultant with emphasis being made on Natural Resource qualifications as well as individuals with grant writing experience.

Rural County Representatives of California (RCRC): Discussion and possible action relative to designation of the 2017 delegate and alternate for RCRC.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to appoint Supervisor Oneto as the 2017 delegate to RCRC and Supervisor Morgan as the alternate delegate.

Ayes: Supervisors Forster, Oneto, Morgan and Boitano

Noes: None

Absent: Supervisor Plasse

Environmental Services Joint Powers Authority (ESJPA): Discussion and possible action relative to designation of the 2017 delegate and alternate for the ESJPA.

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 Oneto and unanimously carried to appoint Supervisor Morgan as the 2017 delegate, Jim McHargue as the 1st alternate (staff member) and Supervisor Oneto as the second alternate.

Ayes: Supervisors Forster, Oneto, Morgan and Boitano

Noes: None

Absent: Supervisor Plasse

Golden State Finance Authority (GSFA): Discussion and possible action relative to designation of the 2017 delegate and alternate for the GSFA.

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 appoint Supervisor Oneto as the 2017 delegate and Supervisor Morgan as the alternate.

Ayes: Supervisors Forster, Morgan, Boitano and Oneto

Noes: None

Absent: Supervisor Plasse

Minutes: Review and possible approval of the November 8, 2016 Board of Supervisors Meeting Minutes and the October 4, 2016 Special 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 November 8, 2016 Board of Supervisors Meeting Minutes and the October 4, 2016 Special Meeting Minutes with minor corrections.

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

PUBLIC HEARING

Request for Variance: Discussion and possible action relative to a public hearing to consider a request for Variance from County Code Section 17.14.020 "Required participation in community facilities district", relative to Tentative Parcel Map #2860, submitted by Plasse Family Trust located at 31009 Plasse Road, approximately 0.6 miles east of CA Highway 88, adjacent to Silver Lake (APN 026-040-069)

Vice-Chairman Boitano stated this matter will be continued to the December 20, 2016 Board of Supervisors Meeting. Because this matter was published and advertised as a public hearing, Vice-Chairman opened the hearing at this time. The following individuals wished to speak relative to this matter.

Ms. Lynley Digitale-Ford addressed the Board and requested more information regarding this request as she does not understand what is being brought forward for Board approval.

Ms. Rebecca Brown, District III resident, inquired as to if all information regarding this request, including a letter from the family outlining the details, can be found on the County website.

Mr. Chuck Iley, County Administrative Officer, responded by stating as the Plasse Family was unable to be present at today's hearing, he is not comfortable speaking on their behalf and describing this matter in detail. He suggested that Ms. Lynley Ford, or other parties interested in the context of this request attend the continued hearing on December 20, 2016. He

did confirm that all information that is available at this time relative to this matter can be found on the County website.

Discussion ensued with the following action being taken.

ACTION #1: Public hearing continued pursuant to the following motion.

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to continue this matter to the December 20, 2016 Board of Supervisors Meeting at 10:30 a.m.

ADJOURNMENT: Until Tuesday, December 20, 2016, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT MINUTES

December 6, 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. **Administrative Office:** Approval of a request for Budget Transfer of \$25,048.20 held in a County trust fund to the County Museum Professional Services line for the use of the Wakefield endowment monies for the Livery Stable Project.
- B. **Auditor:** Approval of a request for Budget Appropriation Transfers to bring certain departments out of the negative at June 30, 2016 to conform with the Budget Act.

2. **TAX MATTERS**

- A. **Assessor's Office / Secured Roll Corrections:** Approval of the following: APN 007-010-003-000 (American River Conservancy).

3. **RESOLUTIONS**

- A. **Board of Supervisors:** Approval of a resolution declaring a Local State of Emergency in Amador County due to Pervasive Tree Mortality. (Original resolution was adopted on February 23, 2016 and updated on September 13, 2016) **(Resolution #16-149)**
- B. **Human Resources:** Approval of a resolution reflecting medical, dental and vision benefit cost share change for the employees in the Confidential Unit for the 2017 plan year. **(Resolution #16-150)**
- C. **Human Resources:** Approval of a resolution reflecting medical, dental and vision benefit cost share change for the employees in the Mid-Management Unit for the 2017 plan year. **(Resolution #16-151)**
- D. **LAFCO:** Approval of a resolution approving the AB-8 Property Tax Redistribution for the Bingham-Hodge (BLA) detachment from Jackson Valley Irrigation District (LAFCO Project 294). **(Resolution #16-152)**
- E. **Surveyor:** Approval of a resolution establishing fees charged by the Surveyor's Office. **(Resolution #16-153)**

4. **AGREEMENTS**

- A. **Administrative Office:** Approval of an agreement with Pacific Gas and Electric Company in the amount of \$235,000.00 for damages sustained or losses arising from or related to the Butte Fire that ignited on September 9, 2015.
- B. **Behavioral Health:** Approval of an agreement with Aurora Behavioral Healthcare – Santa Rosa, LLC to provide inpatient psychiatric hospital services for clients from Amador County.
- C. **Behavioral Health:** Approval of an agreement with California Locum, P.C. to provide temporary psychiatric coverage for Amador County Behavioral Health clients.
- D. **Human Resources:** Approval of a Side Letter of Agreement with SEIU regarding Health Benefit Contributions.

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

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

7. **MISCELLANEOUS**

- A. **General Services Administration:** Approval of a request to award RFQ 16-15 Registered Professional Forester to Mr. Ed Struffenegger, RFP, and authorize the General Services Director, CAO, and County Counsel to negotiate an agreement not to exceed \$100,000.00 and authorize the Board Chairman to sign said agreement when terms and conditions are agreed upon.
- B. **General Services Administration:** Approval of a request to award RFQ 16-16 to TSS Consultants and authorize the General Services Director, CAO, and County Counsel to negotiate an agreement not to exceed \$100,000.00 and authorize the Board Chairman to sign said agreement when terms and conditions are agreed upon.
- C. **General Services Administration:** Approval of a request to award ITB 16-17 Purchase of Various County Vehicles to Big Valley Ford for the two Police Interceptors - \$62,948.34 and to Tracy Ford for the two Expeditions - \$77,323.46.
- D. **Human Resources:** Approval of a request to revise the Administrative Technician job description.
- E. **Human Resources:** Approval of a request to create a Senior Building Maintenance Worker classification at salary range 2102 - \$25.60-\$31.12/hr.

8. **GENERAL CORRESPONDENCE**

- A. Agenda from the Central Valley Regional Water Quality Control Board for a public meeting to be held December 5 – 6, 2016, noting that this meeting will be webcast.
- B. Auditor's check register dated November 29, 2016 totaling \$517,392.59.



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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