

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, January 10, 2017
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:

Richard M. Forster, District II-Chairman
Lynn A. Morgan, District III-Vice-Chairman
Patrick Crew, District I
Frank U. Axe, District IV
Brian Oneto, Supervisor, District V

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

Absent: None

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 Forster 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. Chairman Forster reported the following issues were reviewed in closed session:

Conference with County Counsel - Existing Litigation {Government Code 54956.9(d)(1)}:

Foothill Conservancy v. County of Amador, In the Superior Court of California, Amador County, Case No. 16CV9876

ACTION: Discussion relative to this matter will be continued when the Board reconvenes into Closed Session later in the meeting.

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.)

Chairman Forster advised the following item (#8) will be pulled from the Regular Agenda for today's date at the request of Supervisor Oneto.

Plymouth Veterans Pool Project: Discussion and possible action relative to a request for funding from the Veterans Memorial Fund for installation of fencing at the Veterans Pool in Plymouth. (At this time the lowest bid received is in the amount of \$28,877.00).

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Morgan, seconded by Supervisor Crew and unanimously carried to approve the agenda as amended.

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.**

Supervisor Oneto took this time to thank Amador Fire Protection District personnel as well as a local Boy Scout Troop that volunteered to assist in filling sandbags in preparation for the expected storm.

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#1: Direction given pursuant to the following motion.

MOTION#1: It was moved by Supervisor Oneto, seconded by Supervisor Morgan to approve the Consent Agenda as presented.

REGULAR AGENDA

Agricultural Commissioner and Sealer of Weights and Measures: Discussion and possible action relative to introduction of Mr. Eric Mayberry as Amador County Agricultural Commissioner and adoption of a Resolution approving the appointment for a term of four years.

The Board welcomed Mr. Eric Mayberry as Amador County Agricultural Commissioner and approved the following resolution appointing him to a four year term.

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 Mr. Eric Mayberry to a four year term as Agricultural Commissioner and Sealer of Weights and Measures.

RESOLUTION NO. 17-005

Resolution approving the appointment of Eric Mayberry to a four year term as Agricultural Commissioner and Sealer of Weights and Measures.

Amador-Tuolumne Community Action Agency (A-TCAA): Presentation by Mr. Raj Rambob, A-TCAA Executive Director, relative to accomplishments in the past year, upcoming goals and objectives and a request to release funding in the amount of \$16,000 representing Amador County's annual share of local contributions to the A-TCAA Joint Powers agreement, already included in the 2016-2017 budget.

Ms. Laurie Webb, Ms. Denise Cloward and Mr. Raj Rambob addressed the Board and provided an informative report relative to past accomplishments and upcoming goals and objectives.

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 Crew and unanimously carried to allocate the \$16,000.00 currently budgeted for A-TCAA.

Amador County Chamber of Commerce: Presentation by Chamber of Commerce representatives relative to accomplishments in the past year and upcoming goals and objectives and a request for funding in the amount of \$35,000, an increase of \$5,000 over their budgeted amount.

Ms. Jamie Barker, representing the Chamber of Commerce, presented the 2016 Annual Report relative to the Chamber.

Discussion ensued with the Board indicating they do not feel comfortable increasing the budgeted amount by \$5,000.00 at this time. The following action resulted.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Morgan, and unanimously carried to allocate the \$30,000.00 currently budgeted for the Chamber of Commerce..

Plymouth Veterans Pool Project: Discussion and possible action relative to a request for funding from the Veterans Memorial Fund for installation of fencing at the Veterans Pool in Plymouth. (At this time the lowest bid received is in the amount of \$28,877.00).

ACTION: This item was pulled from the agenda for today's date per the request of Supervisor Oneto.

Behavioral Health Department: Discussion and possible action relative to a lease agreement between Behavioral Health and George Lee for housing for mental health clients.

Mr. Jim Foley, Health and Human Services Director, and Ms. Melissa Cranfill, Behavioral Health Director addressed the Board and reviewed this item 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 Crew, seconded by Supervisor Morgan and unanimously carried to approve the lease agreement between Behavioral Health and George Lee for housing mental health clients.

Human Resources: Discussion and possible action relative to adoption of an Uncodified ordinance amending the contract between the County of Amador and the Board of Administration of the California Public Employees Retirement Systems to implement a share of cost for Classic members of the PERS Safety Contract. (Reading waived on December 20, 2016)

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Morgan, seconded by Supervisor Crew and unanimously carried to adopt the following Uncodified ordinance amending the contract between the County of Amador and the Board of Administration of the California Public Employees Retirement Systems to implement a share of cost for Classic members of the PERS Safety Contract. (Reading waived on December 20, 2016)

ORDINANCE NO. 1765

Uncodified ordinance amending the contract between the County of Amador and the Board of Administration of the California Public Employees Retirement Systems to implement a share of cost for Classic members of the PERS Safety Contract. (Reading waived on December 20, 2016)

Administrative Agency: Discussion and possible action relative to scoping and scheduling a Strategic Planning Session for the Board of Supervisors on April 4, 2017.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and reviewed a proposal for a Strategic Planning Session from the Alta Mesa Group which provided for Bill Chiat to facilitate a Strategic Planning Workshop on April 4, 2017. He stated staff is considering holding the Session at the Jackson Rancheria at a cost of approximately 380.00.

The following individuals wished to speak in favor of holding the Strategic Planning Session.

- Ms. Margie Straus, District V resident
- Ms. Lynne Nightengale, District III resident

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Morgan, seconded by Supervisor Axe and unanimously carried to approve the contract with the Alta Mesa Group as presented with a total anticipated cost to be \$5,800 for the Session with additional approximate cost of \$380.00 for the venue to be paid out of contingency, with authorization given to the County Administrative Officer to execute the final contract on behalf of the Board.

California State Association of Counties (CSAC): Discussion and possible action relative to appointment of an Alternate to the CSAC Board of Directors.

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 appoint Supervisor Crew as alternate member to the CSAC Board of Directors for 2017.

2017 Committee Assignments: Discussion and possible action relative to the 2017 Committee Assignments for Board Members.

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 Axe and unanimously carried to approve the 2017 Committee Assignments with the exception of Commission on Aging being changed to reflect Supervisor Morgan as the primary delegate and Supervisor Axe as the Alternate.

Minutes: Review and possible approval of the December 20, 2016 Board of Supervisors Meeting Minutes.

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 December 20, 2016 Board of Supervisors Meeting Minutes with revisions.

Ayes: Supervisors Morgan, Oneto and Forster

Noes: None.
Abstain: Supervisors Axe and Crew

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

PUBLIC HEARING

Planning Department: Discussion and possible action relative to a public hearing to consider and take action on the Planning Commission's recommendation to grant a request by Eric Hoffmann for a Variance from County Code Sections 19.24.040 and 19.48.110(M) to allow for the construction of a 16' x 20' detached garage approximately 28 feet from the front property line (28 feet from the center line of Cedar Heights Drive North), and 5 feet from the side property line instead of the required 50' front and 10' side setbacks, in the "R1" zoning district (NOTE: Original request asked for 6' side setback but due to the need to maintain a 10' setback from the septic system the Planning Commission recommended a 5' setback to the side property line). Located at 16095 Cedar Heights Drive North, approximately 300 feet south of Buckhorn Ridge Road (APN 023-260-021).

Chairman Forster opened the public hearing at this time. Hearing no public comment the following action resulted.

ACTION #1: Public Hearing closed pursuant to the following motion.

MOTION #1: It was moved by Supervisor Morgan, seconded by Supervisor Oneto and unanimously carried to close the public hearing.

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

MOTION #2: It was moved by Supervisor Oneto, seconded by Supervisor Crew and unanimously carried to approve the variances as recommended by the Planning Commission including the following findings and conditions:

Findings:

1. These variances do not constitute the granting of a special privilege inconsistent with the limitations to which other lots in the vicinity with like zoning are subject;
2. Due to the shape of the subject parcel, the strict application of the front and side building setbacks are found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications; and
3. These variances will not have a significant adverse effect on the environment and are categorically exempt according to Section 15305, Class 5 (minor setback variances not resulting in the creation of any new parcel) of the State CEQA Guidelines and a Notice of Exemption will be filed with the County Recorder.

Conditions:

1. The project shall be substantially the same as that which has been submitted and approved (see attached plot plan);
2. A minimum of 28 feet from the front (north) property line and 5 feet from the side (west) property line shall be maintained;

3. The footprint of the garage shall be located no closer than 10 feet from any leach line or septic tank. This same setback is required for any new paving or other ground covering that may be associated with the proposed garage. Care must be taken to ensure any grading work doesn't damage the existing septic tank or building sewer.
4. If the variances have not been used within one year after a date of granting thereof, then without further action by the Planning Commission or Board of Supervisors, the variances granted shall be null and void.

RESOLUTION NO. 17-004

Resolution approving variances to County Codes 19.48.110(M) requiring 50' building setback from the centerline of roads, and 19.24.040-R1 District regulations requiring a 10' building setback from side property lines for corner lots-to allow construction of a 16'x20' garage at 16095 Cedar Heights Drive North APN 023-260-021

Capital Facilities Fee Annual Disclosure and Review FY 2015-16: Discussion and possible action relative to a public hearing to consider the Annual Disclosure and Review of the Capital Facilities Fees (CFF) Report. In FY 2004/05, Amador County adopted the Capital Facilities Fees Program Nexus Study Final Report, dated March 31, 2005, by Goodwin Consulting Group. In FY 2010/11 Amador County adopted an Updated Nexus Study for the Jail dated October 25, 2011, by Goodwin Consulting Group. Government Code Section 66006(b) requires an annual review and disclosure of the CFF.

Ms. Christine Poe, Senior Administrative Analyst addressed the Board and reviewed this item with the Board.

Chairman Forster opened the public hearing at this time. Hearing no comment the following actions were taken.

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

MOTION #1: It was moved by Supervisor Morgan, seconded by Supervisor Crew and unanimously carried to close the public hearing.

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

MOTION #2: It was moved by Supervisor Oneto, seconded by Supervisor Axe and unanimously carried to adopt the resolution approving the County Capital Facilities Fee schedule, accept the report increasing the CFF by the 3.7% CCI as stated in the Annual Disclosure effective January 1, 2017 and; authorize the General Services Director and County Counsel to develop and execute a contract with Goodwin Consulting Group for updating the Nexus Study for the jail in accordance with their proposal and approve expenditures in the amount of \$16,500 from account 101185, budget #1815.

RESOLUTION NO. 17-003

Resolution approving the County Capital Facilities Fee Schedule.

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 12:05 p.m., the Board convened into closed session.**

REGULAR SESSION: At 12:30 p.m., the Board reconvened into regular session. **Chairman Forster 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

Foothill Conservancy v. County of Amador, In the Superior Court of California, Amador County, Case No. 16CV9876-(Continued from earlier in today's meeting)

ACTION: Direction given to staff.

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 December 20, 2016.

ACTION: Approved pursuant to the following motion.

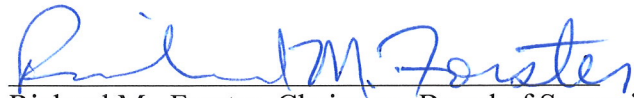
MOTION: It was moved by Supervisor Morgan, seconded by Supervisor Oneto and unanimously carried to approve the confidential minutes for December 20, 2016 as presented.

Ayes: Supervisors Morgan, Oneto and Forster

Noes: None

Abstain: Supervisors Axe and Crew

ADJOURNMENT: Until Tuesday, January 24, 2017, at 8:30 a.m.



Richard M. Forster, Chairman, Board of Supervisors

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

