

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, February 28, 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:

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: Richard M. Forster, District II-Chairman-Attending the National Association of Counties (NACo) Legislative Conference Washington D.C.

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 Morgan 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 convened into regular session. Vice-Chairman Morgan 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: Update given.

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.

Lynley Digitale Ford v. County of Amador, Amador Surveying Department; Maurice John Plasse and Jeannie Lynn Plasse, In the Superior Court of California, County of Amador-Case No. 17CV9980

ACTION: Direction given to staff.

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

ACTION: Update given.

Claim of Ronald C. Byrd II

ACTION: Claim denied pursuant to the following motion.

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

Ayes: Supervisors Crew, Axe, Morgan and Oneto

Noes: None

Absent: Supervisor Forster

One Case

ACTION: Update given.

Confidential Minutes: Review and approval of the confidential minutes for February 14, 2017.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Crew and unanimously carried to approve the confidential minutes for February 14, 2017.

Ayes: Supervisors Crew, Axe, Morgan and Oneto

Noes: None

Absent: Supervisor Forster

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

Ayes: Supervisors Crew, Axe, Morgan and Oneto

Noes: None

Absent: Supervisor Forster

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**.

Free Speech: Mr. Wendell Peart, District IV resident, addressed the Board and commented on the Board's action of reducing the public's opportunity to speak under Public Matters not on the Agenda from five minutes to three. Mr. Peart stated this action reduced the public's free speech by 40 percent and in his opinion is a violation of a person's civil right as spelled out in the Constitution's Bill of Rights. Mr. Peart requested his Supervisor Frank Axe take this matter to the Chairman of the Board and request the increase in speaking time be added to an upcoming Board Agenda.

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 Crew, seconded by Supervisor Axe and unanimously carried to approve the Consent Agenda as presented.

Ayes: Supervisors Crew, Axe, Morgan and Oneto

Noes: None

Absent: Supervisor Forster

REGULAR AGENDA

Tree Removal on County Roadways: Progress report by Mr. Ed Struffenegger, Registered Professional Forester, regarding dead tree removal along County roadways.

Mr. Ed Struffenegger, Registered Professional Forester, provided an update on the pilot project that is beginning in the Joyce Road area towards the lower end of Defender Grade and close to Highway 26. Mr. Struffenegger stated the goal of the pilot project is to work through the process beginning with right of entry forms being issued and returned, through the final cleanup phase. He noted he hopes the pilot project will allow the team to work through all of the unexpected elements and provide the opportunity to work through any issues that might need to be resolved for subsequent projects down the road. Mr. Struffenegger stated that right of entry forms have been received from all three property owners for the pilot project, but emphasized the importance of these forms as the project moves forward. He stated community meetings are planned in the future to encourage property owners to be timely in returning the forms before any work can be done on their properties. He continued by noting a sample contract and Request for Proposal is being drafted by Mr. Jon Hopkins, General Services Director at this time and will be ready to send out to potential contractors in the near future. He stated once the successful bidder is chosen a Notice to Proceed will be issued and the required insurance and other mandatory requirements will be submitted before work can begin. He stated this will be a regulated CalFire operation and inspections will be complete and the forest practice rule book will be followed in all cases. Mr. Struffenegger stated he looks forward to a good working relationship with CalFire as the project moves forward.

ACTION: None. Presentation only.

Panther Fuels Reduction and Forest Health Project: Discussion and possible action relative to the subject project and the Environmental Assessment prepared by the Amador District of the Eldorado National Forest.

Supervisor Oneto advised he owns land near the subject project. Therefore, he recused himself to avoid any potential conflict of interest issues.

Mr. Rick Hobson, Amador Ranger District Ranger, provided a brief update relative to the Memorandum of Understanding between the County and the United States Forest Service (USFS). He stated the MOU was established in 2012 and is intended to improve communication and coordination between the two entities. He stated he will continue to follow the MOU and has a meeting set up with Supervisors Oneto and Morgan in the near future to discuss any issues or answer any questions the County may have. He stated the MOU does expire at the end of this calendar year but with the Boards direction he can bring it back for approval of another five year term

Mr. Hobson continued to address the Board relative to the Panther Fuels Reduction and Forest Health Project. He stated the project is located on the western end of the Amador Ranger District along Panther Creek. He noted the intention of the project is to address fuel loading and

create fuel breaks, improve forest health by thinning the forest and increase access and maintain and reconstruct roads. Mr. Hobson stated the Amador District of the El Dorado National Forest has prepared an Environmental Assessment for the project and a comment period is being provided and is intended to provide those interested in or affected by this action an opportunity to make their concerns known prior to a decision being made by the Responsible Official on the alternatives analyzed in detail. He stated he welcomes comments individually from Board members or collectively as a Board. He pointed out that if comments are not made then the right to object is forfeited. Mr. Hobson noted the deadline for comments is March 20, 2017.

Discussion ensued with Mr. John Heissenbuttel, CalAm Team Member, addressing the Board and encouraging their support of the project which is a key component of the High Country Community Wildfire Protection Plan that the Board directed and provided funds to the Amador Fire Safe Council to develop. Mr. Heissenbuttel stated he feels strongly that a comment letter should be submitted by the Board of Supervisors so that if any objections are heard later the County will have a seat at the table. Mr. Heissenbuttel offered to draft the letter for approval by the Board at its next meeting.

ACTION: Consensus of the Board to allow Mr. John Heissenbuttel and the CalAm team to draft a comment letter relative to the Environmental Assessment for the Panther Fuels Reduction and Forest Health Project and bring back to the Board for approval on March 14, 2017.

Supervisor Oneto returned to the Board Meeting at this time and was present for the remainder of items heard.

Community Development Agency: Update by Mr. Aaron Brusatori, Community Development Director, regarding the recent storms and damages to County roadways and necessary ongoing road closures.

Mr. Aaron Brusatori, Community Development Agency Director, addressed the Board and provided a brief update relative to recent storms and damages. He stated damage to County roadways associated with the storms January 3-12 has been estimated at approximately 1,716,670.00 dollars with a significant portion of damage being associated to super saturation of the sub grades of roads and degradation of the roads subsequent to receding water. Mr. Brusatori also noted the January 18-23 storms resulted in approximately \$22,000.00 in damage and the February storms have been estimated at 2,066,000.00 but continues to rise as additional damages are assessed. He stated as the Board is aware, significant damage resulted on Shakeridge Road and is currently estimated at approximately 1.4 million dollars. Geo technical engineers are continuing to assess damage and provide reports as they become available. Shakeridge Road will remain closed until repaired possibly early to mid-Summer. Pioneer Creek Road is currently down to one lane traffic and an estimated \$600,000 in damage at this time.

ACTION: None. Presentation only.

General Services Administration: Discussion and possible action relative to a report by the Projects Ad Hoc Committee regarding prioritizing of projects and General Service Administration staffing levels.

Mr. Jon Hopkins, General Services Director, addressed the Board and reviewed a summary memorandum which is hereby incorporated into these minutes as though set forth in full. He stated on January 24, 2007 the Board discussed outstanding Capital Improvement Projects, Special Projects and Maintenance Projects making one funding commitment of \$50,000.00 to make repairs to the Pine Grove Town Hall referring all other matters to the Projects Adhoc Committee. He stated on February 23, 2007 the CAO, Staff and the Committee met to discuss project priorities, funding and staffing. He reviewed a list of GSA projects (included in the memo) the Board approved using one time monies during the Budget process.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Crew, seconded by Supervisor Oneto and unanimously carried to approve the list as presented with staff being directed to provide bi-monthly progress reports to the Board.

Ayes: Supervisors Oneto, Crew, Axe and Morgan

Noes: None

Absent: Supervisor Forster

Assembly Bill 174-California Transportation Commission Rural Representation Act: Discussion and possible action relative to approval of the Chairman's signature on a letter of support regarding Assembly Bill 174, as it relates to requiring one voting member of the California Transportation Commission to reside in a county with a population of less than 100,000.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Crew and unanimously carried to direct the County Administrative Officer to work with the Chairman to draft a letter of support regarding Assembly Bill 174 with emphasis on rural road maintenance and construction with any eye toward economic benefit and highway maintenance.

Ayes: Supervisors Oneto, Crew, Axe and Morgan

Noes: None

Absent: Supervisor Forster

Urgency Ordinance Regarding Marijuana Related Activities: Discussion and possible action regarding adoption of an urgency ordinance regarding marijuana cultivation and related activities, in light of the passage of Proposition 64 by voters.

Discussion ensued with Mr. Greg Gillott, County Counsel summarizing this item and explaining that if the Board chooses to adopt the urgency ordinance today, a public hearing will be set to be held in 45 days to discuss extending the ordinance or adopting a permanent

ordinance at that time. It was pointed out that the urgency ordinance can be rescinded at any time per a 4/5 vote of the Board.

Vice-Chairman Morgan invited any public members interested in speaking to address the Board at this time. The following individuals wished to speak:

Mr. Gary Boulais, District III resident
Mr. John Heissenbuttel, District III resident

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Crew and unanimously carried to adopt an urgency ordinance regarding marijuana cultivation and related activities.

Ayes: Supervisors Oneto, Crew, Axe and Morgan

Noes: None

Absent: Supervisor Forster

ORDINANCE NO. 1766

An Interim Urgency Ordinance of the Board of Supervisors of the County of Amador prohibiting commercial non-medical marijuana activities and outdoor cultivation of non-medical marijuana within unincorporated Amador County.

Rural County Representatives of California: Update by Supervisor Brian Oneto regarding the January 2017 Rural County Representatives of California Board of Director's Meeting.

ACTION: None. Presentation only.

Minutes: Review and possible approval of the February 14, 2017 Board of Supervisors Meeting Minutes.

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 February 14, 2017 Board of Supervisors Meeting Minutes with minor corrections.

Ayes: Supervisors Oneto, Crew, Axe and Morgan

Noes: None

Absent: Supervisor Forster

ADJOURNMENT: Until Tuesday, March 14, 2017, at 8:30 a.m.

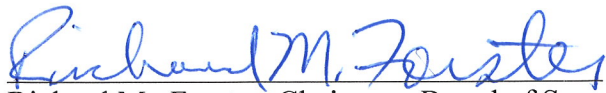
- A. **Juvenile Justice Commission:** Approval of the re-appointment of the following members of the subject Commission for a term of four years ending 03/2021:
 - Greg Brewer
 - Lori Halvorson
- B. **Juvenile Justice Commission:** Acceptance of the resignation of Ms. Janet DeLeo from the subject Commission.
- C. **Agricultural Advisory Committee:** Approval of the appointment of Daniel Dentone to the subject committee as representative of District 5.

7. **MISCELLANEOUS**

- A. **Amador Fire Protection Authority:** Approval of the Measure M Revenue Distribution Formula as provided for in Amador County Code Chapter 3.14.
- B. **Risk Management:** Approval of revised County Policy #4-100 Injury and Illness Prevention Program (IIPP) and Supplement.
- C. **Social Services:** Approval of a request to backfill on APS/IHSS Social Worker I/II/III position due to employee termination. This is a Merit Systems position and must be hired through the Merit Systems process.

8. **GENERAL CORRESPONDENCE**

- A. Memorandum from Building Department recapping the activity in the department fiscal year to date.
- B. Auditor's check register dated February 13, 2017 totaling \$353,667.44.
- C. Auditor's check register dated February 21, 2017 totaling 1,036,189.31.
- D. Application for Alcoholic Beverage License for Dollar General #16662 located at 16410 Meadow Vista Drive, Pioneer, CA.
- E. Agenda for Central Valley Regional Water Quality Control Board Public Meeting to be held on February 23-24, 2017 at 11020 Sun Center Drive, Suite 200, Rancho Cordova, CA 95670.



Richard M. Forster, Chairman, Board of Supervisors

ATTEST:

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

