

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, March 14, 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: Gregory Gillott, County Counsel
Jennifer Burns, Clerk of the Board

Absent: Charles T. Iley, County Administrative Officer

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 convened 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.

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

ACTION: Update given.

Claim of Amy Nichols-Stuart

ACTION: Claim denied pursuant to the following motion.

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

Confidential Minutes: Review and approval of the confidential minutes for February 28, 2017.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Morgan, seconded by Supervisor Crew and unanimously carried to approve the confidential minutes for February 28, 2017.

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 Morgan 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 Mitigation Fees: Mr. Michael Solomon addressed the Board and expressed concern relative to what he considers to be excessive mitigation fees he is facing in Amador County when beginning to construct a home. Mr. Solomon feels the fees are excessive and some consideration should be made for veteran's and retired individuals who will not be utilizing roads, schools, recreation opportunities, etc., over the course of a lifetime, but rather just in their retirement years. Mr. Solomon requested consideration of a waiver or reduction of these fees be considered on a case to case basis by the Board. Chairman Forster responded by stating it is a difficult situation to waive or reduce fees for some and not for the entire population and in some ways could set a precedent and significantly decrease the amount of mitigation fees the County receives. He also noted the fees are essentially not only being charged to the citizen who is beginning construction in the County, but will be transferred to future owners of the property. Chairman Forster advised the Board will take this matter under consideration and may place on a future agenda for further discussion.

Affordable Care Act/American Health Care Act: Supervisor Axe addressed the Board and stated due to what is taking place in Washington D.C. with the eminent repeal of the Affordable Care Act and potential replacement with the American Health Care Act, he contacted Mr. Jim Foley, Health and Human Services Director to glean what type of financial impact this decision may have on Amador County. Supervisor Axe stated Mr. Foley advised approximately 4,000 individuals did obtain insurance coverage through the Affordable Care Act and it is not clear at this time how that cost may end up being a financial burden to the County if the current Bill is repealed and replaced with a Bill that doesn't provide adequate funding. Supervisor Axe stated he feels this is something that the Board should consider placing on a future agenda for discussion and to possibly urge local legislators to consider making the right decision that benefits local rural counties. Chairman Forster responded by stating he has already advised staff to place this matter on a future Administrative Committee Agenda.

New York Ranch Road/Ridge Road Intersection Project Update: Mr. Jered Reinking, Public Works Engineer, addressed the Board and provided a brief update relative to the subject project. He stated the project began in July 2016 and continued on and off until December 2016. Mr. Reinking stated as of March 10, 2017 the Contractor resumed operation and anticipates a completion date of mid May 2017. He noted the project could potentially get extended based on any change order requests by the Contractor or unexpected weather related issues. Mr. Reinking indicated the construction costs to date for the project are approximately 2.3 million and the Contractor has been paid approximately \$700,000 thus far the project is approximately 30-35% complete. He continued by stating before work was suspended last year a significant amount of critical work was completed including, but not limited to, relocation of utilities, power sources relocated to facilitate signal installation, construction of two significant retaining walls on south side of Ridge, Road grading and paving on south side of Ridge Road and New York Ranch Road and excavation and placement of aggregate base. Mr. Reinking stated currently the Contractor should be fully staffed and should begin clearing and removing trees on the north side of Ridge Road, continue with paving on south side of Ridge Road and doing work on a private driveway. In addition within the next 3-4 weeks Mr. Reinking anticipates the Contractor will begin switching K-rail to the north side of Ridge Road to begin work on the MSE walls. Supervisor Morgan asked Mr. Reinking if he had an approximate figure of the amount of funding that has been provided for this project by the Jackson Rancheria, Mr. Reinking responded by stating to his knowledge approximately \$300,000 has been contributed thus far.

Bicentennial Quilts: Supervisor Crew took this time to inform the Board and those present that the Amador Historical Society has hung two bicentennial quilts in the south lobby of the County Administration Center and encouraged everyone to take the time to look at the quilts that really tell a story of County history. Supervisor Crew thanked the Historical Society for seeing this task through to fruition and allowing the public to have the opportunity to enjoy these beautiful quilts.

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.

REGULAR AGENDA

Appointment of Public Member to the Amador County Transportation Commission: Discussion and possible action relative to appointment of a Public Member to the Amador County Transportation Commission to fill the seat to be vacated by Mr. David Richards on March 22, 2017.

Chairman Forster advised the candidates that have submitted letters of interest for this position are:

Mr. Gary Reinoehl
Mr. John Plasse
Ms. Tammie Crabtree
Mr. Rob Klotz

Chairman Forster invited any of the candidates present to speak if the wished. Hearing none the following action resulted.

Discussion ensued with the following actions being taken:

ACTION#1: The following motion resulted.

MOTION #1: It was moved by Supervisor Morgan, seconded by Supervisor Axe to appoint Mr. Gary Reinoehl as the Public Member on the Amador County Transportation Commission for a four year term.

Ayes: Supervisors Morgan and Axe
Noes: Supervisors Forster, Oneto and Crew
Absent: None

****The above motion failed for lack of majority vote****

ACTION #2: The following motion resulted.

MOTION #2: It was moved by Supervisor Oneto, seconded by Supervisor Crew and carried to appoint Mr. John Plasse as the Public Member on the Amador County Transportation Commission for a four year term.

Ayes: Supervisor Crew, Oneto and Forster

Noes: Supervisors Morgan and Axe

Panther Fuels Reduction and Forest Health Project: Discussion and possible action relative to approval of the Chairman's signature on a comment letter regarding 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. John Heissenbuttel, CalAm Team, addressed the Board and stated Mr. Rick Hobson, USFS, addressed the Board on February 28, 2017 and provided a briefing relative to the Panther Project. Mr. Heissenbuttel pointed out to critical points to remember is that the purpose and need for this project is fire protection and forest health improvement which fits in exactly with the priorities of the High Country Community Wildfire Protection Plan that the Board adopted last September. Mr. Heissenbuttel stated he volunteered on behalf of the Cal Am team to draft a letter outlining the Boards comments and support of this project. The draft letter is included in the Board packet for today's date.

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 approve the letter for the Chairman's signature as presented.

Ayes: Supervisors Morgan, Crew, Forster and Axe

Noes: None

Recused: Supervisor Oneto

Sustainable Groundwater Management Act JPA: Discussion and possible action relative to appointment of a Regular and Alternate Member to the subject JPA.

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 Richard Forster as the Regular Member to the JPA and Supervisor Frank Axe as the Alternate Member.

United States Bicycle Route 50 (USBR50): Discussion and possible action relative to Board input and direction to staff regarding the proposed (USBR50) route or potential alternate routes with conditions.

Mr. Bill Tanner, ACTC Pedestrian and Bicycle Plan Member, addressed the Board and stated the original route was proposed by the Adventure Cycling association to come through Highway 88 to Fiddletown Road and then out of county. That route was unanimously rejected and the Pedestrian and Bicycle Committee ultimately met with the Public Works Committee and came up with a possible alternative route which is included in the Board packet for today's date.

Discussion ensued with the Board having some concern relative to how enforcement of the following conditions included in the draft letter to Mr. Tom Dumas, Caltrans District 10 will be carried out if the Board chooses to support this event:

1. We reserve the right to remove the route through Amador County if bicycle accidents along the route increase.
2. Adventure Cycling Association will coordinate the route with bicycle navigation applications so that the route is clear to bicycle riders that utilize GPS navigation.
3. Adventure Cycling Association will post and maintain directional signs, in coordination with Amador County Transportation and Public Works and Planning Departments, along the designated route to inform Bicycle riders of the direction changes in the route.

Lengthy discussion ensued with the following action being taken.

ACTION: Direction given to staff to request Mr. Tom Dumas, Caltrans District 10, (or a representative) as well as a representative from the Adventure Cycling Association to attend a future Board meeting to address the conditions outlined in the draft letter included in the Board packet for today's date, and request Public Works and Planning staff be available to discuss signage requirements at that meeting.

Assembly Bill 975: Discussion and possible action relative to the subject legislation as it relates to wild and scenic rivers.

Chairman Forster advised this Bill which was authored by Assembly Member Laura Friedman, District 43, and was referred to a standing Committee on Natural Resources on March 2, 2017 and will be heard in Committee on March 20, 2017. Chairman Forster stated he would like to have discussion today and determine if a letter should be drafted and concerns or support of specific portions of the Bill should be made known to the Natural Resources Committee. He also noted the Amador Water Agency has decided not to take a support or oppose position on the legislation, but to watch it as it moves forward.

Ms. Katherine Evatt, President, Foothill Conservancy, addressed the Board and summarized a memo relative to this matter which is hereby incorporated into these minutes as though set forth in full.

The following individuals wished to speak relative to this matter:

Ms. Fauna McNess
Ms. Sherry Curtis
Mr. Gary Reinhoehl
Mr. Mark Bennett

Lengthy discussion ensued with the following action being taken.

ACTION: Chairman Forster will work with Supervisor Oneto to draft a letter to the author of AB 975 to request clarification and further analysis of the proposed Bill, specifically, but not limited to, clearer analysis relative to fire, land use decisions and permits and the necessity for wild and scenic designation elevated to federal status, better definition of ¼ mile verbiage (horizontal vs. slope difference), clarification of the expansion of the protected river area from the current river up to the first line of riparian vegetation. Chairman Forster will review with County Counsel prior to sending the letter.

Assembly Bill 211: Discussion and possible action relative to the Chairman's signature on a letter of support regarding Assembly Bill 211 as it relates to requiring the State Board of Forestry and Fire Protection to provide an annual report including itemized accounting of all expenditures of the fire prevention fee to the Legislature indefinitely.

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 approve the Chairman's signature on a letter of support regarding AB 211 to be sent to the author of the Bill, Senator, Governor, RCRC and CSAC.

Assembly Bill 496-Traffic Relief and Road Improvement Act: Discussion and possible action relative to the subject legislation as it relates to a comprehensive funding plan that improves our infrastructure and builds new capacity on highways using existing revenues and without raising taxes or fees.

ACTION: Direction given to monitor this Bill as it moves forward but do not take a formal stance of opposition or approval at this time

Minutes: Review and possible approval of the February 28, 2017 Board of Supervisors Meeting Minutes.

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 February 28, 2017 Board of Supervisors Meeting Minutes.

ADJOURNMENT: Until Tuesday, March 28, 2017, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT MINUTES

March 14, 2017

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. **District Attorney:** Approval of a request to increase the Revenue line item 2190-45470 by \$3,538.77 due to additional grant funds received, and increase Expenditure line 2190-52200 by \$835.11, line 2190-52700 by \$1,407.30, and line 2190-56200 by \$1,296.36 for the purchase of miscellaneous office supplies.
- B. **District Attorney:** Approval of a request to increase the Revenue line item 2120-47890 by \$4,000.00 due to funds received from Karpel, and increase the Services and Supplies line 2120-52300 by \$4,000.00 to reimburse funds expended for the Media Toolkit Project.
- C. **Sheriff's Office:** Approval of a request to increase Revenue line 2740-54156 by \$112,042.00 and a coinciding increase to Revenue line 2750-45230 by \$112,042.00 due to receipt of a Homeland Security Grant for FY 2016.

2. **TAX MATTERS** **None**

3. **RESOLUTIONS**

- A. **Board of Supervisors:** Approval of a resolution honoring the Amador High School Football team for their 2016/2017 winning season. **(Resolution #17-023)**
- B. **Board of Supervisors:** Approval of a resolution proclaiming the month of March 2017 as American Red Cross Month in Amador County. **(Resolution #17-024)**
- C. **Board of Supervisors:** Approval of a resolution proclaiming the week of April 2-8, 2017 as Safety Seat Check-up Week. **(Resolution #17-025)**
- D. **Environmental Health:** Approval of resolution appointing an independent hearing panel for the local enforcement agency pursuant to the California Integrated Waste Management Act. **(Resolution #17-026)**
- E. **Sheriff's Office / Office of Emergency Services:** Approval of an updated resolution proclaiming existence of a local emergency and requesting Governor to 1) proclaim a State of Emergency and 2) request a Presidential declaration. (Original resolution was adopted on January 31, 2017.) This update anticipates new damages are likely to occur through March 2017. **(Resolution #17-027)**

4. AGREEMENTS

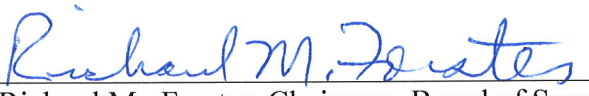
- A. **General Services Administration:** Approval of an amendment to agreement with Cox Consulting for administration of Community Development Block Grant (CDBG) projects.
- B. **Public Health:** Approval of the Medi-Cal Administrative Activities (MAA) agreement #16-93077 for fiscal years 16-17, 17-18, and 18-19 with a resolution. **(Resolution #17-028)**
- C. **Sheriff's Office:** Approval of an amendment to the agreement with the California Department of Corrections and Rehabilitation (CDCR) that allows the housing of approved long term Amador County inmates at CDCR fire camps. This extends the term.
- D. **Social Services:** Approval of an agreement with Amador Tuolumne Community Action Agency to provide housing support to those clients in a housing crisis, in an amount not to exceed \$150,000.00.
- E. **Transportation and Public Works:** Approval of an amendment to agreement with Drake Haglan and Associates for the Replacement of Four Bridges Project.

5. ORDINANCES **None**

6. MISCELLANEOUS APPOINTMENTS **None**

7. MISCELLANEOUS

- A. **General Services Administration:** Approval of a request to authorize the Director to make changes to the County's Policy 1-730 Distribution of Sand and Sandbags per recommendation from the Public Works Committee for the Board's approval, and authorize the Director to update the web site.
- B. **Sheriff's Office:** Approval to participate in an agreement with the Medi-Cal Inmate Program which reimburses allowable in-patient hospitalization costs associated with county inmates and authorize the Sheriff and Undersheriff to execute related documents.


Richard M. Forster, Chairman, Board of Supervisors

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

