

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, April 25, 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 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.

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

ACTION: Nothing to report.

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

ACTION: Nothing to report.

Confidential Minutes: Review and approval of the confidential minutes for April 11, 2017.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Crew and unanimously carried to approve the confidential minutes for April 11, 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 Morgan, seconded by Supervisor Crew 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.**

Comments relative to Jail Presentation on March 28, 2017: Ms. Barbara Luttringer, District I resident, reviewed a memorandum which is hereby incorporated into these minutes as though set forth in full. Her comments included, but were not limited to comments made by Mr. Eric Fadness, Nacht and Lewis at the March 28, 2017 Board meeting.

Economic Development District: Supervisor Axe took this time to request the Board consider becoming a part of the Central Sierra Economic Development District and place it on a future agenda for discussion. Chairman Forster advised this matter will be place on an upcoming Administrative Committee Agenda for discussion and possible recommendation to the full Board.

Amador Council on Responsible Opioid Use: Supervisor Morgan reported she is a member of the Amador County Behavioral Health Advisory Committee and she recently learned of the subject Council that was formed in response to the rising challenges faced by Primary Care and Emergency Department providers in managing increasingly complex patient populations in times of continuously changing and competing governmental, legal, insurance and medical organization guidelines and mandates. Supervisor Morgan advised the initial meeting was held on April 3, 2017 and discussed issues associated but not limited to, identifying ways of lessening the risk of prescription related drug overdose, identify challenges faced by providers regarding opioid prescribing, work toward standardization of practices regarding opioid prescribing and identify patients and available area resources for substance abuse treatments. Supervisor Morgan said quarterly meetings of the Council are planned.

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

REGULAR AGENDA

Clerk Recorders Office: Discussion and possible action relative to adoption and presentation of Resolution No's 17-045 and 17-046 to Ms. Marlana "Tico" Arnese and Ms. Elaine Lackey honoring and recognizing them for their years of service with the County of Amador.

Chairman Forster presented the following Resolutions to Ms. Marlana "Tico" Arnese and Ms. Elaine Lackey.

Former Clerk Recorder Mr. Sheldon Johnson spoke in recognition of the two retiring employees.

RESOLUTION NO. 17-045

Resolution honoring Marlana “Tico” Arnese for 42 years of service to the County of Amador in the Office of the Clerk/Recorder

RESOLUTION NO. 17-045

Resolution honoring Elaine Lackey for nearly 18 years of service to the County of Amador in the Office of the Clerk/Recorder

ACTION: Presentation Only.

UC Cooperative Extension Central Sierra: Presentation by Ms. Lynn Wunderlich, Farm Advisor, regarding Foothill Grape Day to be held on May 18, 2017 at the Amador County Fairgrounds.

Ms. Lynn Wunderlich, UC Cooperative Extension Central Sierra Farm Advisor, addressed the Board and provided an informative Power Point presentation relative to Foothill Grape Day that will be held on May 18, 2017 at the Amador County Fairgrounds. She encouraged the Board to attend if they wish.

ACTION: None. Presentation only.

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. (Continued from April 11, 2017)

Mr. Carl Baker, Cal Trans, District 10, and Ms. Danielle Bricker, Adventure Cycling Association addressed the Board and provided insight as to their individual entities involvement in the USBR50 designation.

Lengthy discussion ensued with the following individuals wishing to speak relative to this matter.

Mr. Gary Reinoehl, District V resident

Ms. Allison Platt, ACTC-Transportation Planner, ACTC

Ms. Maureen Funk, Co-Chair of the Bike and Pedestrian Committee

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Morgan, seconded by Supervisor Crew and carried to approve the Option 2 designation as recommended by the Public Works Committee on February 23, 2017, that included Michigan Bar Road to SR104 to SR88.

Ayes: Supervisors Morgan, Crew, Oneto and Axe.

Noes: Supervisor Forster

Amador Fire Safe Council: Discussion and possible action relative to a request by the Amador Fire Safe Council for a letter of support regarding a grant application they are submitting that will be used to achieve objectives identified in the Pioneer/Volcano, Greater Pine Grove, and Volcano Community Wildfire Protection Plan.

Ms. Jan Bray, Amador Fire Safe Council, reviewed the proposed letter with the Board.

Discussion ensued with the following individuals wishing to speak relative to this matter.

Ms. Katherine Evatt

Ms. Sherry Curtis, District III resident

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 Chairman's signature on the letter drafted by AFSC in support for a grant application that will be submitted to the California Fire Safe Council. Some clarification regarding acronyms in the letter was requested and will be provided by the Fire Safe Council prior to the Chairman's signature.**

Senate Bill 54: Discussion and possible action relative to the subject legislation as it relates to Sanctuary State jurisdiction and potential impacts related to local law enforcement. Cal state sheriff's association and the sheriff are in opposition....

Undersheriff James Wegner, addressed the Board and provided the following statistics relative to the history of undocumented individual's detainees in the Amador County Detention Facility as requested by the Administrative Committee. Undersheriff Wegner also stated that Sheriff Martin Ryan and the Cal State Sheriff's Association are opposed to this legislation as written.

2014: 84 non-registered birthplace bookings
Twenty-two (22) undocumented individuals
Seven (7) individual's held by Immigrations and Customs Enforcement.

2015: 90 non-registered birthplace bookings
Twenty-two (22) undocumented individuals
Zero holds by Immigration and Customs.

2016: 71 non-registered birthplace bookings
Thirteen (13) undocumented individuals
Zero holds by Immigration and Customs Enforcement.

2017: 17 non-registered birthplace bookings to date
One (1) undocumented individual
Zero holds by Immigration and Customs Enforcement.

Lengthy 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 Oneto and unanimously carried to draft a letter in strong opposition to Senate Bill 54 as it is currently written with emphasis on, but not limited to, the ability for local law enforcement to communicate with Immigration and Customs Enforcement (ICE) when they are faced with a situation involving an illegal immigrant determined to be guilty of violent or serious crimes as well as potential limitations in applying for and receiving grants if this legislation is successful.

Community Development Agency: Discussion and possible action relative to a request for a loan from general fund contingencies to increase the Transportation and Public Works Budget-3000-52300 (Professional and Specialized Services) in the amount of \$250,000.00 and an increase to 3000-50102 (Overtime) in the amount of \$50,000.00 to cover costs associated with storm damage and landslides on Shake Ridge and Pioneer Creek Roads as a result of the January and February 2017 storms. The requested cost increases are eligible for reimbursement up to 75% by federal sources.

Discussion ensued with Mr. Aaron Brusatori, Community Development Director summarizing the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full.

The following individual wished to speak relative to this matter.

Mr. Gary Reinoehl, District V resident

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 request for a loan from general fund contingencies to increase the Transportation and Public Works Budget-3000-52300 (Professional and Specialized Services) in the amount of \$250,000.00 and an increase to 3000-50102 (Overtime) in the amount of \$50,000.00 to cover costs associated with storm damage and landslides on Shake Ridge and Pioneer Creek Roads as a result of the January and February 2017 storms; 25% will come from contingencies and 75% from General Fund reserves and amounts will be reimbursed to the General Fund upon department's reimbursement from federal and state sources.

Waste Management: Review and possible recommendation relative to a budget transfer in the amount of \$125,000.00 from general fund contingencies to the waste management department to cover costs associated with higher than normal rainfall totals which resulted in impacts to the closed Buena Vista Landfill.

Mr. Jim McHargue, Air Pollution Control Office/Director of Solid Waste, summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full.

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 Axe and unanimously carried to approve the request for a budget transfer in the amount of \$125,000.00 from general fund contingencies to the waste management department to cover costs associated with higher than normal rainfall totals which resulted in impacts to the closed Buena Vista Landfill, 25% will be taken from contingencies and 75% from General Fund reserves.

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

Lengthy discussion ensued with several Supervisors expressing opinions relative to this legislation.

The following individuals wished to speak relative to this matter:

Ms. Sherry Curtis, District III resident
Ms. Katherine Evatt spoke on behalf of the Foothill Conservancy.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Crew and carried to draft a letter for the Chairman's signature opposing Assembly Bill 975 for reasons including but not limited to the language of AB975 greatly expands the values in which a river can be found eligible for designation under the California Wild and Scenic Rivers Act, and greatly expands immediate environment to ¼ mile each side of the river which would greatly impact private property owners.

Ayes: Supervisors Oneto, Crew and Forster

Noes: Supervisors Morgan and Axe

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

PUBLIC HEARING

Planning Department-Holley Trust: Discussion and possible action relative to a public hearing to consider the Planning Commission's recommendation to grant a variance from Co. Code Sect. 19.24.040 to allow construction of a detached garage and entryway approx. 5 feet from the front property line in the "R1-PD" zoning district. The required setback from the front property line is 25 feet. The project is located at 33930 Dangberg Drive, Kirkwood, CA (APN 026-171-014).

Mr. Chuck Beatty, Planning Department, summarized the staff report relative to this matter which is incorporated in full into the these minutes as though set forth in full.

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

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

MOTION #1: It was moved by Supervisor Oneto, seconded by Supervisor Morgan 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 Planning Commission's recommendation to grant a variance from Co. Code Sect. 19.24.040 to allow construction of a detached garage and entryway approx. 5

feet from the front property line in the "R1-PD" zoning district. The required setback from the front property line is 25 feet. The project is located at 33930 Dangberg Drive, Kirkwood, CA (APN 026-171-014); including the following findings and conditions; and further direction was given to Planning Department staff to investigate the possibility of discontinuing the process of requiring property owners in the Kirkwood Meadows jurisdiction to request variances on roads in this area as the roads have been abandoned and given to the HOA. Staff will bring back to the Administrative Committee when a possible remedy is identified.

Conditions:

1. Prior to issuance of any building permit the applicant must complete the abandonment of the public utility easement included within the 25' front setback;
2. Prior to issuance of the building permit the applicant must obtain written approval from the Kirkwood Meadows Association Planning Committee for said construction;
3. Prior to issuance of the building permit the applicant must obtain from the Department of Transportation and Public Works an encroachment permit for the driveway, the location of which shall be such that it will not adversely impact the snow storage area adjacent to the proposed driveway.
4. All necessary building permits shall be obtained from the Building Department for construction of the proposed structure.

Findings:

1. This variance does 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 location of the existing dwelling and the slope of the lot, the strict application of the front building setback is found to deprive the subject property of privileges enjoyed by other properties in the vicinity under identical zone classifications; and
3. This variance will not have a significant adverse effect on the environment and is categorically exempt according to Section 15305, Class 5 of the State CEQA Guidelines (minor setback variance not resulting in the creation of any new parcel) and a Notice of Exemption will be filed with the County Recorder.

Minutes: Review and possible approval of the April 11, 2017 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 Morgan, seconded by Supervisor Oneto and unanimously carried to approve the April 11, 2017 Board of Supervisors Meeting Minutes with minor amendments.

ADJOURNMENT: Until Tuesday, May 9, 2017, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT MINUTES

April 25, 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** **None**

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

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 adopted on February 23, 2016 and updated on September 13, 2016 and February 28, 2017.) **(Resolution # 17-038)**
- B. **Building Department:** Approval of a resolution authorizing recordation of an Agreement to Limit Uses of Agricultural Structure for Belledor Vineyards LLC for Building Permit AG01047 (APN 014-140-028-000). **(Resolution # 17-039)**
- C. **Treasurer/Tax Collector:** Approval of a resolution discharging the Tax Collector from further accountability for the collection of amounts on unsecured tax rolls where the amounts are so small as to not justify the cost of collection or enforcement. **(Resolution # 17-040)**

4. **AGREEMENTS**

- A. **Human Resources:** Approval of Vantage Care Retirement Health Saving Adoption Agreement and related documentation in order to establish the Retirement Health Savings Program for Mid-Management employees adopted on April 11, 2017, and adopt a resolution for same. **(Resolution # 17-041)**
- B. **Public Health:** Approval of an amended award agreement with the California Department of Health for the emergency preparedness and response award which will

increase the grant amount and extend the date of award, and adopt a resolution for same. **(Resolution # 17-042)**

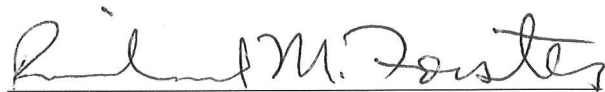
- C. **Transportation and Public Works:** Approval of a first amendment to Master on-Call Contract 14-03 with Geocon Consultants, Inc. for Task Order 14-03J Construction Materials Testing and Inspection for the New York Ranch Road / Ridge Road Intersection Improvement Project.
- D. **Transportation and Public Works:** Approval of a first amendment to the contract for consulting services with Mark Thomas & Company, Inc. for the SR88/Pine Grove Corridor PS&E services.

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

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

7. **MISCELLANEOUS**

- A. **General Services Administration:** Approval to authorize the GSA Director to execute and submit a grant application to the State Department of Transportation Aeronautics Division for matching grant funds to assist with Runway and Taxiway Rehabilitation and adopt a resolution for same. **(Resolution # 17-043)**
- B. **General Services Administration:** Approval to reject all bids for RBP 16-19 and authorize the Sheriff's Office to negotiate a contract with Watch Guard Video for the purchase and installation of 17 in-car video systems, accessories and video management solutions in an amount not to exceed \$145,328.57 contingent on County Counsel approval and authorize Chairman to execute said contract.
- C. **Human Resources:** Approval to change the classification title of Chief Deputy Clerk/Recorder Local Registrar of Births and Deaths to Chief Deputy Clerk/Recorder; modify the job description and update the Mid-Management Classification and Wage Plan resolution to reflect a decrease in salary. **(Resolution # 17-044)**
- D. **Social Services:** Approval to backfill on CPS Social Service Aide position due to employee resignation. This is a Merit Systems position and their standards and guidelines must be followed.



Richard M. Forster, Chairman, Board of Supervisors

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

