

**Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING**

DATE: Tuesday, May 9, 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: Direction given to staff.

Conference with Real Property Negotiators: APN: 012-046-010-Located in Ione and is one of the Landfill properties consisting of 57.6 acres. Negotiating Parties: Jackson Valley Irrigation District (JVID) County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins, General Services Director.

ACTION: Direction given to staff.

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: Update given.

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

ACTION: Nothing to report.

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 Axe 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.**

Mental Health Matters Month: Ms. Stephanie Hess, Amador County Behavioral Health, took this time to announce May 2017 is identified as Mental Health Matters Month. She explained Mental Health Matters Month was started 58 years ago by Mental Health America to raise awareness about mental health conditions and the importance of good mental health for everyone. She stated during the month of May people throughout the state share facts about mental illness and promote awareness and try to reduce stigma surrounding mental illness challenges and encourage those that suffer from a mental health illness to get the help they need. She continued by stating lime green is the official color of mental illness and distributed some ribbons for the Board members to wear if they wish. She also encouraged the Board to attend any upcoming events that promote mental health awareness.

Fire Personnel Appreciation: Supervisor Oneto took this time to commend all fire personnel who assisted in extinguishing the fire at Helwig Winery on May 2, 2017. He stated damage was contained to the kitchen and production facility area and Helwig remains open for business as usual.

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

REGULAR AGENDA

Amador County Recreation Agency (ACRA): Discussion and possible action relative to payment of ACRA membership fees of \$5.00 per person by the County, per the JPA agreement, for the remainder of FY 2016/2017 and FY 2017/2018.

Ms. Carolyn Fregulia, Executive Director, addressed the Board and summarized the staff report which is hereby incorporated into these minutes as though set forth in full. She explained when the JPA was formed in 2005, the County and Cities agreed to pay \$5.00 per person as membership fees to ACRA. She continued by noting as a result of the recession the County reduced their membership fees payment to approximately \$4.00 per person for those residents living in the unincorporated areas of the County. She stated ACRA is now requesting the County pay the remaining \$1.00 per person for the 2016/17 fiscal year amounting to approximately \$20,955.00. Ms. Fregulia also stated ACRA requests the County pay the membership fees in full at \$5.00 per person for fiscal year 2017/18, amounting to approximately \$109,635.00. She also noted ACRA has expanded the recreational opportunities offered to the citizens of Amador County over the years and participation fees, along with contracts with the cities to operate summer swimming and youth programs within their jurisdictions and with the County to maintain two parks, provide approximately 2/3 of ACRA's operating revenue. Ms. Fregulia pointed out the membership fees have covered ACRA's remaining operation and administration costs, however in fiscal year 2016/17 ACRA is unable to meet the costs associated with operating all of the programs currently offered.

Mr. Michael Vasquez, Chairman of the ACRA Board, addressed the Board and concurred with Ms. Fregulia and reiterated that ACRA will not be able to remain solvent this fiscal year if the County does not contribute the additional \$1.00 per person as originally set forth in the JPA. He stated ACRA is struggling and is faced with many costs that will not be able to be met with the current budget such as, but

not limited to, increase in minimum wage and hiring costs to ensure adequate personnel are available to manage the current programs.

Mr. Jim Raymond addressed the Board and spoke in favor of the requests made today by Ms. Fregulia, and noted ACRA needs sustainable funding to survive. He also briefly discussed the possibility of future consideration being given to establishing ACRA as a Special District.

Lengthy discussion ensued with the Board suggesting Ms. Fregulia begin to strongly scrutinize current programs being offered by ACRA and consider dissolving those programs that are not viable or well attended. It was also pointed out that the County currently covers the costs associated with rent, information technology and other utility charges incurred by ACRA, which should be considered when asking for an increase in contribution.

Further discussion ensued and the following action was taken.

ACTION #1: Direction given pursuant to the following motion.

MOTION #1: It was moved by Supervisor Morgan to increase the per capita contribution for the remainder of 2016-2017 Fiscal Year in the amount of \$1.00 per person and strongly encourage ACRA to find long term sustainable funding solutions.

Not hearing second Chairman Forster passed the gavel to Vice-Chairman Morgan and seconded the motion for purposes of discussion.

Further discussion ensued with the following alternative motion being presented.

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

MOTION #2: It was moved by Supervisor Axe, seconded by Supervisor Morgan to increase the per capita fee to ACRA for fiscal year 2016/2017 by \$1.00 and discuss during the budget process how funding will be achieved for fiscal year 2017/2018.

Ayes: Supervisors Axe, Morgan, Crew and Forster

Noes: Supervisor Oneto

Overview of Amador County Cooperative Dispatch Agreement: Discussion and possible action relative to a presentation by Ms. Rob Withrow, Division Chief, Amador El Dorado Unit, regarding the subject topic.

Mr. Rob Withrow, Division Chief, Amador El Dorado Unit, provided a presentation relative to this matter. It should be noted a copy of the complete presentation is hereby incorporated into these minutes as though set forth in full. Some key points he touched on were, but not limited to:

- Major Wildland Fire is the largest threat to lives and property in Amador County.
- Need for cooperation at all levels.
- Background of Cooperative Agreements between Amador County and CalFire
- Schedule "A"-Fully Integrated Fire Protection Agreement
- "Amador Plan" Cost Sharing Agreement
- Current Dispatching Agreement
- Command Center vs. Dispatch Center
- Operational Efficiency
- Cost of Dispatching Agreement

➤ Fiscal Year 2016-2017 Personnel and Operating Costs

ACTION: None. Presentation only.

Proposition 172 Funding and Distribution: Discussion and possible action relative to allocation of Proposition 172 Funds.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, he stated the Board of Supervisors received a request from Dominic Moreno, Sutter Creek Fire Chief, requesting an item be placed on the Administrative Committee agenda to discuss the allocation of Prop 172 funds. The Administrative Committee directed staff to put together an analysis and history of the funding and bring the item back to a future Board meeting. Mr. Iley included in the Board packet for today's date several attachments, including a power point presentation, the task force report from 1997, and approved modifications to the distribution of the Prop 172 funds approved by the Board in 2006. Mr. Iley stated the Board can choose to change the distribution of Prop 172 Funds in whichever way it should desire. However, the fiscal impacts of any additional contributions to Fire are directly felt by the remainder of the departments that receive those funds. There is no obligation to distribute a minimum or maximum amount to any department. The Board may also wish to consider asking the various cities to contribute towards dispatch services, since the County is bearing 100% of the dispatch costs.

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

Mr. Dominic Moreno, Sutter Creek Fire Chief
Chief Dave Bellerive, Amador Fire Protection District
Sheriff Martin Ryan

ACTION: Continue discussion regarding this matter to the May 16, 2017 Budget Workshop.

Tree Mortality Mitigation Project #1 and Future Considerations: Discussion and possible action relative to approving the work completed by Wood-Land Expansion Inc., and authorizing the Purchasing Agent and County Administrative Officer to execute any future tree mortality mitigation work contracts based upon recommendation and review by County Counsel and General Services Administration Director.

Discussion ensued with the following action being taken.

Mr. Jon Hopkins, General Services Director, addressed the Board and reviewed the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary he stated on April 18, 2017, the Board approved a contract with Wood-Land Expansion Inc. for the Tree Mortality Mitigation Project #1 for the purpose of removing dying or dead trees that threaten public infrastructure. This work has been completed and approved by the County's contracted Tree Mortality Coordinator, Tad Mason and Richard Harris with TSS Consultants and the County's contracted Registered Professional Forester (RPF), Ed Struffenegger. He went on to explain the key issue here is:

1. RFP versus Bid and;
2. Acceptance of work completed for Tree Mortality Mitigation Project #1 by Wood-Land Expansion Inc. and;
3. Expediting the contracting process to begin work without Board delays

Mr. Hopkins went on to state in consideration of expedience, the Board may wish to consider authorizing the Purchasing Agent in cooperation with the Tree Mortality Coordinator and RPF to award future bids to the lowest responsive responsible bidder and authorize the Chairman to execute contracts based upon the General Services Director and County Counsel's review and recommendation. Alternatively, he suggested the Board could authorize the County Administrative Officer to execute Agreement and Release of Claims to expedite payment to Licensed Timber Operator (LTO's) pending approval from the County's Tree Mortality Coordinator and RPF. In addition, the Board may consider authorizing the award of bids by delegating authority to the Purchasing Agent to avoid further delays.

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

Mr. John Heissenbittel, CalAm Team, spoke in support of the above recommendations.

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 work for Tree Mortality Mitigation Project #1 completed by Wood-Land Expansion Inc., and

1. Authorize the Chairman to execute an agreement and Release of Claims and;
2. Delegate authority to award future tree mortality mitigation bids to the Purchasing Agent authorizing the Chairman to execute contracts up to \$500,000.00 based upon the General Services Director and County Counsel's review and recommendations and;
3. For future tree mortality mitigation work performed by LTO's authorize the CAO to execute Agreement and Release of Claims.

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

PUBLIC HEARING

Surveying Department-Certificate of Merger for Wallace and Karen Boswell Trust: Discussion and possible action relative to a public hearing to consider a request for a Certificate of Merger for Wallace and Karen Boswell Trust. The property is located in the Lockwood Fire Protection District and lies on the southerly side of Chaparral Drive West, approximately 400 feet easterly of the junction with Shake Ridge Road, in the Amador Pines area of Pioneer, Assessor Parcel No.'s 32-370-003 and 32-370-004.

Mr. Steve Zanetta, Surveyor, addressed the Board and summarized the staff report relative to this matter as incorporated in full in the Board packet for today's date.

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 Axe and unanimously carried to close the public hearing.

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

MOTION #2: It was moved by Supervisor Axe, seconded by Supervisor Oneto and unanimously carried to adopt the following resolution approving the Certificate of Merger for Wallace and Karen Boswell Trust.

RESOLUTION NO. 17-053

Resolution issuing a Certificate of Merger to Wallace F. Boswell and Karen I. Boswell, Trustees under the amendment and restatement of the Karen I. Boswell and Wallace F. Boswell revocable trust agreement dated January 23, 2013, and any amendments thereto.

Planning Department-Town Centre Car Wash Company, Inc.: Discussion and possible action relative to a public hearing to consider the Planning Commission's recommendation to approve a Zone Change and a request for a Variance from County Code §19.24.036(D)(4) by Town Centre Car Wash Company, Inc. The applicant requests a Zone Change from "R1A," Single-family Residential and Agricultural District to "AG," Exclusive Agricultural District, and a Variance from County Code §19.24.036(D)(4) to allow inclusion of a parcel less than 40 acres into a CA Land Conservation Act (Williamson Act) Contract. The subject property is 39.92 acres, located at 20550 Ostrom Road, approximately 0.30 miles north of Fiddletown Road (APN 014-170-035).

Chairman Forster advised this matter will be held over to a future meeting unknown at this time. He invited anyone present that wished to speak to come forward at this time as this was an advertised public hearing. Hearing no comment the following action was taken.

ACTION #1: This matter will be continued to a future date uncertain at this time.

Minutes: Review and possible approval of the April 25, 2017 Board of Supervisors Meeting Minutes.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Morgan seconded by Supervisor Axe and unanimously carried to approve the minutes of April 25, 2017.

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 approximately 12:20 p.m., the Board convened into closed session. The following matters were heard.**

Conference with Real Property Negotiators: Negotiating Parties: Lockwood Fire Protection District, County Negotiators: Charles T. Iley, County Administrative Officer and Jon Hopkins, General Services Director
APN: 023-020-072 Lockwood Fire Protection District Station 1
APN: 021-390-017 Lockwood Fire Protection District Station 2

ACTION: Direction given to staff.

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: Update given.

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

ACTION: Direction given to staff.

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

ACTION: Nothing to report.

Claim of Jamie Pingree

ACTION: Claim denied pursuant to the following motion.

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

Confidential Minutes: Review and approval of the confidential minutes for April 25, 2017.

ACTION: The confidential minutes for April 25, 2017 will be held over for approval on May 23, 2017.

ADJOURNMENT: Until Tuesday, May 23, 2017, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT MINUTES

May 9, 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. **Probation Department:** Approval of a request for a budget transfer of \$3,737.00 from 2350-52700 Services and Supplies–Minor Equipment with \$3,500.00 added to 2350-56200 Fixed Assets–Equipment, and \$237.00 added to 2350-52400 Services and Supplies–Publication and Legal Notices, due to costs incurred to replace the department’s malfunctioning phone system and advertising RFP for vehicles.

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

3. **RESOLUTIONS**

- A. **Building Department:** Approval of a resolution authorizing recordation of an Agreement to Limit Uses of Agricultural Structure for Thomas R. Oller, O-Y Knot LLC, for Building permit AG01048 (APN 015-080-008). **(Resolution #17-048)**
- B. **Surveyor:** Approval of a resolution naming Clute Canyon Road as a private road name in the Lockwood area off Fiddletown Road. **(Resolution #17-049)**
- C. **Surveyor:** Approval of a resolution of intention to vacate a public utility easement for Frederick O. Holley and Maud W. Gleason. **(Resolution #17-050)**
- D. **Treasurer/Tax Collector:** Approval of a resolution declaring unclaimed monies held in the County Treasury to be the property of the County of Amador and transferring said unclaimed amounts to the County General Fund. **(Resolution #17-051)**

4. **AGREEMENTS**

- A. **Agriculture Department:** Approval of an agreement with USDA-APHIS-Wildlife Services for FY 17-18 for maintenance of a wildlife damage management program.
- B. **Agriculture Department:** Approval of a 2017 European Grapevine Moth Trapping Agreement with California Department of Food and Agriculture for expenditures associated with the detection of the European Grapevine Moth.
- C. **Agriculture Department:** Approval of an agreement with the California Department of Food and Agriculture that will reimburse the county for expenditures associated with nursery inspection activities in the County.

- D. **Probation Department:** Approval of an agreement with the County of Del Norte that will provide juvenile detention bed space if space is available for FY 17-18.
- E. **Probation Department:** Approval of a professional services agreement with Motherlode Job Training Agency to provide for the Workforce Assistance Placement Program (WAPP).
- F. **Sheriff's Office:** Approval of United States Forest Service (USFS) agreement to perform patrol and controlled substance investigations/enforcement on USFS properties within Amador County.
- G. **Social Services:** Approval of a second amendment to agreement with Nexus Youth and Family Services for Child Abuse Prevention, Intervention and Treatment Services (CAPIT) for FY 17-18.
- H. **Social Services:** Approval of a second amendment to agreement with Nexus Youth and Family Services for Independent Living Skills Program (ILP) services to foster care adolescents and emancipated youth ages 16-21 for FY 17-18.
- I. **Social Services:** Approval of the Revised Services Contract Agreement with California Department of Social Services (CDSS) for coordination of adoption services and adopt a resolution for same. **(Resolution #17-052)**

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

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

7. **MISCELLANEOUS**

- A. **Human Resources:** Approval of a request to reclassify the current Payroll Specialist I in the Auditor's Office to a Payroll Specialist II.
- B. **Sheriff's Office:** Approval of the 2016 Annual Inmate Welfare Fund Report.


Richard M. Forster, Chairman, Board of Supervisors

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

