

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, June 27, 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 County Counsel - Existing Litigation {Government Code 54956.9(d)(1)}:
Citizens for Smart Development in Amador County; et al v County of Amador, et al; Superior Court of the State of California, County of Amador, Case No. 15CV9374

ACTION: Direction given to staff.

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 requested the following item be added to the agenda for today's date as a Blue Slip. He advised he is seeking approval from the Board to add this matter to the agenda and find that it meets the requirements for a Blue Slip.

Senate Bill 649: Discussion and possible action relative to the Chairman's signature on a letter of opposition regarding the subject legislation as it relates to Small Cell By-Right Permitting & Leasing.

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

MOTION#1: It was moved by Supervisor Axe, seconded by Supervisor Morgan and unanimously carried to find the above matter qualifies to be added to the agenda as a Blue Slip because it was brought to the attention of the Chairman less than 72 hours before this meeting and requires immediate Board action. This matter will be heard as Item #16 on today's agenda.

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

MOTION#2: It was moved by Supervisor Crew, seconded by Supervisor Oneto 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.**

Road Condition Update: Ms. Brenda Walker, District IV resident, addressed the Board and expressed concern relative to when the conditions of Amador County roads will be addressed at a Board Meeting. She indicated she was under the impression the matter would be discussed today, but noticed it was not on the agenda. She stated she lives in the Sierra Vista subdivision upcountry and is very concerned about the conditions of the roads. She requested to be notified via email by Mr. Chuck Iley, County Administrative Officer, as to when she can expect this matter to be addressed. Supervisor Axe advised he will share Ms. Walker's email address with

Mr. Iley and ensure that she will be notified when this matter will be heard. It is expected to be on the agenda for July 25, 2017.

Strategic Planning: The following individuals took this time to commend the Board for holding the Strategic Planning Workshop on April 4, 2017. Comments and suggestions included, but were not limited to, scheduling workshops or public forums to continue exploring and working towards the goals established by the Board, publicly share the conclusions of the Strategic Planning Session and utilize public talents to facilitate action on some of the items suggested. (i.e., Tourism, Fire/Forest Management and Support of Broadband Internet):

- Ms. Lynne Nightengale, speaking on behalf of the Amador County Democratic Central Committee
- Ms. Caryl Callsen, District III resident
- Ms. Rebecca, Brown, District V resident

Amador Commission on Aging: Mr. Skip Schaufel, Amador Commission on Aging Chairman and Ms. Virginia Manner, presented the annual report to the Board at this time.

Plymouth Veterans Park: Supervisor Oneto took this time to advise he attended the re-dedication of the Veterans Park by the Plymouth Foothill Rotary Club. He commended the efforts of the Rotary Club in maintaining this park and encouraged everyone to stop by if they are in the area.

Italian Picnic Parade: Supervisor Oneto took this time to express concern and resentment relative to a response to a comment on a Facebook page by Supervisor Morgan.

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 Morgan and unanimously carried to approve the Consent Agenda as presented.

REGULAR AGENDA

Central Sierra Economic Development District: Discussion and possible action relative to becoming a member of the subject District.

Mr. Larry Cope, outgoing Director of the Central Sierra Economic Development District, addressed the Board and provided a summary of the history of the CSEDD and fielded questions from the Board. Mr. Dave Thoeny, Executive Director for Motherlode Job Training and Motherlode Workforce Development Board also addressed the Board and provided explanation of what role the Motherlode Job Training Agency will play in the CSEDD.

Discussion ensued with the following action being taken.

ACTION: Direction given to pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Morgan and carried to direct staff to prepare appropriate documents and a revised Joint Powers Agreement to reflect Amador County joining the Central Sierra Economic Development District.

Ayes: Supervisors Axe, Morgan, Forster and Crew

Noes: Supervisor Oneto

2017-2018 Recommended Budget: Discussion and possible action relative to adoption of the 2017-18 fiscal year Recommended Budget.

Mr. Chuck Iley, County Administrative Officer, provided a brief summary of the Recommended Budget.

The following action was 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 2017-2018 Recommended Budget as presented.

Partnership Award: Presentation of a Partnership Award to the Amador Fire Safe Council by CalFire representatives.

Mr. Tom Tinsley, Cal Fire, presented the Partnership Award to members of the Amador Fire Safe Council.

ACTION: Presentation only.

Jackson Valley Irrigation District: Update by Mr. Steven Frederick, JVID General Manager, relative to the JVID Treated Water Project, Phase 2.

Mr. Steven Frederick, JVID General Manager, addressed the Board and provided an update relative to the Treated Water Project, Phase 2. Mr. Frederick stated JVID has received approximately 9.6 million dollars from the State Water Board which will allow JVID to install approximately 20 miles of pipeline that will facilitate connection for all residents to receive treated water. He advised JVID will have three years to utilize the grant and he is hopeful construction will begin soon.

ACTION: Presentation only.

Fire Fees: Discussion and possible action relative to Measure M and Community Facility District Fees.

Chairman Forster stated he requested this matter be placed on the agenda per a request by Mr. Ray Brusatori regarding his concern of overlapping collection of fire fees as they relate to Measure M and the Community Facilities Fee.

Mr. Ray Brusatori, District IV resident addressed the Board and explained that in 2006 the Board of Supervisors approved a four lot subdivision for him and one of the conditions was that he join a Community Facilities District. Mr. Brusatori is nearing completion of his subdivision and when looking into the requirements of the CFD as set out in the terms and conditions of his map, he came to realize the new owners of each lot will be faced with a \$650.00 per year fee as opposed to other residents of the County only being charged a 38.00 per year fire fee. Mr. Brusatori continued by stating he feels this is an unfair requirement as anyone that applies for a building permit today is faced with fees such as parks and recreation, school impact fee, traffic fee, etc. that is equal to everyone else in the County, whereas the future owners of his subdivided lots will be faced with a fee that is not being spread across the board. He feels an impact fee should be adopted for fire so that everyone applying for a building permit and building a new home would be charged the same fee. Mr. Brusatori continued by stating if an impact fee was created then he feels the amount of the CFD that some property owners are now paying should be lessened so that it reflects a more balanced distribution and burden on the citizens. He stated he feels the County would by far exceed the revenue it is now receiving by establishing this one time fee. In addition he stated Measure M was passed in 2008 which is used primarily for staffing of fire personnel and he feels that is duplicative of what the CFD was originally established to do.

Chief Dave Bellerive addressed the Board and stated that, although he understands Mr. Brusatori's perspective, his issue is that the impact fee would only be a one-time fee whereas the CFD is an ongoing fee and was established for large subdivisions and lot splits so that sustainable fire safety is ensured the future.

Mr. John Plasse, District I resident, addressed the Board and stated he addressed this issue near end of term as County Supervisor, although at that time his focus was more pertinent to the fee being charged year round when some properties are only accessible to emergency vehicles for a limited number of months each year, he agrees with the perspective of Mr. Brusatori. Mr. Plasse suggested the Board look into the legality of the Community Facilities District.

Lengthy discussion ensued with the following action being taken.

ACTION: Direction given to refer this matter to the Ad Hoc Committee (Supervisors Morgan and Oneto) currently assigned to researching the CFD issue regarding properties that are inaccessible for several months of the year and direct them to look into the equitability of the fee as well as adding an impact fee for all new construction, raising the existing fire fee per parcel as well as relinquishing the CFD concept in its entirety and bring back to the Administrative Committee with their findings and or recommendations for referral to the full Board.

Public Meeting Notification Policies: Discussion and possible action relative to the subject matter.

Mr. Bill May, District II resident, addressed the Board and expressed his concern regarding the notification process for recent Planning Commission Meeting. Mr. May stated that

he had written a letter to the Planning Commission and expressed interest in a particular item that has been ongoing. He attended the meeting on June 13, 2017 as the matter was agendaized for discussion, however when the item was called on the agenda it was announced that it would be held over for two months at the request of the applicant. Mr. May stated he then asked Planning staff why he was not notified in advance that the matter would be held over, as he had clearly made it known that he intended to be present at the meeting. Mr. May also noted that the item was rescheduled for August 8, 2017, but will not be re-noticed, therefore, if he had not attended the meeting he would have never known about the rescheduling. Mr. May stated he would like a policy set in place whereby interested parties will be notified if items are pulled or rescheduled.

Ms. Susan Grijalva, Planning Director, addressed the Board and clarified that it was not the applicant that requested a continuance it was a procedural error that Planning staff only discovered hours before the June 13th meeting. She stated there was just not ample time or available staff to notify everyone personally that may have had an interest in the meeting.

ACTION: Direction given to staff to place this matter on a future Administrative Committee Agenda, date undecided at this time.

2017-2018 Grand Jury Final Report: Discussion and possible action relative to presentation of the 2017-2018 Grand Jury Final Report by Ms. Bobbi Laughton, Grand Jury Foreperson.

Mr. Jim Shock addressed the Board and stated he is speaking on behalf of Ms. Bobbie Laughton, Grand Jury Foreperson and advised copies of the report have been delivered to required recipients.

Chairman Forster asked for public comment at this time. The following individuals wished to speak.

- Mr. Jim Foley, Health and Human Services Director
- Ms. Rachel Miller, Counsel representing Nexus
- Ms. Kathleen Harmon, Amador Community Foundation

Supervisor Oneto stated an email was received from Ms. Cathy Vanderford who was unable to attend the meeting today. He read the email into the record for today's date and it is included in the Board packet for today's date as though set forth in full.

ACTION: Direction given to staff to prepare a draft response and submit to the Administrative Committee for review within the required timeline.

County Service Area 3: Discussion and possible action regarding disposition of CSA #3 cash accounts.

Mr. Greg Gillott, County Counsel summarized a memorandum relative to this matter

which is hereby incorporated into these minutes as though set forth in full. He stated CSA 3 was initially formed on March 31, 1970 as a dependent special district of the County. It was established in connection with approval of development projects in the Lake Camanche area. At some point after establishment, the County accepted and operated water and wastewater systems within the CSA. In 1996, the County issued Improvement Bonds in order to finance certain infrastructure improvements within the CSA, and the properties within the CSA were assessed annually to repay those bonds. Mr. Gillott stated recently AWA staff has inquired of the Auditor's Office as to the disposition of certain cash accounts associated with CSA 3 based on their assumption that the funds would be transferred to AWA on the premise that the funds should go toward supporting the water/wastewater system now controlled and operated by AWA. As of May 2017, account 101488 contained approximately \$431,134 and account 101489 contained approximately \$202,594.

Discussion ensued with the following action being taken.

Mr. Joe Lowe, former Auditor/Controller, addressed the Board and stated it is his recollection that the funds from account 101488 should be returned to the Amador Water Agency to be used to support the water/wastewater system now controlled and operated by AWA in CSA3 and the funds from account 101489 should be returned to the Water Supply Fund.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Morgan and unanimously carried to refund funds from account 101488 to the Amador Water Agency to be used to support the water/wastewater system now controlled and operated by AWA in CSA 3 (approximate balance as of May was 431,134), and refund the remaining funds in account 101489 (approximate balance as of May was 202,594) to the Water Supply Fund, and direct County Counsel to draft an amended agreement with AWA and bring back to the Board for approval at a future meeting.

2017 Refuse Rate Adjustments-ACES Waste Services, Inc.: Discussion and possible action relative to setting a public hearing for August 22, 2017 and authorizing staff to mail the Proposition 218 notices to all affected customers; and appoint an ad hoc committee to consider prioritization of Buena Vista Transfer Station facility improvements; and consideration of the list of special fees submitted by ACES.

Mr. Jim McHargue, APCO/Director of Solid Waste, 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. He stated on June 8, 2017, the Amador County Board of Supervisor's Public Works Committee met to consider the 2017 refuse rate adjustment request submitted by ACES Waste Service, Inc. The Committee recommended the county-recommended adjustments to the full Board of Supervisors. In addition, the Committee recommends the Board appoint an ad hoc committee to discuss Buena Vista Transfer Station facility improvements and consider a list of special fees requested by ACES in a letter submitted on June 8, 2017. The county-recommended refuse rate adjustments to be effective September 1, 2017 are:

Franchise Area 1-1.90%
Franchise Area 2-0.85%
Franchise Area 3 3.56%
Pine Grove Transfer Station 3.55%
Buena Vista Transfer Station 4.24%

He stated because the Franchise Area 2 rate adjustment is less than 1%, ACES has agreed to hold over the adjustment to next year, 2018, therefore, Franchise Area 2 will not have a rate adjustment.

Discussion ensued with the following action being taken.

ACTION: **Direction given pursuant to the following motion.**

MOTION: **It was moved by Supervisor Axe, seconded by Supervisor Oneto and unanimously carried to set the public hearing relative to this matter for August 22, 2017 and authorize staff to mail the Proposition 218 notices to all affected customers; and appoint Supervisors Crew and Oneto to serve on an ad hoc committee to consider prioritization of Buena Vista Transfer Station facility improvements, and consideration of the list of special fees outlined in the June 8, 2017 letter submitted by ACES.**

Minutes: Review and possible approval of the June 13, 2017 Board of Supervisors Meeting Minutes.

ACTION: **Direction given pursuant to the following motion.**

MOTION: **It was moved by Supervisor Oneto, seconded by Supervisor Crew and unanimously carried to approve the June 13, 2017 Board of Supervisors Meeting Minutes with minor corrections.**

Senate Bill 649: *BLUE SLIP*: Discussion and possible action relative to approval of the Chairman's signature on a letter of opposition regarding Senate Bill 649 as it relates to Small Cell By-Right Permitting and Leasing.

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 an opposition letter regarding Senate Bill 649.**

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 12:50 a.m., the Board convened into 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: Update given.

Conference with Real Property Negotiators: APN 0021-300-045-000 (Terms & Conditions) Negotiating Parties: Richard Illgen; 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.

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 June 13, 2017.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Morgan, seconded by Supervisor Axe and unanimously carried to approve the confidential minutes for June 13, 2017 with a minor correction.

ADJOURNMENT: Until Tuesday, July 11, 2017, at 8:30 a.m.

**AMADOR COUNTY
BOARD OF SUPERVISORS**

CONSENT MINUTES

June 27, 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:** Approval of a request for a budget increase of \$694,344.41 to CCP Distribution Budget Revenue line #2390-4516720 and increase CCP Distribution Expenditures - #2390-4516720 by same amount.
- B. **Probation:** Approval of a budget transfer of \$7,300.00 from Budget line #2350-52700 Minor Equipment to Budget line #2350-56200 Fixed Assets-Equipment to allow for the purchase of gear lockers and combination locks.

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 #17-067)**
- B. **Public Works:** Approval of a resolution to approve the 2016/2017 Regional Surface Transportation Program (RSTP) State Match and Exchange Funds agreement and authorize the Chairman to sign said agreement. **(Resolution #17-068)**
- C. **Sheriff's Office:** Approval of a resolution honoring Sergeant Jeff Milbourne upon his retirement after 26 years of service to the County. **(Resolution #17-069)**
- D. **Surveyor:** Approval of a resolution issuing Certificates of Compliance to Darlene M. Bingham, Trustee of the Darlene M. Bingham Trust dated December 10, 1999. **(Resolution #17-070)**

4. **AGREEMENTS**

- A. **Assessor's Office:** Approval of an agreement with Norman Dowler LLP as special counsel for the Leask/Howard/Unimin properties for the FY 2017-18.

- B. **Assessor's Office:** Approval of an agreement with Harold W. Bertholf Inc. for mineral appraisals for Leask Howard assessment appeals for FY 2017-18.
- C. **Behavioral Health:** Approval of the first amendment to agreement Willow Glen Care Center to provide mental health residential treatment services to mentally disabled adults and mentally disabled elderly clients of Amador County for the FY 2017-18.
- D. **Public Health:** Approval of an agreement with the CA Department of Public Health for implementing the Naloxone Distribution Grant with a resolution authorizing the Director of Health and Human Services to execute said grant. **(Resolution #17-071)**
- E. **Public Health:** Approval of an agreement with the CA Department of Public Health for the Emergency Preparedness Program with a resolution authorizing Chairman to sign said agreement. **(Resolution #17-072)**
- F. **Sheriff's Office:** Approval of an agreement with the Calaveras County Sheriff's Office Allowing the housing of Amador County inmates in Calaveras County when deemed necessary by the Sheriff of Amador County, funded by AB118 revenue.
- G. **Sheriff's Office:** Approval of an amendment to the agreement with the County of Los Angeles that allows the Los Angeles County Sheriff's Transportation Unit to transport Amador County inmates statewide. This amendment modifies the existing billing rate.

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

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

7. **MISCELLANEOUS**

- A. **Human Resources:** Approval of the revision of the Senior Administrative Analyst Job Specification.
- B. **Public Works:** Approval of the Shenandoah Road / Fiddletown Road Intersection Improvement Project plans and specifications and authorize advertisement of the project to receive bids on August 3, 2017.


Richard M. Forster, Chairman, Board of Supervisors

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

