

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

**DATE:** Tuesday, September 26, 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 Real Property Negotiators:** APN 044 540-010; (Terms & Conditions) Negotiating Parties: Mr. Mark Cunningham; 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: 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 August 22, 2017

**ACTION: Approved pursuant to the following motion.**

**MOTION: It was moved by Supervisor Axe, seconded by Supervisor Oneto and unanimously carried to approve the confidential minutes from August 22, 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#1: Direction given pursuant to the following motion.**

**MOTION#1: It was moved by Supervisor Axe, 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.****

**Amador County Historical Society Museum Annual Report:** Ms. Judy Jebian, Amador Historical Society, addressed the Board and provided a summary of the Amador County Historical Society Museum-Annual Report for fiscal year 2016-2017. It should be noted a complete copy of the report is hereby incorporated into these minutes as though set forth in full.

**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 amended.

### **REGULAR AGENDA**

**Speed Study Requests:** Discussion and possible action relative to:

1. Authorize funding transfers for preparation of speed studies.
2. Review the priority list and accept or recommend changes.
3. Direct staff to solicit proposals and contract for the preparation of speed studies for the priority roads.

Supervisor Crew addressed the Board and reviewed a memorandum relative to this item which is hereby incorporated into these minutes as though set forth in full. In summary he stated Amador County does not have enforceable speed limits on local roads because Speed Studies need to be performed and new speed limits adopted by County Ordinance. He continued to state Commander Brown and Sargent Whitehead of the Jackson CHP office have stated that they will enforce speed limits which are supported by speed studies. He stated staff has communicated with the CHP and a list of priority roads for updated speed studies was generated to include the following roads:

- Buckhorn Ridge Road
- Camanche Rd. (Near entrance to lake)
- Curran Road
- Clinton Road
- Fiddletown Road (Through town)
- Climax Road
- Upper Ridge Rod from R88 to Dapple
- Willow Creek Road, north of 124
- Shenandoah Road
- New York Ranch Road, Ridge Road to the Casino

Ms. Nettie Fox, District IV, addressed the Board and expressed concern relative to the subject topic and stated she has observed not only excessive speed on Ridge Road but trucks over the weight limit and illegal passing on double yellow lines as well as emergency vehicles

speeding on ridge road when they are in a non-call status. She is concerned about children walking to bus stops and residents walking in the area. She encouraged the Board to approve implementation of a Speed Study but also take whatever action possible to remediate the other issues she mentioned.

Ms. Annalicia Spannaus, District IV resident, addressed the Board and expressed concern relative to excessive speed on Ridge Road as well as diesel trucks on Ridge Road that are driving at least 55 miles per hour. She encouraged the Board to approve the implementation of a Speed Study in the area.

Discussion ensued with the following action being taken.

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

**MOTION: It was moved by Supervisor Oneto seconded by Supervisor Morgan and unanimously carried to authorize funding transfers for preparation of a speed study with the \$15,000.00 being taken out of contingencies rather than out of the crew quarters improvement budget, authorize priority road list with the exception of placing Shakeridge Road before New York Ranch/Ridge Road, and direct staff to solicit proposals and contract for the preparation of speed studies for the priority roads.**

**Board of Supervisors:** Resolution proclaiming the month of October 2017 as Breast Cancer Awareness Month.

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

**MOTION: It was moved by Supervisor Crew, seconded by Supervisor Axe and unanimously carried to adopt and present the following Resolution proclaiming the month of October 2017 as Breast Cancer Awareness Month. The Resolution was then presented to Kelly MacMillan, Executive Director, for Susan G. Komen for Northern and Central California.**

#### **RESOLUTION NO. 17-114**

Resolution Proclaiming the Month of October 2017 as Breast Cancer Awareness Month

**Senate Bill 649:** Discussion and possible action relative to approval of the Chairman's signature on a letter requesting the Governor's veto of the subject Legislation as it relates to wireless telecommunications facilities.

**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 Chairman's signature on a letter urging the Governor's veto of the subject Legislation as it relates to wireless telecommunications facilities; and authorizes the Chairman's signature in this legislative session only.**

**Planning Department:** Discussion and possible action of the Planning Commission's recommendation regarding the 2003 Kirkwood Specific Plan Mitigation Monitoring 10-Year Review, and find that supplemental CEQA review is not necessary.

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

The following individuals wished to speak relative to this matter.

Mr. Nate Whaley, Kirkwood Mountain Development  
Mr. Andrew Strain, Kirkwood Mountain Resort-(Vail Resorts)  
Ms. Rebecca Harms, Kirkwood Meadows Association

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 Morgan and unanimously carried to accept the 2003 Kirkwood Specific Plan Mitigation Compliance 10-Year Review, implement the following Planning Commission's recommendations by September 30, 2018, and find that supplemental documentation pursuant to the California Environmental Quality Act is not necessary.

**Street Sweeping** – Condition of Approval #50 requires street sweeping be performed twice annually. There has been considerable debate as to which streets are covered under COA#50, and who bears financial responsibility. The Mitigation Monitoring and Reporting Program assigns responsibility to Kirkwood Mountain Resort and the various homeowners and condominium associations. As for which streets are required to be swept, it is staff's opinion that the lack of specificity in the MMRP implies that no streets are to be excluded from biannual sweeping. *The Planning Commission recommends that the Board of Supervisors direct Planning Department staff and County Counsel to make a determination on the party or parties responsible for implementing the street sweeping condition.*

**Traffic Study Compliance** – The Mitigation Monitoring and Reporting Program requires KMR to submit traffic counts and Level of Service modeling for peak visitation periods every three years. The last report was submitted in 2010. In 2013, at the request of Kirkwood Mountain Resort, the Tri-County Technical Advisory Committee opted to delay the traffic analysis report to 2014 due to the slowdown in Kirkwood land development. However, sale of the resort to Vail Resorts, Inc., who operates other ski facilities regionally and internationally, may have the impact of increasing visitors to Kirkwood through the use of "multi-resort" ski passes. *The Planning Commission recommends that the traffic analysis reports be submitted for the 2017-2018 ski season, and every three years thereafter as required by the Mitigation Monitoring and Reporting Program.*

**Employee Housing** – The 2003 Specific Plan’s Employee Housing Ordinance requires Kirkwood Mountain Resort to provide employee housing for at least 30 percent of the average peak-season full-time employees. The ordinance requires new residential and commercial projects to provide additional employee housing units based on the number of new bedrooms, housing units, or square feet of commercial space constructed. There have been a variety of employee housing types created including resort-owned dormitories, deed-restricted units in multi-family/condominium projects, employee-owned housing, and the purchase of “credits” for available units in resort-owned employee apartment buildings.

The general consensus in Kirkwood is that the current method of creating and allocating employee housing is flawed; however, there has not been an agreement among the parties involved (KMR, KMD, KMPUD, and housing developers) as to the appropriate funding or allocation mechanisms. ***The Planning Commission recommends that the Board of Supervisors direct the project proponent to update the Employee Housing Ordinance to reflect current needs.***

**Grazing Management Plan** – The Mitigation Monitoring and Reporting Plan required the implementation of a grazing management plan for the 120-acre Kirkwood Meadow to protect the meadow from overgrazing and to minimize impacts to the riparian habitat along Kirkwood Creek which flows through the meadow. Draft grazing management plans have been prepared in the past but have not been adopted. ***The Planning Commission recommends that the Board of Supervisors direct Kirkwood Mountain Resort to update and revise a draft grazing management plan that would include options of no grazing and grazing by a specific number of horses.***

**Noxious Weeds Management Plan** - The Mitigation Monitoring and Reporting Plan requires project proponents to implement a noxious weeds control plan to minimize the impacts from noxious weed species through the use of native seed, weed-free hay, and construction practices such as the cleaning of residual soil off of construction equipment transported from other areas prior to use at Kirkwood. To date, a formal plan has not been adopted. ***The Planning Commission recommends that the Board of Supervisors direct Kirkwood Mountain Resort to implement a Noxious Weeds Management Plan within one year of acceptance of the 10-Year Review.***

**Future Mitigation Compliance Reviews** – Development in Kirkwood has proceeded at a slower than projected pace. When the requirement for the 10-Year Review was established, it was anticipated that Kirkwood would be closer to the build-out limits prescribed by the 2003 Specific Plan. Several public comments were received requesting that subsequent mitigation compliance reviews be prepared every five to ten years.

**Board of Supervisors:** Discussion and possible action regarding appointment of a new designee to review less than 3 acre conversion exemptions for Cal Fire.

Discussion ensued with the following action being taken.

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

**MOTION:** It was moved by Supervisor Oneto, seconded by Supervisor Morgan and unanimously carried to amend current resolution language to designate the Planning Director or his/her designee to review less than three acre conversion exemptions for Cal Fire.

**Minutes:** Review and possible approval of the September 12, 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 Axe and unanimously carried to approve the September 12, 2017 Board of Supervisors Meeting Minutes with corrections.

**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 11:30 a.m., the Board convened into closed session. The following matter was heard.**

**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.

**REGULAR SESSION:** At 1:30 p.m., the Board convened into regular session. Chairman Forster reported the above issue was reviewed in closed session.

**\*\*1:30 P.M.\*\***

**PUBLIC HEARING**

**Community Development Block Grant (CDBG):** Discussion and possible action relative to a Public Hearing for the purpose of soliciting citizens' views to set priorities for the potential submission of a Community Development Block Grant (CDBG) application to the State Department of Housing and Community Development (HCD).

Ms. Terry Cox, Cox Consulting, summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full.

Chairman Forster opened the public hearing at this time.

Lengthy discussion ensued with the following individuals wishing to address the Board.

Mr. Rich Farrington, Amador Water Agency District III Director, addressed the Board and stated the Amador Water Agency voted unanimously to propose a Community Development Block Grant application be submitted to the State for the Pioneer Water Rehabilitation Project Phases two (2) and three (3).

Mr. Gene Mancebo, Amador Water Agency General Manager, also spoke in favor of the above described project for Amador Water Agency.

Mr. Rick Schultz, Pine Grove Community Services District, requested consideration of a CDBG grant application to install a system to supply raw water to irrigate the cemetery and the Park in Pine Grove, and installation of additional master metering to facilitate the identification of water losses by specific areas.

Ms. Candi Bingham, General Manager, River Pines Public Utilities District, requested consideration of a CDBG grant application for to facilitate circle tank replacement and associated costs as well as some meter relocations.

Mr. Richard Lockwood, Vice-Chair Up-Country Community Council and District III resident, spoke in favor of Amador Water Agency's requested Project for Pioneer Water Rehabilitation Project Phases 2 & 3.

It was determined that the Pine Grove Community Service District proposal will be put off for further discussion and consideration at a future meeting possibly offering a low interest loan from the Water Supply Fund.

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

**MOTION #1: It was moved by Supervisor Morgan, seconded by Supervisor Crew and unanimously carried to close the public hearing.**

**ACTION #2: Direction given to staff to review the River Pines Water Project and the Pioneer Water Project proposals in more detail and to make a recommendation based on which project would be more competitive for the Community Development Block Grant.**

**ADJOURNMENT: Until Tuesday, October 10, 2017, at 8:30 a.m.**



## SEPTEMBER 26, 2017-CONSENT MINUTES

**6.a. Probation:** Approval for Budget Increase of Revenue Account #460099 - Budget #2350 in the amount of \$231,168.00 and increase the expenditure lines #56200-Budget #2350 and #5416790-Budget #2390 in the same amount of \$231,168.00.

**6.b. Administration:** Adoption of Final County Budgets for Fiscal Year 2017-2018 in accordance with Section 29088 of the Government Code: General Governmental Funds, Internal Service Funds, Enterprise Funds and County Owned Special Districts.

**Resolution #17-105** (Governmental Funds)

**Resolution #17-106** (Other Funds)

**6.c. General Services Administration - Airport:** Grant Application for Matching Funds from the California Department of Transportation Division of Aeronautics, FAA Project: Prepare Wildlife Hazard Assessment and authorize GSA Director to be signatory.

**Resolution #17-107**

**6.d. General Services Administration - Airport:** Grant Application for Matching Funds from the California Department of Transportation Division of Aeronautics, FAA Project: Update Airport Layout Plan (ALP) Narrative Report Study, Update ALP drawing set, and Aeronautical Survey; authorize GSA Director to be signatory.

**Resolution #17-108**

**6.e. Auditor:** Resolution Establishing the 2017-18 Fiscal Year Appropriations Limit

**Resolution #17-109**

**6.f. Board of Supervisors:** 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 #17-110**

**6.g. Building Department:** Limited Density Owner-Built Rural Dwelling/LD01013 Adopt the Resolution and authorize the Chairman to sign the "Agreement".

**Resolution #17-111**

**6.h. District Attorney:** Revised Resolution Auto Insurance Fraud Grant Program. The original Resolution No. 17-073 did not include liability language required by the Department of Insurance for the District Attorneys Auto Fraud Grant program.

**Resolution #17-112**

**6.i. District Attorney:** Revised Resolution Workers Compensation Fraud Grant Program. The original Resolution No. 17-074 did not include liability language required by the Department of Insurance for the District Attorneys Workers Compensation Fraud Grant program.

**Resolution #17-113**

**6.j. General Services Administration - Airport:** Assignment and Assumption for Hangar Lot #204: 1) Approve the Assignment and Assumption of Lease between the County and Christopher and Jenny Fuller and; 2) upon receipt of executed documents by Mr. and Mrs. Fuller authorize chairman to execute the assignment.


**6.k. Human Resources:** Public Conservator/Guardian/Administrator Classification & Salary Changes: Revision of current Public Conservator/Guardian/Administrator title and job description to Public Conservator/Guardian/Administrator I pay range 1767 - \$22.25-\$27.05 and establish a new classification of Deputy Public Conservator/Guardian/Administrator II pay range 2101 - \$25.59-\$31.10.

**6.l. Probation Department:** Dispense with the formal bidding process & purchase in-vehicle radios for the Probation Department and program and install 12 in-vehicle radios for the Probation Department, not to exceed the quoted amount of \$27,952.82 to Ten Four Communications utilizing the NASPO contract.

**6.m. General Services Administration:** RFP 17-15 Contract Services for Outreach and Engagement - Notice of Rejection: Reject all proposals submitted for RFP 17-15 for Outreach and Engagement and authorize the Purchasing Agent to re-issue RFP's for Outreach and Engagement services.

  
Richard M. Forster, Chairman, Board of Supervisors

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



**Staff Contacts: Chuck Iley, County Administrative Officer  
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