

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, May 8, 2018
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:

Lynn A. Morgan, District III- Chairperson
Brian Oneto, District V-Vice-Chairman
Richard M. Forster, District II
Patrick Crew, District I
Frank U. Axe, District IV

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.

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.**

Buena Vista Casino Issues: Mr. Bill May, District II resident, took this time prior the Board convening into Closed Session to address concerns specifically, but not limited to legal costs incurred to date associated with the Buena Vista Casino.

REGULAR SESSION: At 9:00 a.m., the Board convened into regular session. Chairperson Morgan reported the following issues were reviewed in closed session:

Conference with Real Property Negotiators: APN 005-020-015-000; Negotiating Parties-Mr. Brock Brown, President (Gold Country Flyers)-Under Negotiation: Proposal to widen runway.

ACTION: Direction given to staff.

Conference with Real Property Negotiators: APN 011-050-026; DD14793-01 (.75+ acres) Negotiating Parties-Mr. Gary Hartwick-Under Negotiation: Terms and Conditions to consider selling.

ACTION: Direction given to staff.

Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6. County Negotiators: Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, Judy Dias, Human Resource Director, Darrell P. Murray, IEDA. Employee Organizations: All Units

ACTION: Update given.

PLEDGE OF ALLEGIANCE: Chairperson Morgan led the Board and the public in the *Pledge of Allegiance*.

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**.

Historic Preston Castle Foundation: Dr. Oral Custer, District II resident, addressed the Board and expressed his gratitude to Supervisor Axe and Crew and the members of the Homeless Task Force for entertaining the proposal to set up a meeting with the new Business Manager for the California Department of Corrections to propose a plan to renew and improve the property below Preston Castle for low cost housing needs. Dr. Custer also made mention of the dead trees along Palm Drive and distributed a proposal for tree removal that may be more cost effective than the proposal submitted by CDC. Supervisor Forster pointed out that CDC has already budgeted for the tree removal and has a plan in place to facilitate the job in the near future and has indicated they will donate some of the wood to the Historic Sawmill group for use at the Amador County Fair.

Buena Vista Casino: Mr. Bill May, District II resident, addressed the Board and stated on April 10, 2018 construction began at the Buena Vista Casino site. He pointed out that Exhibit G in the Intergovernmental Services Agreement (ISA) states the Tribe will initially fund two California Highway Patrol Officers and a vehicle and subsequently an additional two Officers and vehicle. Mr. May stated to date this obligation has not been met. He questioned when the County will enforce the ISA and ensure the Tribe complies with the Agreement. Mr. Greg Gillott, County Counsel responded by stating the Board will be in discussion on this issue later today in Closed Session and he will get back to Mr. May when and if he is directed by the Board any reportable information is available.

Homeless Resource Faire: Mr. Ty Pulskamp, District I resident, addressed the Board at this time and expressed gratitude to the Board for their help and support of the Homeless Resource Faire held this past weekend at Detert Park in Jackson. Mr. Pulskamp stated he appreciated the assistance in not only getting the word out, but providing information regarding resources available in the County that could be shared during the event. Mr. Pulskamp stated in his opinion the Faire was wildly successful and estimated at least 35 individuals checked in on the first day of the event and although final official numbers are not in yet, he estimates at least equal number checked in on day two. He also stated the support of Jackson Police Department and participation of Victory Village was a tremendous asset. He also requested the Board move forward with a conversation that has been had at the Homeless Task Force level to explore the possibility of a “safe sleeping space” where folks can stay overnight without facing law enforcement recourse.

Code Enforcement/Building Department Issue: Ms. Sherry Munoz, District V resident, addressed the Board and advised she lives on Oak Avenue in River Pines and is very frustrated with a situation that has developed after her neighbor’s home was lost to a fire last year. She stated the house was abandoned after the fire and has resulted in a lot of unsightly and unsafe debris and code enforcement violations. She mentioned she has been in contact with various County Departments and individuals regarding this situation but to date the situation has not been remedied. She stated she has been advised by Code Enforcement that they cannot move forward with any kind of clean up until they get direction from the Building Department. She requested something be done about this situation as soon as possible. Mr. Chuck Iley, County Administrative Officer, stated he is aware of the situation and is moving forward with staff to try and abate the problem.

Elections Department: Ms. Kim Grady, Clerk Recorder/Registrar of Voters and Ms. Greta McElroy, Chief Deputy Clerk, addressed the Board and advised an issue was recently brought to their attention regarding a misprint of Sample Ballot Booklets wherein a small number of District V voters received Sample Ballots containing District III information. Ms. Grady explained the issue resulted due to a mail database error and has been corrected and a notice has been sent out that informs voters what has occurred and contains the appropriate information.

Veteran’s Services Outreach Pilot Program: Supervisor Forster stated when this proposed project was brought before the Board for approval he had asked for a progress report mid-way through the three month period, however the Board chose to wait until the Project concluded to hear a report. Supervisor Forster stated he has been informed by Mr. Terry Sanders, Veterans’ Service Officer that he has only received six visits by Veteran’s in two days and has only processed one claim as opposed to at least 10-12 visits and 15-20 phone calls when he is in the main Veteran’s Services Office in Martell. Supervisor Forster stated he would like this matter to be brought back to the Board at the next meeting on May 22, 2018 for an update and review. He feels the Board needs to take a serious look at the effectiveness of this program and whether or not it should continue. Supervisor Axe and Morgan pointed out that sometimes Pilot Projects take time to get established and encouraged the Board to let the project continue for the three month time period. Supervisors Crew, Oneto and Forster requested this matter be brought back, Chairperson Morgan agreed to put it on the next agenda.

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 Crew, seconded by Supervisor Axe and unanimously carried to approve the agenda as presented.

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)

Supervisor Oneto recused himself from the following item to avoid any perceived conflict of interest issues.

Environmental Health Item 7h: An amended agreement with Luhdorff and Scalanini Consulting Engineers, Inc. for ongoing consulting services relative to the Buena Vista Casino Project.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Crew, seconded by Supervisor Axe and unanimously carried to approve Item 7h as outlined above.

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

Supervisor Oneto returned to the Board Chambers at this time. The following action was taken.

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

MOTION #2: It was moved by Supervisor Crew, seconded by Supervisor Forster and unanimously carried to approve the remainder of the Consent Agenda as presented.

REGULAR AGENDA

Administrative Agency: Discussion and possible action relative to adoption and presentation of a Resolution honoring Wyman and Karen Dickerson for their tireless commitment and dedication to the Amador Community College Foundation.

ACTION: Chairperson advised this matter will be brought back at a future meeting as there was not ample time to gather information to develop the resolution prior to this meeting.

2018 Engineering and Traffic Survey Study: Discussion and possible action relative to speed limits on segments of County roads.

Mr. Jered Reinking, Public Works Director, addressed the Board and summarized the staff report which is hereby incorporated into these minutes as though set forth in full. In summary, he stated in December 2017, the County hired Wildan Engineering to perform an Engineering and Traffic Survey on the ten (10) following roads:

- Buckhorn Ridge Road
- Camanche Road (Lake Entrance to Camanche Parkway)
- Curran Road
- Clinton Road
- Fiddletown Road (Vineyard Lane to ¼ mile east of Tyler Road)
- Climax Road
- Ridge Road (SR88 to Dapple)
- Willow Creek Road (SR124 to SR16)
- Shenandoah Road (Fiddletown Road to Pine Trail)
- Shakeridge Road (Hale Road to Dew Drop Drive)

Mr. Reinking stated the objective of the Study was to determine the appropriate speed limits for certain segments of these roads. A draft Engineering and Traffic Survey Study has been prepared by the Consultant with recommendations of enforceable speed limits for these road segments. He stated the Board may review the findings and recommendation contained in the report and decide whether to direct staff to prepare ordinance updates for adoption of speed limits on certain roads.

Mr. Gordon Lum, Wildan Engineering, addressed the Board and provided a brief summary of the 2018 Engineering and Traffic Study and fielded questions from the Board.

Chairperson Morgan opened this matter for public comment at this time and the following individuals wished to speak:

- Ms. Cathy Wade, District II resident (Camanche Road)
- Mr. Richard Lockwood, District II resident (Retired law enforcement officer)

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 Axe and carried to:

1. **Find Draft Engineering and Traffic Survey Study complete and direct staff to finalize the Engineering and Traffic Survey Study (including amendment made today to Camanche Parkway, reducing speed to 35mph; and**
2. **Direct staff to prepare an ordinance update for speed limits on certain road segments contained in the Engineering and Traffic Survey Study for future adoption by the Board of Supervisors.**

Ayes: Supervisors Oneto, Axe, Morgan and Crew

Noes: Supervisor Forster

Absent: None

Central Sierra Economic Development District: Discussion and possible action relative to ratification of the CSEDD Joint Powers agreement and its amendment to include Amador County as a member; and a brief overview of Mother Lode Job Training and the Workforce Development services provided to local businesses.

Mr. Dave Thoeny, Executive Director, 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, on February 5, 2014, Amador County withdrew from the Central Sierra Economic Development District (CSEDD). Under the Joint Powers Agreement at that time, the five incorporated cities of Amador County were automatically removed from CSEDD upon the departure of the County. CSEDD's board is comprised of both public and private sector members. An elected official from each county's Board of Supervisors and an alternate are appointed for a one-year term and one City Council member and an alternate are appointed from Sonora and Angels Camp. Each county Board of Supervisors also appoints a public member and an alternate. He continued by stating Amador County officials have approached the CSEDD and expressed interest in rejoining the CSEDD. On September 21, 2017 the CSEDD board discussed and voted unanimously to endorse Amador County's membership request. The current fees for Amador County to rejoin the CSEDD, based on the 35, 056 population figure discussed at the September 21, 2017, board meeting is \$5,819.30.

Mr. Larry Cope, former CSEDD Executive Director, also addressed the Board to provide some history relative to this matter and answer any questions the Board may have.

Chairperson Morgan opened this matter up to public comment at this time. The following individual wished to speak:

- Ms. Sherry Curtis, District III resident

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 Crew and unanimously carried to ratify Joint Powers agreement with CSEDD and its amendment to include Amador County as a member. (Mr. Thoeny will return to a future meeting to provide a brief overview of Mother Lode Job Training and the Workforce Development services provided to local businesses).

Sanctuary State Legislation: Discussion relative to the California state legislature's declaration of California being a "sanctuary state".

Mr. Greg Gillott, County Counsel, introduced this item and summarized a staff report which is hereby incorporated into these minutes as though set forth in full. Mr. Gillott stated in April 2017, the Board considered the proposed legislation in Senate Bill 54 (SB54) (often also referred to as the "Sanctuary State" bill). As part of those discussions the Undersheriff indicated that under the proposed language, the ability of the Sheriff's Office to communicate and cooperate

with U.S. Immigration and Customs Enforcement (ICE) would be significantly limited, even beyond already existing limitations in state law. It was also brought up during those meetings that the Trump Administration might view SB 54 as being in direct conflict with federal law and/or could seek to tie certain federal grant funds to specific cooperation with ICE that could not occur under the State legislation being proposed. At the conclusion of the meeting on April 25, 2017, the Board voted unanimously in strong opposition of SB 54. Ultimately, the legislation was passed by the Legislature and signed by the Governor on October 5, 2017 and went into effect in January 2018. Mr. Gillott continued by stating several parties have filed amici curiae briefs in support of the request for preliminary injunction, including cities within California, other states, interest groups, associations, and individuals. Mr. Gillott stated his research has indicated that no California counties have participated in the case. The time to file amicus curiae briefs in support of Plaintiff's Motion for Preliminary Injunction expired on April 6, 2018. Amici curiae briefs in support of Defendant's Opposition to the Preliminary Injunction are due on or before May 18, 2018. Given the political nature of this litigation, it is highly likely that any decision by the District Court will be appealed to the Ninth Circuit and perhaps to the U.S. Supreme Court. There will be additional opportunities for amici support at those levels.

Lengthy discussion ensued. Chairperson Morgan opened this item up to public comment at this time. The following individuals wished to speak:

- Mr. Jon Campbell, District IV resident
- Mr. Jim Green, District III resident
- Mr. Austin Ford, District V
- Ms. Sherry Curtis, District III resident, spoke individually and on behalf of Mr. Wendell Peart
- Mr. Mark Bennett, District V resident
- Mr. Richard Lockwood, District III resident
- Mr. Dave Pickett, District III resident
- Ms. Judy Nigerian, District III resident, spoke individually and on behalf of Mr. Jeff Brown
- Mr. Earl Curtis, District III resident
- Mr. Terry Nielsen, District IV resident
- Ms. Fauna Kness, District III resident
- Mr. Lois MacDonald, District I resident
- Mr. Jeff Sommers, District V resident
- Ms. Wilma Garcia, District I resident

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

MOTION: **It was moved by Supervisor Forster, seconded by Supervisor Crew and unanimously carried to restate the opposition the Board took in April 2017 to Senate Bill 54 and to file an amicus brief when the time is right and when it comes under appeal, in support of the United States Attorney General and the lawsuit against California.**

Ayes: **Supervisors Forster, Crew, Oneto and Morgan**

Noes: **None**

Abstain: **Supervisor Axe**

Amador Council of Tourism: Presentation by Ms. Maureen Funk, Executive Director of the Amador Council of Tourism regarding accomplishments of ACT over the past year and discussion of future funding.

Ms. Maureen Funk, ACT Executive Director, summarized this matter for the Board.

Discussion ensued with the following action being taken.

ACTION: Direction given to include the Amador Council of Tourism in the budget discussions at the Budget Workshop on March 15, 2018.

Amador County Chamber of Commerce: Discussion and possible action relative to a funding request in the amount of \$32,500.00 to continue to develop programs and partnerships to support the mission of the Chamber.

Ms. Jamie Armstrong, Chamber of Commerce, summarized this matter for the Board.

ACTION: Direction given to include this request in the Budget Workshop on March 15, 2018.

Jackson Valley Irrigation District (JVID): Discussion and possible action relative to a request from JVID for:

1. A temporary increase on the existing Water Development Fund bridge loan from \$500,000 to \$1.5 million; and
2. An extension of the effective date of the JVID Bridge Loan from December 31, 2018 to December 31, 2020 to allow JVID the ability to draw from this loan during the new projected construction timeline of the JVID Treated Water Project Phase 2.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to approve the request from JVID as outlined above, direct staff to prepare the amended agreement and authorize the Chairperson to execute the contract on behalf of the Board.

Human Resources: Discussion and possible action relative to approval of amendments to Sections 2.68.020, 2.68.025 and 2.68.030 of Chapter 2.68 of the Amador County Code as it relates to salaries and benefits of the Amador County Elected Officials.

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 Crew and carried to approve the amendments to Sections 2.68.020, 2.68.025 and 2.68.030 of Chapter 2.68 of the Amador County Code as it relates to salaries and benefits of the Amador County Elected Officials; waive the reading and schedule for adoption on May 22, 2018.

Ayes: Supervisors Axe, Crew, Morgan and Forster

Noes: Supervisor Oneto

Abstain: None

Administrative Agency: Discussion and possible action relative to the County Administrative Officer's contract and granting the same 2% and 1% salary increases that have been received by the various other units.

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 approve the amendments to the County Administrators Employment Contract as outline above.

Minutes: Review and possible approval of the April 24, 2018 Board of Supervisors Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Crew and unanimously carried to approve the April 24, 2018 Board of Supervisors Meeting Minutes.

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 1:25 p.m., the Board convened into closed session. The following matters were heard.**

Confidential Minutes: Review and possible approval of the April 24, 2018 Confidential Minutes.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Forster and unanimously carried to approve the April 24, 2018 Confidential Minutes.

Conference with County Counsel: Existing Litigation: Pursuant to Government Code 54956.9(d)

County of Amador v. Department of Interior, In the United States Supreme Court, No. 17-432

ACTION: Direction given to staff.

Conference with County Counsel: Anticipated Litigation: Pursuant to Government Code 54956.9(d)(2)

Buena Vista Rancheria

ACTION: Direction given to staff.

REGULAR SESSION: At 2:00 p.m., the Board convened into regular session. Chairperson Morgan reported the above issues were reviewed in closed session:

ADJOURNMENT: Until Tuesday, May 22, 2018, at 8:30 a.m.

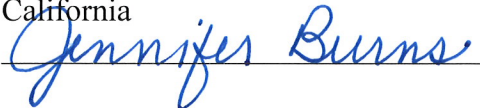
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- 7.a. Administration: Approved increase of \$600.00 for travel line item in the 17/18 Veterans Services Officer's budget from Contingencies for reimbursed travel expenses.
- 7.b. District Attorney: Approved Increase to Revenue account 2120-47890 by \$2500.00 for funds received from Karpel for reimbursement of funds expended for the Media Toolkit Project. Also, increase Services and Supplies expenditure line 2120-52300 to reimburse funds expended for the Media Toolkit project.
- 7.c. Probation: Approved Budget Increase of \$9,000.00 for the Every 15 Minutes Program utilizing funding from the Local Revenue Account (Juvenile Probation). The budget increase will allow the Probation Department to purchase food and drinks for the 1,300 participants of the Every 15 Minutes Program hosted at Amador County High Schools on May 21 & 22, 2018.
- 7.d. Probation: Approved Budget Increase of expenditures and anticipated revenues by \$14,377.00. Expenditures will cover unanticipated expenses, and Revenues will come from SB--678 funding. The increase will pay for Courage to Change Program instruction and materials, RFP advertising for juvenile programs, and juvenile housing programs. In addition, budget transfers between expenditure lines to cover anticipated deficits.
- 7.e. Board of Supervisors: Adopted Resolution declaring a Local State of Emergency in Amador County due to Pervasive Tree Mortality. **Resolution #18-044**
- 7.f. Surveying Dept.: Adopted Resolution of Intent to Vacate and set the Public Hearing date for Seth & Barbara Hoyt Certificate of Merger and abandonment of a ten foot (10') wide public utility easement. The property is located on the southerly side of Village Drive and the northerly side of Grapevine Gulch Road, approximately 400 feet and 800 feet respectively, and westerly of the East junction of said roads, in the Lake Camanche Village area. Assessor Parcel No.'s 003-341-001 & 003-341-006. **Resolution #18-045**
- 7.g. Agriculture Department: Approved Agreement and Financial Plan for USDA-APHIS-Wildlife Services for the 2018/19 Fiscal Year.
- 7.h. Environmental Health: Approved an amended agreement with Luhdorff and Scalmanini Consulting Engineers, Inc. for ongoing consulting services relative to potential groundwater impacts due to the Buena Vista Casino Project. **Supervisor Oneto recused himself from this item.**
- 7.i. Sheriff: Approved Medi-Cal Inmate Program for Fiscal Year 2018-2019 Agreement with California Department of Health Care Services for reimbursement for Medi-Cal eligible inmates that receive outpatient services while incarcerated at the Amador County Jail.
- 7.j. Sheriff: Approved USFS Cooperative Patrol and Controlled Substance Operational and Financial Agreement for reimbursement of patrol services and Health and Safety Code controlled substance violations investigations conducted within the El Dorado National Forest. There is a \$12,000 limit on reimbursement for patrol services and a \$10,000 limit of controlled substance investigations.

- 7.k. Social Services: Approved Agreement between Amador County and Sierra Child and Family Services for Child & Family Team Meeting Facilitator (Proposal 17-30) for the remainder of fiscal year 2017-2018 beginning January 1, 2018 and all of the 2018-2019 fiscal year.
- 7.l. Juvenile Justice Commission: Approved Re-appointment of Carolyn Fregulia for a four-year term ending April 2022.
- 7.m. Township 2 Cemetery Board: Approved re-appointments of Thomas Reed and Judy Allen to the subject board for four-year terms to expire on May 31, 2022.
- 7.n. General Services Administration: Approved Utilization of CA 9-1-1 funds to upgrade current Console Furniture Stations at the Sheriff's Dispatch Office by Dispensing with the bidding procedures to approve a quote for three (3) Dispatch Console Furniture Stations utilizing State Contract 4-08-71-0077C and Authorizing the Sheriff to sign the quote on the County's behalf and Authorizing the Purchasing Agent to sign a Purchase Order.
- 7.o. General Services Administration: Approved the Award of ITB 18-08 Sheriff's Office Vehicles Purchase Item #1 for the purchase of two (2) 2018 AWD Utility Interceptor Vehicles to Tracy Ford in an amount not to exceed \$57,483.92 and Award Bid Item #2 for the purchase of one (1) 2018 4-Wheel Drive, Four Door Expedition to Ron Dupratt Ford in an amount not to exceed \$41,740.21


Lynn A. Morgan, Chairperson, Board of Supervisors

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



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