

Amador County Board of Supervisors
ACTION MINUTES
REGULAR MEETING

DATE: Tuesday, January 8, 2019
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:

Brian Oneto, District V-Chairman
Patrick Crew, District I-Vice-Chairman
Richard M. Forster, District II
Frank U. Axe, District IV
Jeff Brown, District III

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.**

The Board convened into Open Session at this time to hear comments from a public member wishing to speak on a matter listed on the Closed Session Agenda. Supervisor Pat Crew opened the meeting at this time. The following individual wished to speak.

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, what the Board will report out of Closed Session regarding item 2a-Buena Vista Rancheria. Mr. May stated he is aware that the County is facing a multitude of issues associated with the pending opening of the Casino in Buena Vista and would like to know if the Board will report out of Closed Session what its intentions are as far as initiating litigation against the Tribe or proceeding with any type of arbitration process. Mr. Greg Gillott, County Counsel, responded by stating the Board will announce any reportable action, including initiation of litigation if that is how the Board chooses to proceed. He noted in the event the Board does vote to move forward with litigation any filing that is prepared will become a public record when filed.

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, Greg Ramirez, IEDA. Employee Organizations: All Units

ACTION: Direction given to staff.

Conference with County Counsel: Initiation of Litigation-{Government Code 54956.9(D)(4)}

Buena Vista Rancheria

ACTION: Direction given to staff.

Confidential Minutes: Review and possible approval of the December 4, 2018 and December 18, 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 December 4, 2018 and December 18, 2018 Confidential Minutes.

REGULAR SESSION: At 9:00 a.m., the Board convened into regular session. Chairperson-elect Oneto reported the above issues was reviewed in closed session:

PLEDGE OF ALLEGIANCE: Chairperson-elect Oneto 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**.

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 Axe, seconded by Supervisor Crew, 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)

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

MOTION #1: It was moved by Supervisor Forster, seconded by Axe and carried to approve the Consent Agenda presented.

REGULAR AGENDA

2019 Chairman and Vice Chairman: Discussion and possible action relative to the election of the 2019 Chairman and Vice Chairman for the Amador County Board of Supervisors.

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 Brown and unanimously carried to elect Supervisor Oneto as Chairman and Supervisor Crew as Vice-Chairman for 2019.

2019 Committee Assignments: Discussion and possible action relative to the election of the 2019 Chairman and Vice-Chairman for the Amador County Board of Supervisors.

Discussion ensued with Chairman Oneto pointing out a correction to be made to the appointments to Rural County Representatives of California (RCRC) and Golden State Finance

Authority (GSFA). He stated Supervisors Oneto and Axe were appointed to these positions in November.

The following action was taken.

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

MOTION: **It was moved by Supervisor Axe, seconded by Supervisor Crew and unanimously carried to approve the 2019 Board of Supervisor Committee assignments as amended above.**

Landfill Compliance Projects: Discussion and possible action relative to the compliance projects associated with the Landfill, specifically the Phase I Cap and Class II Leachate Pond and the proposed work plan associated with these projects.

Mr. Jim McHargue, APCO/Director of Solid Waste, 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. He briefly described the Phase I Landfill Cap and explained over the years, maintenance and repair work has been completed on the Phase I Cap, however due to its age, environmental conditions and waste settlement the Cap has been deemed a failure by the Regional Water board. He continued by stating the County's professional consulting engineers disagree with the determination of a failed Cap; however, they do believe a comprehensive work plan and repairs are required. Mr. McHargue stated County staff and the engineering team have developed a phased approach to repairing the Phase I Cap for consideration by the Board of Supervisors. In regards to the Class II Liquid Leachate Pond, Mr. McHargue advised the Regional Water Board has determined the existing Buena Vista Landfill Class II Pond is not large enough to meet the capacity needs and provide the needed excess capacity for a 1,000 year 24 hour storm event. In addition, the Regional Water board has concerns about the integrity of the Class II pond's plastic liner and the leakage rate occurring into the secondary containment and return system. He noted the Pond was originally installed over 25 years ago and appears to be nearing the end of a designed lifespan for the Hypalon plastic liner. County staff and the engineering team will propose a work plan outlining several options for the following.

1. Re-lining and raising the sides of existing pond to increase capacity.
2. Re-lining existing pond and construction of secondary pond nearby to increase capacity.
3. Construct new pond with increased capacity n new "downhill" location to reduce long-term pumping costs.

Mr. McHargue concluded by stating the Regional Water Board has requested a "robust" work plan be submitted by Amador County for a long-term, permanent solution for the two issues outlined above by March 14, 2019. The County's consulting engineers have developed a cost estimate for the proposed work plan, engineering, implementation and submittal to the Regional Water board of approximately \$250,000-\$300,000.

At this time, Mr. Curt Fujii, Landfill Engineer, and Mr. Neil Bolton, P.E., Landfill Expert, provided an informative Power Point presentation relative to this matter which is included as though set forth in full into these minutes.

Chairman Oneto took comment from the following individual at this time.

- Mr. Andrew Altevogt, Assistant Executive Officer, Regional Water Control Board, spoke briefly and stated although he was not prepared to speak regarding this matter today, he assured the Board the RWQB is committed to working with County staff to solve the issues at hand now, and into the future.

Lengthy 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 Crew and unanimously carried to approve staff's recommendations as follows:

- 1. Approve phased work plan approach presented by consulting engineers in response to Regional Water Board requirements.**
- 2. Authorize staff to proceed with development and submittal of March 14, 2019, work plan and implementation at a cost not-to exceed \$300,000. (Coming from general fund contingencies)**

Environmental Health: Discussion and possible action relative to ongoing discharges from the stormwater system at Mule Creek State Prison.

Mr. Mike Israel, Community Development Director, addressed the Board and stated the Regional Water Quality Control Board staff in early 2018 revealed stormwater runoff discharged to Mule Creek from Mule Creek State Prison contained contaminants consistent with domestic sewage and industrial wastewater. The Regional Board subsequently issued orders to investigate and eliminate the source(s) of contaminants and, in the interim, cease direct discharge of stormwater to Mule Creek. Since that time unauthorized releases of stormwater have been reported by Prison personnel to the State Warning Center coinciding with virtually every significant rainfall event. He continued by stating area residents are concerned over the potential for impacts to public health and the environment due to the ongoing releases. Mr. Israel stated it his understanding that the work directed by the enforcement orders has not been satisfactorily completed at this time.

Chairman Oneto opened the discussion to the public at this time. The following individuals wished to speak.

- Mr. Andrew Altevogt, Assistant Executive Officer, Central Valley Regional Water Control Board, advised his staff has been working with CDCR to get the well sampling done in a timely manner, however because of obvious security reasons, access to certain areas is not always immediately a possibility. He also noted CDCR has been performing camera work of the pipes to try and detect leaks etc., but to date the tests have been inconclusive.

- Gregor Larabee, Chief of Regulatory Compliance for California Department of Corrections and Rehabilitation (CDCR), advised he and his staff have been working closely with the RWQCB in regards to the investigation and have spent approximately close to two million dollars to date conducting tests and preparing reports. He concurred with Mr. Altevogt that camera work, dye testing, smoke tests as well as several other investigative measures have been taken and to date no evidence of cross contamination has been discovered.
- Ms. Sherry Curtis, District III resident
- Ms. Sally Barron, District II resident
- Mr. Jim Scully, District II resident

ACTION: Informational item only.

PUBLIC HEARING: **10:30 A.M.**

Planning Department: Discussion and possible action relative to a Public Hearing to consider repealing Chapters 19.84 and 19.86 of the Amador County Code relating to medical marijuana dispensaries and medical marijuana cultivation and adding new Chapter 19.84 pertaining to restrictions on cannabis and related activities within the unincorporated county.

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

Chairman Oneto opened the public hearing at this time. The following individual wished to speak.

- Mr. Jeff Sommers, District V resident

Lengthy discussion ensued with the following action being taken.

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Crew 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 Crew and unanimously carried to adopt the following ordinance repealing Chapter 19.84 and 19.86 of the Amador county Code relating to medical marijuana dispensaries and medical marijuana cultivation, and adding new Chapter 19.84 pertaining to restrictions on cannabis and related activities, with an amendment to Section 19.84.060-Exemptions-D10-a regarding tarps or plastic sheeting being an unacceptable form of screening.

SB2 Planning Grant: Discussion and possible action relative to directing staff to submit an application for an SB2 grant that would provide for the planning process surrounding the County owned Wicklow Way Parcel.

Supervisor Axe introduced this matter to the Board and in reviewed his memo which is hereby incorporated into these minutes as though set forth in full. In summary he stated in late 2017 the State of California passed a sweeping set of housing legislation into law including SB 2 which is the Building Homes and Jobs act. He pointed out the real need for affordable multi-family housing units to provide reasonable priced housing units for working people in Amador County. He stated this piece of legislation is intended to increase affordable housing across the state. He continued by noting the County purchased the Wicklow property (200 acres) with the intent of building a new jail at that location using special jail funds. The County has since decided not to build the jail at that location therefore the funds used to purchase the property must be returned to the special fund. Amador County can apply for a SB2 planning grant which may be used to develop a plan for the Wicklow property, which includes affordable housing as one of the uses, and sell those pieces of the property and return the proceeds to the jail fund. He also pointed out a preliminary discussion with the office of Housing and Community Development (HCD) indicated that such a plan would be acceptable use of SB 2 planning funds. Supervisor Axe also noted the SB 2 planning grant guidelines can be found at <http://www.hcd.ca.gov/policy-research/docs/sb2-plng-grant-draft-guidelines.pdf>

Chairman Oneto opened the discussion to the public at this time. The following individual spoke in favor of applying for the grant.

➤ Ms. Judy Najerian, 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 direct staff to apply for an SB 2 planning grant to develop a plan on how best to divide the Wicklow property with the intention of creating a parcel(s) for affordable housing, parcels for commercial uses, and a parcel to be retained by Amador county for its own purposes.

Climax Road Traffic: Discussion and possible action relative to options to address traffic concerns on Climax Road.

Mr. Jered Reinking, Public Works 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. Mr. Reinking stated on December 4, 2018 the Board directed staff to research and consider some points made during the discussion and report back to the Board. He stated staff

has performed initial research and the following are three general courses of action that could be considered.

1. Direct Staff to use existing internal resources to continue to review the complaints and concerns relating to the existence of truck traffic on Climax Road, providing various levels of reporting on any proposals by Staff; or
2. Perform a formal feasibility/planning level study to document and findings relative to the complaints and concerns relating to the existence of truck traffic on Climax Road; or
3. Take no action at this time.

Mr. Reinking continued by reviewing options if the Board should choose to perform a formal feasibility/planning level study. He noted the Public Works internal staff is capable of doing some defined tasks in-house, however, the possible scope for this evaluation may be beyond the capacity of the current staffing level, therefore, consultant services are recommended to complete any formal scope of work that the Board of Supervisors should elect to pursue. Mr. Reinking then reviewed some options that could be initially included for evaluation in a requested scope of work for the Study, all of which are outlined in the staff report. He continued by touching on the fiscal impacts such a study could impose by noting costs for a limited scope/feasibility/planning study could be up to \$50,000 depending on the direction given by the Board. Mr. Reinking this expense is not currently budgeted so funding for these consultant services would be drawn from the Department's fiscal year 2018/19 budget line 3000-52300 (Professional and Specialized Services) which currently has \$148,250.00 budgeted for this fiscal year. Mr. Reinking pointed out that the existing budget for Professional/Specialized Services is intended for various engineering and technical support services from consultants to assist Staff with developing road repair projects, as needed, and is expected to be utilized later in Spring of 2019. Mr. Reinking also noted that currently Public Works has other high priority projects in the que and staff does not have adequate time to take this project on internally so it is his recommendation that a consultant would need to be secured.

Chairman Oneto opened the discussion to the public at this time. The following individuals wished to speak.

- Mr. Levi Garloff, District IV and Climax Road resident
- Mr. Jered Duff, District IV and Climax Road resident
- Mr. John Durante, District IV and Climax Road resident

Lengthy discussion ensued with the following action being taken.

ACTION: Direction given to Staff to use existing internal resources to continue to review the complaints and concerns relating to the existence of truck traffic on Climax Road as time allows and priority projects are completed.

Community Development Agency: Request for relief from the traffic impact mitigation fee (\$6,380) and the deposit to assure completion of the driveway encroachment (\$2,100) relative to a home construction project at 2350 Grapevine Gulch, Ione. APN 003-150-002.

Mr. Mike Israel, Community Development Director, summarized the memorandum relative to this item which is hereby incorporated into these minutes as though set forth in full. In summary he stated, several years ago the property in question was previously owned and it appears that all necessary permits for the home and site improvements were obtained and/or finalized. The owner at the time subsequently lost the property to foreclosure. The current owner Ms. Amaris Alcantar purchased the property in 2010 and according to records the efforts by the County to correct several outstanding issues resulted in a request to the Board by Ms. Alcantar for a reduction of permit fees due to financial hardship. The request was withdrawn before it was heard by the Board. In February of 2016, Ms. Alcantar transferred title of the property at 2350 Grapevine Gulch, Ione, to ADR Services, LLC, owned by her father, Ariel Rodriguez. The owners completed all work needed to obtain final approval of the alternative onsite wastewater initiated in 1997. Mr. Israel stated it is his understanding that the owners need only to complete the encroachment and pay the traffic impact mitigation fee to obtain all final approvals required for their project. He stated Ms. Alcantar requesting relief from the encroachment permit deposit of \$2,100 and from the traffic impact mitigation fee of \$6,380.

Mr. Ariel Rodriguez, addressed the Board and explained the situation as outlined in the Board packet today.

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 waive the encroachment permit deposit fee of \$2,100 and direct the Community Development Director to draft an agreement incorporating language to include a \$300.00 per month payment towards the traffic mitigation fee of \$6,380.00 and bring the fully executed agreement back to the Board for approval on a Consent Agenda prior to the property owner taking occupancy of the home.

Minutes: Review and possible approval of the December 4, 2018 and December 18, 2018 Board of Supervisor 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 December 4, 2018 and December 18, 2018 Board of Supervisors Meeting Minutes with minor amendments.

ADJOURNMENT: Until Tuesday, January 22, 2019, at 8:30 a.m.

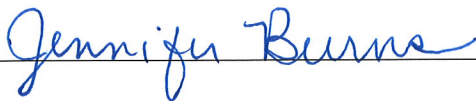
January 8, 2019 CONSENT MINUTES:

- 6.a. Behavioral Health: Approved Budget Increase Request to account for awarded one time funding of \$100,000 for Homeless Mentally Ill Outreach and Treatment and \$75,000 from Housing and Community Development.
- 6.b. District Attorney: Approved Budget Increases to purchase ID printer and software using Asset Forfeiture Trust Funds.
- 6.c. Assessor: Approved Secured Roll Corrections with values being decreased over \$150,000 or 50% of the original valuation.
- 6.d. Board of Supervisors: Adopted 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, February 28, 2017 and January 9, 2018.)
(Resolution #19-001)
- 6.e. Elections: Adopted Resolutions to authorize Chair to sign Agreements with the State to provide the County with federal reimbursement HAVA funds.
(Resolutions #19-002 and #19-003)
- 6.f. Treasurer/Tax Collector: Adopted Resolution approving Annual Statement of Investment Policy. **(Resolution #19-004)**
- 6.g. Sheriff's Office: Approved Service agreement with American Legion Ambulance for emergency dispatch services.
- 6.h. Social Services: Authorized request to Back-fill one Administrative Assistant I/II position to replace an employee who has resigned effective January 11, 2019. This is a Merit System position and their standards and guidelines must be followed.



Brian Oneto, Chairperson, Board of Supervisors

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



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