

Amador County Board of Supervisors ACTION MINUTES

REGULAR MEETING

DATE: Tuesday, June 11, 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 public members wishing to speak on a matter listed on the Closed Session Agenda. Vice Chairman Crew opened the meeting. The following individual wished to speak.

Buena Vista Casino Issues-Closed Session Item 3a: Mr. Bill May, District II resident, took this time to address the Board and urged the Board to follow through with taking the Tribe and Casino to arbitration as he feels they are in violation of Exhibit E of the ISA. Mr. May also requested when the Board reports out of Closed Session they are more specific on the action rather than stating “direction given to staff”, he would like a more specific response to be given. Supervisor Forster stated staff has taken a look at Exhibit E and the language specific to visual impacts states the Tribe will be afforded one year to accomplish the planting/landscape design necessary to mitigate those types of impacts. Supervisor Forster continued by stating he has asked CAO Iley to contact the Tribe’s representative to encourage compliance sooner and to specifically look into the concern of excessive lighting that is an impact to Mr. May’s residence during the night time hours.

The Board convened into Closed Session at this time and the following matters were heard.

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: Update only.

Conference with County Counsel: Anticipated Litigation-{Government Code 54956.9(d)(2)}

Application to present a Late Claim-Troy Markal

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 April 23, 2019 and May 28, 2019 Confidential Minutes.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to approve the April 23, 2019 and May 14, 2019 Confidential Minutes.

REGULAR SESSION: At 9:00 a.m., the Board convened into regular session. Vice-Chairman Crew reported the above issues were reviewed in closed session.

PLEDGE OF ALLEGIANCE: Chairman 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**.

Buena Vista Casino Signage Concerns: Mr. Bill May, District II resident, took this time to urge the Board to encourage Public Works staff to move ahead as quickly as possible and work with CalTrans to get signage at Highway 88 installed to direct traffic towards Buena Vista Road and away from Jackson Valley Road as well as install local traffic only signs in the area of Highway 88 and Jackson Valley Road, Highway 88 and Martin Lane and Jackson Valley Road and Buena Vista Road.

Friday Night Live: Sarena, Michael, Mariah and Lillian, Youth Advocates from Amador County Friday Night Live, addressed the Board and spoke briefly about topics concerning, but not limited to, underage tobacco sales, vaping and use of e-cigarettes in schools which has resulted in a serious problem among teens and has caused an increase in disciplinary actions and other behavioral issues. The Advocates distributed information to the Board that explains what their purpose in the Community is and outlined some programs and upcoming events. The advocates expressed concern regarding local vape/cigarette sales locations in Amador County that have not been inspected to ensure compliance with regulations regarding sales to minors. They encouraged the Board to consider drafting a letter to be sent to the FDA encouraging more frequent inspections.

Mental Health Awareness Month: Ms. Gail Abbott, Ms. Stephanie Hess and Ms. Vanessa Compton took this time to bring awareness of May being Mental Health Awareness Month and summarized the various activities and programs and outreach opportunities that were conducted during the month to raise awareness and offer assistance to those that may be in need.

Proposed Sales Tax: Supervisor Axe took this time to refer to a recent article he had published in the Ledger Dispatch regarding a .5 cent sales tax for roads. He stated his feedback from the community at large has been positive, albeit limited. Supervisor Axe also noted he has had communication with a City Council member who also expressed interest in learning more about the proposal and exploring a mechanism that would equitably share revenue with cities. Supervisor Axe continued by stating he feels a .5 cent sales tax that would specifically go towards road improvements and help close the funding gap caused by the shortfall received from SB1 funds would be beneficial. He stated the proposal would include a sunset clause that would allow the voters to assess the progress and status of road conditions and decide if the tax should continue. Chairman Oneto stated he agrees the road conditions in the County are degrading rapidly and options need to be explored as to how to move forward with repairs and improvements. He recommend this matter be placed on a future Board agenda for discussion by the Board as a whole.

New Deputy Board Clerk: Chairman Oneto took this time to introduce and welcome Ms. Jessica Easterla who has assumed the position of Deputy Board Clerk and will serve in that capacity upon the retirement of current Deputy Board Clerk, Ms. Sharon Murphy on June 28, 2019.

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

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 Axe suggested he may have to recuse himself from the following item as he is a vacation rental owner and does pay Transient Occupancy Tax (TOT).

Item #7h-Treasurer/Tax Collector: Proposed Letter Amendment to the Voluntary Collection Agreement between Airbnb and Amador County for the collection of Transient Occupancy Tax.

Mr. Glenn Spitzer, Deputy County Counsel, responded by stating paying a tax does not constitute a conflict of interest in this matter.

Supervisor Forster advised he will need to recuse himself from the following item as his sister-in-law is the applicant in this matter.

Item 7e-Building Department: Resolution and Agreement authorizing the Chairman to sign a Limited Density Owner-Built Rural Dwelling Agreement for / LD01029-BRAZIL

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to approve the Consent Agenda with the exception of item 7e.

Supervisor Forster left the Board Chambers at this time. The following action resulted.

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

MOTION #2: It was moved by Supervisor Axe, seconded by Supervisor Brown and unanimously carried to approve Item 7e as outlined above.

Ayes: Supervisors Axe, Brown, Crew and Oneto

Noes: None

Absent: Supervisor Forster

Supervisor Forster returned to the meeting at this time and was present for the remainder of items discussed.

REGULAR AGENDA

Community Development Agency: Discussion and possible action relative to the distribution of the 2019 Buena Vista Amador County Community Fund.

Mr. Chuck Iley, County Administrative Officer, introduced this item by summarizing his memorandum which is hereby incorporated into these minutes as though set forth in full. In summary as per the ISA between the Tribe and the County, “the Tribe will pay the County the sum of \$1,000,000 annually, which may be used by the Count in its discretion to offset additional, impacts on services and facilities as a result of the Project or to enhance community services and facilities.” Mr. Iley stated this amount needs to be authorized so that staff can distribute or expend the funds in accordance with the Board’s direction.

Mr. Jered Reinking, Public Works Director, addressed the Board and summarized his memorandum relative to this matter which is hereby incorporated into these minutes as though set forth in full. He briefly provided an update of the 2018 roadwork projects the Board authorized utilizing the first year of community fund money, approximately \$1,000,000. Mr. Reinking then reviewed an estimate of potential roadwork in the Camanche Area where the Community Fund could be applied beginning in FY 19/20. He noted there are several types of projects where staff could consider to apply the Community Fund. The current work from FY 18/19 is focused primarily on Camanche Road. In FY 19/20, it is mainly proposed that community funds are allocated towards improvement on Jackson Valley Road. A detailed table of potential projects to consider is incorporated into the Board packet for today’s date.

Mr. Reinking continued by stating after review and discussion with the Road Department, the segment of Jackson Valley Road from SR 88 (West) to Goose Hill, 4.18 miles in length, would be a priority for a combination of overlay, miscellaneous asphalt repair (digouts), and several small-medium culvert replacements. The culverts are shallow and should be able to be replaced by the Road Department before an overly project takes place. The overlay project would include miscellaneous asphalt repair (digouts) as a component. He also noted the segment of Buena Vista Road form the County line to Camanche Parkway North is approximately 2.1 miles in length and receives a lot of traffic from Calaveras County. The road surface is old and worn, therefore Public Works will be performing digouts this summer on about 20 locations within this segment. Mr. Reinking noted with these repairs, overlaying the remainder of the roadway would make sense.

Discussion ensued with the following action being taken.

ACTION: Direction given to staff to proceed with projects as presented today proceed with the projects as recommended by the Public Works Director and including concentration on the section of Buena Vista Road from Coal Mine Road going South.

Community Development Agency: Discussion and possible action relative to SB1 project update and upcoming construction package bids.

Mr. Jered Reinking, Public Works Director, addressed the Board and summarized his memorandum relative to this matter which is hereby incorporated into these minutes as though set forth in full. He reviewed the status of FY 17/18 and FY 18/19 SB1 Projects as well as advising the Board that Engineering and contract development for FY 19/20 projects will begin this summer. He stated RFP’s for engineering services will be sent out to consultants for engineering of complex culvert replacement projects and perhaps other assistance as needed. He also noted

the FY 19/20 Fiddletown Road Digout work will be included in the construction package slated for this summer. He also noted FY 19/20 Fall Road Striping will also commence as early as mid-July 2019 and be completed by October 2019 at the latest.

Supervisor Oneto expressed concern regarding the closure of Shakeridge Road. He strongly urged that Public Works look at least partially opening the road on a temporary basis, especially in light of fire season to allow adequate emergency vehicle access as well as safe evacuation routes for residents.

Supervisor Brown concurred with Supervisor Oneto and wants to see at least one lane on Shakeridge Road open as soon as possible for emergency evacuation.

Mr. Reinking responded by stating there is currently no funding allocated towards construction of any repairs on Shakeridge Road. Public Works continues to evaluate the problem and is scheduled to have results of the geotechnical work by mid-July 2019. He continued by stating at that time, the County can review the situation in greater detail. Any temporary opening of Shakeridge Road for the summer does not currently have any dedicated funding. Funding for temporary opening of Shakeridge Road may need to be advanced from SB1 funds, as the Department has no other available funding to re-direct. Mr. Reinking surmised the cost to open Shakeridge Road would be at least \$20,000.00 if not more.

Chairman Oneto opened the discussion to any public member wishing to speak. The following individual wished to address the Board.

Ms. Brenda Walker, District III resident, expressed concern regarding Church Street in Pine Grove and encouraged staff to consider allocating funding to that roadway if possible

ACTION: Direction given to staff to move forward with projects as outlined in Mr. Reinking's memorandum and bring back a detailed overview of the status of the Shakeridge Road project as well as potential options to partially open the road a the June 25, 2019 meeting.

2019-2020 Recommended Budget: Discussion and possible action relative to adoption of the 2019-2020 fiscal year Recommended Budget.

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 Brown and unanimously carried to approve as presented.

Minutes: Discussion and possible action relative to approval of the May 28, 2019 Board of Supervisors meeting minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Axe to bring the May 28, 2019 Minutes back for approval on June 11, 2019, after amendments are made as suggested by Supervisor Oneto to Item 4b regarding TOT taxes anticipated to be collected if FY 19/20 and the allocation of those funds in consideration of Measure Q.

PUBLIC HEARING 10:30 A.M.

Surveying Department: Discussion and possible action relative to a public hearing to consider a Certificate of Merge and abandonment of a 10' wide public utility easement for Carlos A. Roa and Carlos S. Roa, Jr. The subject property is located southwesterly of the intersection of Village Drive with Duck Creek Road, in the Lake Camanche Village area. (APN No.'s 003-511-001 and 003-511-002.

Mr. George Allen, Interim County Surveyor, 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.

Chairman Oneto opened the public hearing at this time. Hearing no comment the following actions were taken.

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

MOTION #1: It was moved by Supervisor Axe, 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 Forster, seconded by Supervisor Axe and unanimously carried to approve the following Resolutions issuing a Certificate of Merger and Abandonment of a Public Utility Easement for Carlos Alberto Roa, a.k.a Carlos A. Roa and Carlos Sek Roa, Jr., a.k.a. Carlos S. Roa, Jr.

RESOLUTION NO. 19-072

Resolution issuing a Certificate of Merger to Carlos Alberto Roa, a.k.a. Carlos A. Roa and Carlos Sek Roa, Jr., a.k.a. Carlos S. Roa, Jr.

RESOLUTION NO. 19-073

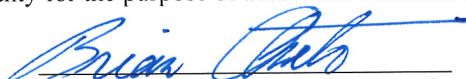
Resolution issuing a Certificate of Merger to Carlos Alberto Roa, a.k.a. Carlos A. Roa and Carlos Sek Roa, Jr., a.k.a. Carlos S. Roa, Jr.

Minutes: Review and possible approval of the May 28, 2019 Board of Supervisors Meeting Minutes.

ADJOURNMENT: Until Tuesday, June 25, 2019, at 8:30 a.m.

June 11, 2019 Consent Minutes:

- 7.a. Probation: Approved Budget increase to install emergency lights in three vehicles. The CCP previously approved for the Probation Department to receive the revenue. The request has a net zero effect to the General Fund, as the additional funds will come from the CCP.
- 7.b. Board of Supervisors: Adopted Resolution declaring a Local State of Emergency in Amador County due to Pervasive Tree Mortality. **Resolution #19-068**
- 7.c. Elections: Approved Resolution appointing JVID Directors in-lieu of August 27, 2019 Election. **Resolution #19-069**
- 7.d. Assessor: Approved 2018 Amendment to Mineral Appraisal Agreement between County of Amador & Harold W Bertholf, INC.
- 7.e. Building Department: Adopted Resolution authorizing the Chairman to sign a Limited Density Owner-Built Rural Dwelling Agreement for / LD01029-BRAZIL.
Resolution #19-070 Approved 4-0-1 Recused: Forster
- 7.f. Building Department: Adopted Resolution authorizing the Chairman to sign Agreement to Limit Use of Agricultural Structure for AG01065-BROWN. **Resolution #19-071**
- 7.g. General Services Administration: Approved the Second Amendment to the Memorandum of Understanding with Amador Resource Conservation District (RCD) for an Additional Space Request.
- 7.h. Treasurer/Tax Collector: Approved and authorized the Chairman to sign a Proposed Letter Amendment to the Voluntary Collection Agreement between Airbnb and Amador County for the collection of Transient Occupancy Tax.
- 7.i. Administrative Agency: Adopted an Ordinance amending Amador County Code Chapter 10.12 prohibiting parking along either side of Coal Mine Road and revising the penalties for parking violations. (Reading waived on May 14, 2019) **Ordinance #1786**
- 7.j. Commission on Aging: Accepted Resignation of Cathy Koos-Breazeal from the subject commission, effective immediately.
- 7.k. General Services Administration: Approved the purchase of unbudgeted fixed asset and budget transfer of \$45,869.33 within Sheriff's Office budget line and Authorized the Purchasing Agent to facilitate the purchase in the amount not to exceed \$45,896.33 to Elk Grove Auto, utilizing the State of California CMAS contract 1-18-23-20B and; Approved the budget transfer of \$45,869.33 from ACCNET State Forfeiture Trust 30001-101683 to the Sheriff's Office budget line 2210-52900.
- 7.l. General Services Administration: Authorized the installation of Monitoring Well at Carbondale Industrial Park with the location determined by GSA Director and; Authorized County Counsel to draft an agreement between the JPA and County for the purpose of access and maintenance of the well for the collection of data.


Brian Oneto, Chairman, Board of Supervisors

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



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