

Amador County Board of Supervisors ACTION MINUTES

REGULAR MEETING

DATE: Tuesday, June 25, 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
Glenn Spitzer, Deputy County Counsel
Jennifer Burns, Clerk of the Board

Absent: Gregory Gillott, County Counsel

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 as Chairman Oneto recused himself to avoid any perceived conflict of interest issues due to his family owning property adjacent to the Buena Vista Rancheria Casino site.

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 regarding the following two issues:

1. Will the Board move forward with securing a lighting specialist to look into the concerns he has with excessive lighting, especially at night. Mr. Chuck Iley, County Administrative Officer indicated this is still in process.
2. Will the Board move forward with encouraging the Tribe and Caltrans to consider placing directional signs on Highway 88 and Buena Vista Road that would refer to the Buena Vista Rancheria, but not make reference to the Buena Vista Casino specifically. Mr. Chuck Iley, County Administrative Officer, responded by stating although he thinks Caltrans as well as the Tribe would not take exception to this request, he is unsure how effective it would be for patrons that are searching for the Casino. Mr. Iley stated he will continue to explore this option with the Tribe and representatives.

The Board convened into Closed Session at this time and the following matters were heard. Supervisor Oneto was present for the remainder of agenda items.

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)}

Claim of Carolyn Vargas

ACTION: Claim denied pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to deny the subject claim due to liabilities and damages of the County being disputed.

Claim of Heather Fogal

ACTION: Claim denied pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Crew and unanimously carried to deny the subject claim due to liabilities and damages of the County being disputed.

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

Buena Vista Rancheria

ACTION: Update given.

Confidential Minutes: Review and possible approval of the June 11, 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 June 11, 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**.

Miscellaneous Observations: Mr. Bill May, District II resident, took this time to inquire to Supervisor Axe regarding his knowledge of the road conditions in the Buena Vista area. Supervisor Axe responded that he frequently rides his bike in the area of Dave Brubeck Road, Jackson Valley Road, Coal Mine Road, and Buena Vista Road, so he feels he is very familiar with the area. Mr. May also expressed concern about the lack of notice given when PG&E shuts off the power. He feels more consideration should be given to the elderly, residents with animals and individuals with health issue requiring oxygen or other power related assistance for their well-being.

AGENDA: Approval of agenda for this date; any and all off-agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code.)

Chairman Oneto advised the following item has been added as an Addendum to the Regular Agenda for today's date:

Board of Supervisors: Discussion and possible action relative to potential funding opportunities for road improvement and repair throughout the County.

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)

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 as presented.

REGULAR AGENDA

Amador Fire Safe Council: Discussion and possible action relative consideration of adoption of an ordinance requiring landowners to fire safe their property to Cal Fire standards.

Ms. Connie Gonsalves, representing Amador Fire Safe Council, addressed the Board and summarized a memorandum relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, she stated over the past decade Amador County has been bracketed by many major wildfires such as The King, The Butte and the Paradise Fires. Ms. Gonsalves stated it is a great concern of the Amador Fire Safe Council and many other individuals and entities, that Amador County may face this type of devastating wildfire if precautionary actions are not taken. Ms. Gonsalves continued by stating the AFSC is of the opinion that it is possible to reduce the potential for fire danger but it begins with homeowners being willing to be proactive and facilitating the basic fire safe practices on their property as recommend by CalFire (Public Resources Code, Division 4, Part 2, Chapter 3, 4292). Ms. Gonsalves stated if every homeowner in Amador County managed their property to CalFire fire safe standards it would greatly reduce the potential for catastrophic wildfire. She suggested the adoption of a County Ordinance to compel homeowners to comply with CalFire fire safe standards is necessary to prevent major wildfires from occurring. She referred to a recently adopted El Dorado County ordinance that is also included in the Board packet for today's date. Ms. Gonsalves also noted the Amador Fire Safe Council is willing to help organize and facilitate discussion necessary on this subject to potentially move it forward to an adopted Ordinance.

Discussion ensued with the following individuals offering input.

Chief Tom Tinsley, CalFire
Chief Walt Wight, AFD
Mr. Wally Jukes, Deputy Fire Marshall
Mr. Gary Reinoehl, District V resident
Ms. Rebecca Brown, District V resident
Mr. John Heissenbuttel, Amador Fire Safe Council

ACTION: Direction given to form an Ad Hoc Committee consisting of Supervisor Brown and Oneto, representatives from Sierra Pacific Industries, Homeowners Insurance Industry, Amador Pines Homeowners Association, CalFire, Amador Fire Protection District, and any others deemed appropriate. The Committee will meet and explore options and potential language for an Ordinance and form recommendations to be brought back to the Board and the public for input.

Amador-Tuolumne Community Action Agency (ATCAA): Presentation of a Homeless Report by Denise Cloward, Director, ATCAA Housing Programs.

Ms. Denise Cloward, Director, ATCAA-Housing Programs, addressed the Board and briefly explained that a Point in Time Count is an unduplicated count conducted on a single night in a community that is experiencing homelessness and includes sheltered and non-sheltered populations. She continued by stating the local PIT Count helps plan services and programs and assist in appropriately addressing local needs, measures progress in decreasing homelessness and identify gaps in current programs. Ms. Cloward advised the Amador County 2019 PIT Count was a success largely in part because of generous donation from the Amador Community Foundation of which 75% of the funds went towards a stipend for folks that were homeless that could assist in the count. She stated Subway cards were also funded and given out to the homeless families or individuals that did take the time to answer the questions and make the report successful and accurate

Mr. Jerry Cadotte, Sierra Hope Director and Homeless Management Information System Consultant for ATCAA, provided a brief Power Point presentation which outlined the Point in Time Count results and statistics, provided information regarding the California Emergency Solutions and Housing (CESH) and the Homeless Emergency Aid Program (HEAP) funding opportunities and local projects planned going forward. It should be noted a complete copy of the presentation/report is included in the Board packet for today's date.

Discussion ensued with Supervisor Axe emphasizing the need for sheltering individuals in Amador County. He suggested a strong look needs to be taken at securing property to facilitate such a project. He mentioned potentially exploring the options at the Wicklow Way property, or the Airport in addition to working with the City of Jackson to ascertain property within the City for this type of use.

Supervisor Forster stated he has definite concerns regarding using the Wicklow property and would like to see further research and analysis be done and brought back to the Board with specific projects and costs associated outlined and defined so the Board can have further discussion.

ACTION: Direction given to Supervisor Crew and Axe (Homeless Task Force Member) to bring back suggestions of potential properties to locate a facility for sheltering

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

Planning Department - (Continued from March 26, 2019) Discussion and possible action concerning an appeal of the Planning Commission's determination that the use of the appellants' property is commercial in nature and violates County Code Section 19.24.040, (permitted uses in the Residential Estates zoning district). The subject property is located at 17042 Robinson Road in Sutter Creek, CA (APN 042-080-015).

Chairman Oneto advised the appellant has requested this hearing be continued to July 9, 2019 at 10:30 as he was unable to attend today's meeting.

Chairman Oneto opened the Public Hearing at this time. Hearing no comment the following action was taken.

ACTION: Public Hearing continued pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Crew and unanimously carried to continue this Public Hearing to July 9, 2019 at 10:30 a.m.

Upper Shakeridge Road-Temporary Opening for Summer 2019: Discussion and possible action relative to the Public Works Department staging public through access within the section of upper Shakeridge Road that has been damaged. The temporary opening would remove the current road blocks at Wandering Hills and Highway 88. The section of road would be closed to the public again prior to Winter 2019.

Mr. Jered Reinking, Public Works Director, addressed the Board and stated this item is a continuation of a discussion at the June 11, 2019 Board meeting where direction was given to look into the possibility of temporarily opening Shakeridge Road for the Summer of 2019. Mr. Reinking stated the geotechnical report regarding the condition of the road is still outstanding and is expected to be received within the next two weeks. Mr. Reinking stated he has concerns about opening the road, specifically the outside lane. He feels it could be an unsafe condition for traffic as well as causing further damage and resulting in the permanent fix being more onerous.

Supervisor Oneto stated he is very concerned for the residents living in the area that would need to use the damaged portion of Shakeridge Road as an evacuation route in the case of a catastrophic fire or other emergency. He noted that although he was originally an advocate of opening the road temporarily to all traffic through the Summer months, he is now an advocate of having the road temporarily repaired and able to be open only in the event of an emergency.

Supervisor Axe agreed with Supervisor Oneto but also felt it important to wait for the geotechnical report to further analyze the safety of opening the road.

Supervisor Crew had some concerns about opening the road for safety reasons and stated perhaps waiting for the geotechnical report would make sense before allowing through traffic on the road. He did however suggest perhaps Public Works staff could procure the materials needed to temporarily fix the road prior to receiving the report so as a time saving measure.

Supervisor Forster stated although he agrees conceptually with the suggestion by Supervisor Oneto. He feels it is important to wait for the geotechnical report and see some cost analysis for repairs before opening the road to traffic through the summer months. He supports the opening of the road in an emergency circumstance.

Supervisor Brown stated he is very concerned for the safety of residents in the area and strongly supports the opening of the road during an emergency event.

At this time, Chairman Oneto opened the discussion to the public and the following individual wished to speak:

Mr. Gary Reinoehl, District V resident

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Brown, seconded by Supervisor Axe and unanimously carried to direct Public Works staff to move forward with facilitating temporary repair to the most critically damaged portion of Shakeridge Road to allow the opening of one lane in the event of a catastrophic emergency such as wildfire.

Minutes: Discussion and possible action relative to approval of the May 23, 2019 and June 11, 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 and unanimously carried to approve the May 23, 2019 and June 11, 2019 Board of Supervisors Meeting minutes with minor corrections.

Addendum: Board of Supervisors: Discussion and possible action relative to potential funding opportunities for road improvement and repair throughout the County.

Supervisor Axe introduced this item and stated he brought this issue forward after hearing past discussions by the Board regarding the condition of the roads in the County. He stated although the Board recognizes funds from SB1 that are anticipated to be between 3 to 3.5 million

dollars will be helpful, they are likely to fall significantly short based upon a study that was done by Public Works in 2015 that projected at least 6 million dollars per year will need to be allocated to repair and rebuilding of roads in the County. Supervisor Axe continued by stating the task at hand now is how to close the funding gap. He suggested the Board should perhaps look into a .5 cent sales tax initiative be placed on the ballot with a potential sunset clause of ten years to allow the public to gain confidence in the measure and recognize repairs and improvements are actually coming to fruition in the community. He noted a .5 cent sales tax would result in approximately 50 cents on every 100.00 dollars spent. Supervisor Axe stated he has had discussions with the Mayor of the City of Sutter Creek and he has expressed interest in learning more about the proposal, however he would like to see a revenue sharing scheme with Cities be taken into consideration. Supervisor Axe feels that if the Cities and County can work together on such a measure it would be more likely to be successful and better received by the public.

Supervisor Forster stated he is interested in hearing more about the revenue sharing nexus the Cities may be considering as he feels the County has the vast majority of roads to maintain and rebuild whereas the Cities have a minimal amount in comparison. Therefore, he would be hesitant to recommend a 50/50 split. He also noted he feels it will be an uphill battle to be successful with another tax after the passage of SB1. Supervisor Forster stated in his opinion it is imperative to have an active Committee, separate from the Board, out in the Community promoting the measure and raising funds to mount a campaign.

Supervisor Oneto stated although he is not usually and advocate of additional taxes he recognizes the critical need for road repair/replacement in the County. He stated he feels revenue sharing with the Cities should be considered as they are faced with road funding issues similar to the County and in order to bring this initiative forward and gain public support it will be important to work together with the Cities. He also added he would be supportive of an initiative if it is very transparent as to the details of allocation of the funds and contains a sunset clause.

Mr. Robin Peters, Mayor, City of Sutter Creek, stated he has had discussion with Supervisor Axe on one previous occasion regarding this issue and in turn he has spoken with the other City Mayor's to gain insight as to their opinion. He continued by stating it is important to keep in mind that the Cities are burdened with maintenance of road miles within their respective jurisdictions, albeit the road miles may be significantly less than the County, the financial impact is nonetheless worrisome. He pointed out that in Sutter Creek SB1 revenues are paltry at best, resulting in approximately \$40,000.00 dollars a year which does not go very far when facing infrastructure and repair issues that are critically needed in the City. Mr. Peters also pointed out that Sutter Creek, as well as the other Cities are subject to regional traffic traveling through their Cities on the way to the Martell Business Park to deposit sales tax revenues and do face impacts but do not see any positive revenues being returned. He also noted although he is not speaking on behalf of the other Cities, he opines they would feel "shorted" and would be strongly in support of receiving some portion of sales tax revenues that are generated at the Martell shopping center. Mr. Peters stated he is encouraged by the potential of this measure and would encourage the Board to establish an Ad Hoc Committee, to include City representatives, to study the details and consider an apportionment plan that would be beneficial to all five Cities as well as the County.

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

- Mr. Gary Reinoehl, District V
- Ms. Rebecca Brown, District V

Supervisor Crew stated he is concerned about this proposal as he has several elderly and non-driving constituents in his District that he feels would not be in support of an additional tax to go towards road repairs, but he is open to further discussions and research into the matter.

Supervisor Brown stated he is also reluctant to support this proposal this time as he has several private roads in his District that would not benefit from this tax and does not feel confident that a majority of his constituents would be in favor. He is open to exploring the issue further and considering facts as they become available.

ACTION: Direction given to form an Ad Hoc Committee consisting of Supervisors Axe and Oneto (Supervisor Brown serving as an alternate) to further look into the proposal of a .5 cent sales tax initiative as well as a sales tax apportionment formula to include the Cities of Jackson, Sutter Creek, Ione, Plymouth and Amador City and bring back to the Board with updates as they become available.

ADJOURNMENT: Until Tuesday, July 9, 2019, at 8:30 a.m.

June 25, 2019 Consent Minutes:

- 7.a. Human Resources: Approved Resolution to Establish the new classification of Executive Legal Assistant, range 2633, Step A \$30.91 - Step E \$37.57/hr. in the Confidential Unit and reclassify the current Administrative Legal Secretary to the new position, effective July 1, 2019.
Resolution # 19-074
- 7.b. LAFCO: Approved Resolution approving the Dissolution of County service area #7 (LAFCO Project #312)
Resolution # 19-075
- 7.c. Public Works: Approved Resolution of Acceptance and Final Release of Claims for Campbell Construction General Engineering Emergency Culvert Replacement Project on Jackson Valley Road Post Mile 2.0, and authorized Chairman to sign Construction Contract Change Order No. 1.
Resolution # 19-076
- 7.d. Public Works: Approved project plans and specifications as on file in the Department of Transportation and Public Works and approved to advertise for ITB 19-14, Curran Road Hot Mix Asphalt Overlay Project (PM 0.00 to 1.00) with Bids to be received on August 1, 2019. Authorized the Director of Public Works to record Notice of Completion for said project.
- 7.e. Public Works: Approved project plans and specifications as on file in the Department of Transportation and Public Works and approved to advertise (as required by law) ITB 19-15 Camanche Road Hot Mix Asphalt Overlay Project (PM 2.95 to 4.29) with Bids to be received on August 1, 2019. Authorized the Director of Public Works to record Notice of Completion for said project.
- 7.f. Social Services: Granted Authorization to Back-fill one Child Protective Services (CPS) Social Worker I/II/III position to replace an employee who has resigned effective on or before June 30, 2019. This is a Merit System position and their standards and guidelines must be followed.
- 7.g. General Services Administration: Authorize dispense of the Formal RFP Procedures for Environmental Monitoring and Reporting Program for the Landfill and approved Third Amendment with NV5 for additional services in an amount not to exceed Thirty-Two Thousand Five Hundred Fifty-One Dollars and Eighty Cents (\$32,551.80).

Brian Oneto, Chairman, Board of Supervisors

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

Staff Contacts: Chuck Iley, County Administrative Officer
Jennifer Burns, Clerk of the Board
Sharon Murphy, Deputy Board Clerk III
810 Court Street, Jackson, California 95642
Telephone (209) 223-6470
FAX# (209) 257-0619
www.amadorgov.org