

**Amador County Board of Supervisors
ACTION MINUTES**

REGULAR MEETING

DATE: Tuesday, August 11, 2020
TIME: 9:00 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:

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

Staff: Charles T. Iley, County Administrative Officer
Gregory Gillott, County Counsel
Jennifer Burns, Clerk of the Board

Absent: None

NOTE: These minutes remain in *Draft* form until approved by Minute Order at the next regular meeting of the Board of Supervisors. Any packets prepared by County Staff are hereby incorporated into these minutes by reference as though set forth in full. Any staff report, recommended findings, mitigation measures, conditions, or recommendations which are referred to by Board members in their decisions which are contained in the staff reports are part of these minutes by reference only. Any written material, petitions, packets, or comments received at the hearing also become a part of these minutes by reference.

CLOSED SESSION may be called for labor negotiations (pursuant to Government Code §54957.6), personnel matters (pursuant to Government Code §54957), real estate negotiations/acquisitions (pursuant to Government Code §54956.8), and/or pending or potential litigation (pursuant to Government Code §54956.9). **At 8:30 a.m., the Board convened into closed session.**

REGULAR SESSION: **At 9:00 a.m., the Board convened into regular session. Chairman Crew advised the following items were heard in Closed Session.**

Conference with Labor Negotiators: County Negotiators: Greg Gillott, County Counsel; Chuck Iley, County Administrative Officer, Lisa Gaebe, Human Resources Director

ACTION: Update given.

Conference with County Counsel: Initiation of Litigation-Government Code 54956.9 (D) (2)

Two Cases

ACTION: Update given.

Conference with County Counsel: Existing Litigation- {Government Code 54956.9(d)

Buena Vista Rancheria of Me-Wuk Indians v. Amador County, et al.
U.S. District Court, Eastern District of California Case No. 2:20-CV-01383-MCE-AC

ACTION: Update given.

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

Claim of Buena Vista Rancheria of Me-Wuk Indians. Claim #20-11

ACTION: Direction given to staff.

Confidential Minutes: Review and possible approval of the July 28, 2020 Confidential 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 July 28, 2020 Confidential Minutes.

PLEDGE OF ALLEGIANCE: Chairman Crew 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 Forster, 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)

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Brown, seconded by Supervisor Axe and unanimously carried to approve the Consent Agenda as amended.

COVID-19 Update: Update by the Amador County Health Officer, Dr. Rita Kerr, and the Amador County Sheriff, Martin Ryan, on the COVID-19 situation and the progress on the road to reopening Amador County.

Dr. Rita Kerr, Amador County Public Health Officer, joined the meeting via ZOOM and took this time to provide an update of the current status of the COVID-19 situation in Amador County. It should be noted that updates and current statistics can be found at www.amadorgov.org/services/covid-19

ACTION: Presentation only.

Community Development Agency: Discussion and possible action regarding direction to staff concerning code compliance issues at the Hideout at Kirkwood.

Mr. Chuck Beatty, Planning 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 September 24, 2019 staff presented the Board of Supervisors with various options for the Hideout to achieve compliance with the Amador County Code, specifically Title 19, Zoning. The Board ultimately determined that the project proponent should seek rezoning of the 38.3 acre site from Single Family Residential and Agricultural to Planned Development. Mr. Beatty noted the project proponents were in agreement with the Board's direction at that time. He continued by pointing out that staff has met with the project proponents on two occasions since

the September direction was given but to date the applications and information needed for rezoning have not been received.

Mr. Tom Hoover addressed the Board and explained that due to restrictions put in place regarding COVID-19 his business has been substantially impacted. He explained that he is facing extremely difficult financial situations at this time and his revenue has been cut by 80-90%. Mr. Hoover indicated that he has not been able to set up the necessary meetings with his engineers or other representatives to begin the process of submitting applications to the County and is hesitant to do so at this time as the fees associated with the process are costly and due to his lack of business he is uncertain if he can financially meet the responsibility at this time. Mr. Hoover continued by stating he is hopeful by the end of this year he will have a better idea of what his business will look like going forward and at that time will be able to begin the process for rezoning.

Mr. John Munn addressed the Board and referred to his memorandum that was emailed to the Board on August 8, 2020 and is hereby incorporated into these minutes as though set forth in full. Mr. Munn pointed out he has had an ongoing issue beginning with Mr. Hoover without his knowledge or consent constructed a concrete and culvert stream crossing on his property across the creek that carries runoff from the Corral Flat and Podesta Camp meadows and also widened the roadway on the property. In addition, Mr. Munn stated a locked cable was placed across the roadway that prevented him from using the easement on his property. Mr. Munn feels that the crossing of Corral Flat Creek on his property is not legal and it needs to be removed. Mr. Munn stated he has tried to discuss these concerns with Mr. Hoover but has not been successful in solving the issue.

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

Mr. Gary Reinoehl, District V resident

Further lengthy discussion ensued with the majority of the Board indicating a willingness to work with Mr. Hoover to assist him in complying the zone change and use permit process for the operations at the Hideout as well as addressing concerns brought up by Mr. Munn.

Supervisor Forster indicated he would like this matter be placed on a timeline for completion of outstanding issues as enough time has elapsed since this was first brought before the Board.

ACTION: Direction given to refer this matter back to the Planning Department to continue working with Mr. Hoover to gain compliance of the outstanding issues and bring a status report back to the Board on a periodic basis for an update on the progress.

PUBLIC HEARING **10:30**

Planning Department: Discussion and possible action relative to a Public Hearing to consider the Planning Commission's recommendation to adopt an Outdoor Lighting Ordinance.

Mr. Chuck Beatty, Planning Director provided background for the item by stating on March 23, 2018 the Board of Supervisors approved a Settlement Agreement to resolve litigation regarding the County's 2016 adoption of the Amador County General Plan and certification of the General Plan Environmental Impact Report. The Agreement includes the requirement for the County to draft a Dark Skies Protection Ordinance and hold at least one public hearing to consider its adoption.

Ms. Krista Ruesel, Planner, addressed the Board and provided a Power Point presentation relative to this matter that is hereby incorporated into these minutes as though set forth in full. Ms. Ruesel also noted the Planning Commission recommends an amendment to Chapter 19.50 Design Standards and Findings, by adding Section 19.50.060, "Outdoor Lighting Regulations," to the Amador County Code. The Code amendment would establish regulations for new outdoor lighting fixtures within the unincorporated County.

Chairman Crew opened the public hearing at this time. The following individuals wished to speak.

- Mr. Ray Ryan (via ZOOM)
- Mr. Jack Sales (via ZOOM)
- Ms. Rebecca Brown (via ZOOM)
- Ms. Melissa Haines-Lavin (via ZOOM)
- Ms. Caryl Caulsen (via ZOOM)
- Ms. Katherine Evatt (via ZOOM)
- Mr. Mark Bennett (in person)
- Mr. Rux Oneto (in person)
- Mr. Jake Guidi (in person)
- Mr. John Heisenbuttel (via ZOOM)

Lengthy discussion ensued with the following actions being taken.

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Oneto 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 Forster to adopt the proposed draft ordinance as presented with the following recommended findings:

1. **The adoption of Chapter 19.50.060, “Outdoor Lighting Regulations,” is Categorically Exempt from the California Environmental Quality Act according to Sections 15307 (Class 7) and 15308 (Class 8) of the State CEQA Guidelines.**
 - a. **Class 7 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.**
 - b. **Class 8 exemptions consist of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, procedures for protection of the environment.**

AYES: Supervisors Axe and Forster

NOES: Supervisors Brown, Crew and Oneto

****Motion failed for lack of majority vote****

Amador Council of Tourism: Discussion and possible action relative to a presentation by Ms. Melissa Haines Lavin, ACT CEO and Executive Director, supporting the request for disbursement of TOT funding for 2020 in the amount of \$80,200.00.

ACTION: Consensus of the Board to direct staff to disburse funds in the amount of \$80,200.00 for the 2020-21 fiscal year to the Amador Council of Tourism.

Upper Mokelumne River Water Shed Authority: Discussion and possible action relative to approval of the Chairman’s signature on a letter of support for Senate Bill 1348 (Stern) and Assembly Bill 2421 (Quirk).

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Brown and unanimously carried to approve the Chairman’s signature on a letter of support for Senate Bill 1348 and Assembly Bill 2421.

Administrative Agency: Discussion and possible action relative to the appointment of an ad-hoc Committee to review and give initial approval to spending relative to the CARES Act and the funding coming to Amador County through it.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Brown to appoint Supervisors Crew and Axe (Chairman and Vice-Chairman) to serve on an ad-hoc Committee relative to initial approval and spending of CARES Act funding.

Administrative Agency: Discussion and possible action relative to a 20-21 Budget increase request for Coronavirus Relief Expenses.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and stated Amador County has been allocated \$3,841,000.00 of Coronavirus Aid, Relief, and Economic Security Act stimulus funds from the state's share of Federal Coronavirus Relief Funds. The Federal CARES Act specifies funds must be used to cover only those costs that:

- Are necessary expenditures incurred due to the public health emergency with respect to COVID-19
- Were not accounted for in the most recent budget
- Were incurred during the period that begins on March 1, 2020 and ends on December 30, 2020.

Mr. Iley stated staff is currently reviewing BY 19-20 expenses for program eligibility. A rough estimate of costs incurred through June 30, 2020 is \$550,000.00, leaving \$3,291,000.00 available for FY 20-21 COVID-19 expenses. At this time, staff wanted Public Health to be able to get the supplies they needed to respond to the increasing demand of COVID 19 cases. County Department requests for FY 20-21 expenditures related to PPE, sanitizing products and other sanitation supplies are also included in the budget request. All other department requests for 20-21 funds will be reviewed for eligibility and necessity and be brought back at a later date for Board approval.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Brown, seconded by Supervisor Oneto and unanimously carried to approve the budget increase as presented.

Auditor's Office: Discussion and possible action relative to a proposal for the General Fund to backfill a shortage in the Conservator's Office pooled accounts held outside of the County Treasury.

Ms. Tacy Oneto-Rouen, Auditor-Controller, addressed the Board relative to this matter. She stated staff was made aware by external auditors that the bank accounts overseen by the Public Conservator were not being reconciled properly. The Auditor's Office immediately became concerned as to what had been occurring and recognized the situation as serious. After some research of the types of errors being made and attempting to train staff at the Public Conservators office, it was decided that it would be in the best interest of the County if the Auditor-Controller staff reconciled the accounts going forward. Ms. Rouen stated staff had to post over 200 adjustments between the three pooled accounts. The magnitude of errors noted demonstrates a mismanagement of client funds as the client ledger accounts were not being accounted for correctly, or being reconciled timely or properly. She continued by noting all errors within the

accounting system were rectified, however there remains an unreconciled difference, which is a shortage in funds between the bank accounts and the client accounts. She stated staff will provide a detailed listing of those clients whose accounts are overdrawn, and are requesting the General Fund backfill the deficit to reconcile and rectify the discrepancy in the following pooled accounts:

Public Conservator Account- \$23,303.68
Representative Payee Account- \$3,086.49
Total: \$26,390.17

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 General Fund to backfill the shortage in Conservator's Office pooled accounts held outside of the County Treasury in the amount of \$26,390.17.

Fixed Asset Policy: Discussion and possible action relative to an update to the subject Policy.

Ms. Michelle Begovich, Assistant Auditor-Controller, addressed the Board and stated the current Fixed Asset Policy was approved in August 2006. Since then, Fixed Asset procedural changes have been made. She noted the most significant change is the distinction between a Fixed Asset and Inventory Item. It is important to distinguish the two because they are recorded and reported differently.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Brown and unanimously carried to approve the Fixed Asset and Inventory Policy as presented.

Minutes: Discussion and possible action relative to approval of the July 28, 2020 Board of Supervisors Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Oneto and unanimously carried to approve the July 28, 2020 Board of Supervisors Meeting Minutes.

ADJOURNMENT: Until Tuesday, August 11, 2020 at 8:30 a.m.

August 11, 2020, 2020 Consent Minutes

- 8.a. Approved of roll correction value being decreased over \$150,000 or assessed value decreased more than 50%.
- 8.b. Approved a Resolution for supplemental funding to Contract #17-CDBG-1191 and the execution of a grant Agreement and any amendments thereto from the 2017 Community Development Block Grant Program -NOFA-Dated September 1, 2017.

Resolution 20-105

- 8.c. Approved an Agreement with Nexus Youth and Family Services - Outreach and Engagement FY 2021, RFP 20-11
- 8.d. Approved Childhood Lead Poisoning Prevention Program Contract #20-10512 between Amador County Public Health and the California Department of Public Health and executed the resolution authorizing the Chairman of the Board to sign and execute said agreement.

Resolution 20-106

- 8.e. Authorized the Purchasing Agent to Purchase two (2) 2020 Hyundai AWD Tucson's utilizing the State of California Contract 1-18-23-23F with Fleet Vehicle Source, Inc. in an amount not to exceed \$51,995.58
- 8.f. Awarded RFP 20-15 to Nexus Youth & Family Services and authorized the Contract Administrator and County Counsel to negotiate final terms and conditions and develop a contract based upon the Sample Agreement and Nexus Youth & Family Services' proposal dated July 7, 2020 for a period of (3) years in an amount not to exceed \$88,050 per fiscal year.
- 8.g. Approved Third Amendment to the Contract for Medical Services for Inmates of Amador County Adult Detention Facility
- 8.h. Fiddletown Cemetery Advisory Committee: Approved the Appointment of Casey Wilson to the subject Committee for a term of 4 years.
- 8.i. Amador County Commission on Aging: Approved the Appointment of Ms. Jan Mueller to the subject committee as a Member-At-Large for a term of three (3) years.

ADJOURNMENT: UNTIL TUESDAY, AUGUST 25, 2020 AT 9:00 A.M. (CLOSED SESSION BEGINS AT 8:30 A.M.)

Patrick Crew

PATRICK CREW, Chairman, Board of Supervisors

ATTEST:

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

Jennifer Burns