

**Amador County Board of Supervisors
ACTION MINUTES**

REGULAR MEETING

DATE: Tuesday, October 13, 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 and Gregory Ramirez, IEDA

ACTION: **Direction 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.**

Jon Hopkins v. County of Amador, Workers' Compensation Claim No. 20182000599

ACTION: **Direction given to staff.**

Robert Taylor v. Amador County, Workers' Compensation Claim No. 20172001275

ACTION: **No action taken.**

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

One Case

ACTION:

Confidential Minutes: Review and possible approval of the September 22, 2020 Confidential Minutes.

ACTION: **Direction given to hold the September 22, 2020 Confidential Minutes over for approval at a future meeting.**

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**.

Chamber of Commerce: Ms. Jamie Armstrong, Chamber Executive Officer, took this time to update the Board on regarding the ***Free COVID-19 PPE Supply Drive-Through Event*** that was held on Saturday, October 10th at the Chamber Offices located at 1 Prosperity Drive in Sutter Creek. Ms. Armstrong explained the event allowed Amador County Businesses to pick up a 30 day supply of PPE gear at no cost. The PPE supplies offered included disposable face masks, hand sanitizer, face shields and infrared thermometers. She continued by noting the event was very successful and essential supplies were distributed that will assist businesses in Amador County in keeping citizens and patrons healthy. Ms. Armstrong pointed out that another Drive-Through event will take place on October 15th from 10:00 a.m. to 4:00 p.m. also at the Chamber Offices.

Motion Reconsideration: Ms. Dianne Bennett, District V resident, addressed the Board and strongly urged the Board to reconsider their vote taken on September 22, 2020 adopting the Ordinance regarding Livestock Management on Parcels Less than five acres in size. Chairman Crew advised Ms. Bennett that the matter will be taken up for consideration on today's 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: Direction given pursuant to the following motion.

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

REGULAR AGENDA

Elections Department: Update by the Amador County Clerk Recorder/Registrar of Voters, Kimberly L. Grady, regarding the ongoing election and measures being taken to ensure a complete and accurate ballot count that reflects the intent of the voters.

Ms. Kim Grady, County Clerk/Registrar of Voters, and Mr. Mark Hammergren, Deputy Registrar of Voters addressed the Board and provided an update as to the status of the upcoming Election and how the transition to the Voters Choice Act is impacting the current Election preparations and outcome. Ms. Grady explained that three vote centers will be open in the County three days prior to the Election, which differs from the March Election when two vote centers were open ten days prior and one open three days prior. Ms. Grady stated vote centers will be open on October 31, 2020 and the locations will be the County Administration Center, Board of Supervisors Chambers, Mace Meadows, and Ione Memorial Hall. Ms. Grady encouraged anyone with questions or concerns to call the Elections Department at 209-223-6465 or visit <https://www.amadorgov.org/government/elections> for detailed information regarding the Voters Choice Act or other frequently asked questions regarding the upcoming Election.

ACTION: Update only.

COVID-19 Update: Update by the Amador County Health Officer, Dr. Rita Kerr 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 relative to reconsideration of an Ordinance Amending Title 19 of the Amador County Code by Repealing Section 19.48.060, "Private Stables." And replacing it with Section 19.48.060, "Livestock Management on Parcels Less than five acres in size.

Mr. Greg Gillott, County Counsel, addressed the Board and explained that pursuant to Section 2.04 of County Code a vote may be reconsidered on the motion of any member of the board voting with the majority. However, he pointed out the Code also states that any motion of reconsideration must be heard no later than the next regular meeting and shall require a majority vote of the members. If the motion is successful, the board shall immediately proceed to reconsider the subject matter of the motion. Mr. Gillott stated in this case the subject matter involves zoning code which requires public notice and public hearing. Therefore, he suggests the Board consider the motion for reconsideration and if it is successful, announce a date and time certain to which the Public Hearing will be held, allowing staff adequate time to meet the publication requirements. Mr. Gillott also cautioned against taking public comment today regarding the merits of the item, but rather focusing only on the issue of reconsideration as the public has not been duly notified that the item will be discussed again.

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 Forster, and carried to reconsider the motion taken on September 22, 2020 to adopt an Ordinance amending Title 19 of the Amador County Code by repealing Section 19.048.060, "Private

Stables” and replacing it with Section 19.48.060, “Livestock Management on parcels less than five acres in size.

Ayes: Supervisors Oneto, Forster, Brown and Crew

Noes: Supervisor Axe

Absent: None

At this time Chairman Crew opened the discussion up to the following individually who joined the meeting via ZOOM>

- Ms. Dianne Bennett, District V resident, thanked the Board for reconsidering and asked to be notified when the public hearing was set.

Further discussion ensued with the Board concurring the Public Hearing will be set to a date certain of November 10, 2020 at 10:30 a.m. and directed staff to publish the notice accordingly.

General Services Administration: Discussion and possible action relative to California Public Utilities Commission (CPUC) Rule 20A-P.G.&E. Credits.

Mr. Jon Hopkins, General Services Director, addressed the Board and provided a brief background as to the item. In summary, he stated the program is essentially a utility credit program, a financial program that provides “credits” to a local government. Each utility is given an allotment of credits to distribute to its respective municipalities every year. These Rule 20A credits enable the municipality and utilities to work on qualified projects with the utility responsible for the planning, design, and construction aspect of removing overhead infrastructure and placement in an underground trench. The utility is compensated for project costs by collecting the municipality’s accumulated credits and including them in subsequent general rate case so that the electric rates charged to all customer within their service territory will cover the submitted Rule 20A expenses. He stated Amador County has credits to place utilities underground, but these credits can be sold and the funds utilized for other county needs, such as Public Works projects or investment.

Mr. Hopkins continued by stating the CAO received a letter from the City of Burlingame offering to purchase Amador County’s credits. The county’s credits currently amount to \$3,703,807.00 as of September. The city offered 25% of that amount to obtain the County’s credits, or currently \$925,951.80. Certain criteria is required to be met in order to have an underground project approved by PG&E; in general, projects must be located on a major collector or arterial street or corridor that serves the good of the community at large. Mr. Hopkins stated the CPUC is considering options that may change Rule 20A that could include: 1) eliminating credits from those entities that have not used their credits or; 2) freezing credits providing entities 10 years to engage in a project or; 3) paying off credits to close the program.

Ms. Kathy Pace, PG&E liaison/Program Manager, joined the meeting via ZOOM to provide input and field questions from the Board or those present.

ACTION: Direction given to staff to do some research, contact the California League of Cities, obtain the list of interested selling entities from PG&E, and present findings back to the Board at the October 27, 2020 meeting if feasible.

Agriculture Department: Presentation of the 2019 Amador County Crop Report by Agriculture Commissioner, Eric Mayberry.

Mr. Eric Mayberry, Agriculture Commissioner, addressed the Board and presented the 2019 Amador Crop Report and fielded questions from the Board.

ACTION: Presentation only.

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

Surveying Department: Discussion and possible action relative to a Public Hearing to consider a request by Arnold J. Balthazar and Tammy Balthazar for a Certificate of Merger and Abandonment of a 10' wide public utility easement. The abandonment of the ten foot (10') wide public utility easement lies between Lots 6-291 and 6-304 and the Certificate of Merger consists of merging Lots 6-291 and 6-304 in Lake Camanche Village Subdivision Unit No. 6. The property is located between Zumi Court and Yuma Court in Lake Camanche Village Subdivision Unit No. 6, recorded in Book 3 of Subdivisions at Page 53, Records of Amador County. Assessor Parcel No.'s 003-772-026 and 003-761-008.

Chairman Crew opened the Public Hearing at this time

Mr. Roger Pitto, 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.

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

MOTION #1: It was moved by Supervisor Axe, seconded by Supervisor Oneto and unanimously carried to close the Public Hearing.

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

MOTION #2: It was moved by Supervisor Forster, seconded by Supervisor Brown and unanimously carried to adopt the following Resolutions to accept the abandonment of the Public Utility Easement and issuing a Certificate of Merger to Arnold J. Balthazar and Tammy Balthazar.

RESOLUTION NO. 20-140

Resolution approving abandonment of a Public Utility Easement for Arnold J. Balthazar and Tammy Balthazar.

RESOLUTION NO. 20-141

Resolution issuing a Certificate of Merger to Arnold J. Balthazar and Tammy Balthazar.

Emergency Wildfire and Public Safety Act: Discussion and possible action relative to a request from Senator Feinstein for a letter from the Board in support of the Emergency Wildfire and Public Safety Act. (Continued from September 22, 2020).

Chairman Crew introduced this item and stated it was previously heard on September 22, 2020 and at that time the Board requested John and Anne Heissenbuttel be contacted and asked to weigh in with their thoughts on the issue.

Mr. John Heissenbuttel addressed the Board and stated the subject piece of legislation is a bi-partisan effort brought forth by Senator Feinstein and Senator Daines. He continued by stating he feels it is a fairly modest piece of legislation, but is a significant step in the right direction because, among other things, bi-partisan recognitions is needed to achieve more active forest management and may assist forest management to conduct fuel reduction projects around existing service roads and could streamline the environmental review process.

Ms. Anne Heissenbuttel addressed the Board and stated the three projects have been authorized to be submitted by various western States seems highly unlikely to benefit Amador County directly. However, provisions that streamline the environmental review process for fuel breaks or reducing fuels along roadsides applicable to national forest and salvage after fire would prove to be measures that could apply and benefit locally.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Forster and unanimously carried to authorize the Chairman's signature on a letter of support for the Emergency Wildfire and Public Safety Act.

First Time Homebuyer Loan: Discussion and possible action relative to a request for approval of a short sale regarding County First-Time Homebuyer Loan (Nygren)

Mr. Greg Gillott, County Counsel, addressed the Board and summarized the memo relative to this matter which is hereby incorporated into these minutes as though set forth in full. He continued by noting if the Board determines that the County has provided the necessary counseling and other information to the property owners (Nygrens), has verified that the sales price is consistent with the fair market value, and has attempted to recover as much of the loan proceeds as possible, the HOME program rules appear to require the Board to approve the requested short sale. Any net proceeds from the sale remaining following repayment of the first and any closing costs must be repaid to the County.

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 adopt the following Resolution approving the sale and authorizing the County Administrative Officer to execute necessary documents in connection with the sale of the Nygren property.

Minutes: Review and possible approval of the September 22, 2020 Regular 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 September 22, 2020 Board of Supervisors Meeting Minutes.

ADJOURNMENT: Until Tuesday, October 27, 2020 at 8:30 a.m.



PATRICK CREW, Chairman, Board of Supervisors

ATTEST:



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

OCTOBER 13, 2020 CONSENT MINUTES

7. a. Declaring a Local State of Emergency in Amador County due to Pervasive Tree Mortality.
ACTION: Approved-Resolution no. 20-130
7. b. **General Services Administration:** Dispense with the bidding procedure and approve the purchase of Public Works Department vehicles utilizing State of California Contract.
ACTION: Approved-1) Dispense with the formal ITB procedure and; 2) Authorize the Purchasing Agent to Purchase two (2) 2021 Ford F350, 4X4 trucks utilizing the State of California Contract 1-18-23-20A with Downtown Ford Sales in an amount not to exceed \$96,690.36.
7. c. **Agriculture Department:** Resolution approving the re-appointment of Eric Mayberry to a four year term as Agriculture Commissioner and Sealer of Weights and Measures.
ACTION: Approved-Resolution No. 20-131
7. d. Building Department: Limited Density Owner-Built Rural Dwelling/LD01040-CROSS-Adopt Resolution and authorize the Chairman to sign agreement.
ACTION: Approved-Resolution No. 20-132
7. e. **Treasurer/Tax Collector:** Resolution authorizing sale of tax-defaulted property at Public Auction. To make any sale of tax defaulted property, the Tax Collector must transmit a notice to the Board of Supervisors (Section 3698, R&T Code). On receipt of such notice, the Board must, by Resolution, either approve or disapprove the proposed sale.
ACTION: Approved-Resolution No. 20-133
7. f. Amador County Local Hazard Mitigation Plan Update: Approval of a Resolution adopting the subject Plan Update.
ACTION: Approved-Resolution No. 20-134
7. g. Juvenile Justice Commission: Approval of the appointment of Melissa Thompson to the Juvenile Justice Commission for a four year term ending September 2024.
ACTION: Approved
7. h. **Sheriff's Office:** Boating and Waterways Grant Agreement.
ACTION: Approved
7. i. **COVID-19 Eligible Expense Reimbursement Agreements** with City of Jackson. Agreement for \$65,000.00 reimbursement to the City of Jackson for eligible COVID-19 expenses and an agreement for \$10,000.00 to the City of Jackson Fire Department for reimbursement of eligible COVID-19 expenses. Grant the authority to the Chairman of the BOS to sign similar future agreements with cities and agencies in order to distribute CARES Act funding.
ACTION: Approved

7. j. Auditor: Resolution establishing the 2020-21 Fiscal Year Appropriations Limit.
ACTION: Approved-Resolution No. 20-135
7. k. Behavioral Health: Approval of Resolution adopting the Mental Health Services Act Three Year Plan for Fiscal Years 2020-2023 and Resolution.
ACTION: Approved-Resolution No. 20-136
7. l. Transitional Housing Program: Resolution authorizing application for and acceptance of the County allocation award under the subject program.
ACTION: Approved-Resolution No. 20-137
7. m. **Community Development Agency:** Adoption of Ordinance 1799 amending Chapter 15.30 of the Amador County Code relating to Fire and Life Safety Regulations.
ACTION-Approved-Ordinance No. 1799
7. n. **Public Conservator/Public Guardian/Public Administrator Department:** Assess the department reorganization of the Public Conservator/Public Guardian/Public Administrator Department in light of issues brought before the Board of Supervisors August 11, 2020 meeting.
ACTION: Approved
7. o. **General Services Administration:** Dispense with the Formal RFP Procedures for child care subsidy and referral services and approve agreement with The Resource Connection.
**ACTION: 1) Dispense with the formal bidding procedures and;
2) Approve the attached draft services agreement with The Resource Connection in the amount of \$155,500.00 contingent upon final terms and conditions approved by County Counsel and the Director of Social Services.**
- 7.p. **Public Health Department:** Request to create a new Budget (#4008-Enhanced Detection), as it relates to Public Health being awarded funding in the amount of \$1,693,463.00 from the California Department of Public Health Emergency Preparedness Office to be utilized between May 18, 2020 and November 17, 2022
ACTION: Approved-20-138
- 7.q. **Social Services:** Adoption of a Resolution approving the Standard Agreement with STD 213 with exhibits between California Department of Social Services and Amador County regarding first level quality assurance of Child Welfare Case Reviews.
ACTION: Approved
- 7.r. Memorandum of Understanding (MOU) defining Systems of Management Advocacy and Resource Team as required by AB 2083 for the integration of services for youth in foster care.
ACTION: Approved

7. s. **Transportation and Public Works:** Approval of the Chairman's signature on Amendment 6 and 7 to the Dewberry/Drake Haglan Consulting Agreement relating to costs associated with two of the four bridge projects, Bell Road and Fiddletown Road.

ACTION: Approved

7. t. **Transportation and Public Works:** Approval of the Chairman's signature on Temporary Right-of-Way Deeds for the following properties:

APN: 014-240-067 (Espan)

APN: 014-240-066 (Espan)

APN: 014-240-023 (Crisp)

APN: 014-300-003 (Holcomb)

ACTION: Approved