

Amador County Board of Supervisors ACTION MINUTES

REGULAR MEETING

DATE: Tuesday, October 27, 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 County Counsel: Initiation of Litigation-{Government Code 54956.9(D)}

ADDENDUM: One Case

ACTION: Direction given to staff.

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.

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

ACTION: Direction given to staff.

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: Nothing to report.

Confidential Minutes: Review and possible approval of the October 13, 2020 Confidential Minutes.

ACTION: It was moved by Supervisor Forster, seconded by Supervisor Brown and unanimously carried to approve the October 13, 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.**

Speed Concerns on Buena Vista Road: Mr. Mike Krisman, District II resident, took this time to present a signed petition from residents in the Buena Vista Road area who are concerned with excessive speed, noise and dust caused by vehicles traveling on Buena Vista Road. Mr. Krisman pointed out that a bull was killed approximately three weeks ago by a driver that was traveling at an unsafe speed. He continued by stating he and other residents are hopeful that presenting the petition will be a proactive measure and start the process of initiating a speed study or other research that needs to be completed prior to a reduced speed limit being posted. Mr. Krisman advised he has been in contact with the California Highway Patrol and understands that mitigation measures will have to be looked at and certain processes will need to be vetted before any action can be taken.

Mr. Bill May, District II resident, added to Mr. Krisman's concern by advising the Tribe has petitioned Alcohol Beverage Control to alter their current allowed hours to serve alcohol and has requested to be allowed to serve alcohol on the gaming floor which could prove to be a precarious situation when patrons are leaving the Casino and traveling on the roadways in the area.

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.)

Supervisor Crew advised the following item was added as an Addendum to the Closed Session portion of today's agenda.

Conference with Legal Counsel: Initiation of litigation pursuant to Government Code 54956.9(d)(4)]

One Case

ACTION: Direction given pursuant to the following motion.

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

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

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.

2020 Grand Jury Report: Presentation of the 2020 Grand Jury Report by Katrina Zapata, Grand Jury Foreman, and formal request for a response by the Board.

Ms. Zapata addressed the Board and presented a letter to the Board that contained contact information for the Grand Jury and also pointed out that the Grand Jury will be available until December 31, 2020 to answer any questions that the Board may have on the findings included in the report. A complete copy of the current report can be found by clicking the following link.

<http://www.amadorcourt.org/gi-civil-grandJury.aspx>

ACTION: Presentation only.

Tree Mortality: Update on Tree Mortality mitigation activities by Tad Mason, TSS Consultants, Dr. Richard Harris, and Ed Struffenegger.

Mr. Tad Mason, TSS Consultants, and Dr. Richard Harris joined the meeting via ZOOM. Dr. Harris presented a brief Power Point presentation outlining the current status and projected future activities regarding Tree Mortality mitigation in the area. A complete copy of the presentation is hereby incorporated into these minutes as though set forth in full.

ACTION: Presentation only.

Limited Density Rural Dwelling-LD1032 (Hermann): Discussion and possible action relative to modifications to current LDRD agreement #LD1032 adopted by the Board on November 12, 2019.

Mr. Mike Israel, Community Development Director, addressed the Board and stated there is a section in Chapter 15.10 of County Code that states offering the property for sale indicates that presumed intent was present prior to obtaining the permits to build. However, the Community Development Director does have the ability to allow sale prior to the three year provision. Mr. Israel indicated he had concern with this particular situation as the property was listed for sale prior to the request coming to the County and he felt the demonstration of hardship could have been better supported. For those reasons he suggested the matter be brought to the Board for discussion and possible action.

Supervisor Forster stated although he was not contacted by the applicants regarding this issue, he knows them personally and agrees with the disclaimer of personal hardship in this situation and supports the request to modify the agreement and allow sale of the property within the three year limit.

Mr. Chris Hermann joined the meeting via ZOOM and explained the circumstances surrounding family hardship and requested approval to sell the property within the three year time frame outlined in the agreement.

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

MOTION: **It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to authorize the owners of the subject property to sell prior to the three year period being exhausted due to extenuating circumstances related to family health situations.**

General Services Administration: Discussion and possible action relative to new requirements being placed on Animal Control and a proposed new fee schedule for the Department to account for these additional costs.

Mr. Jon Hopkins, General Services Director, addressed the Board and summarized the staff memorandum relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, Ms. Kelly Reason, Animal Control Director, brought to his attention information regarding Senate Bill 573 that will be added to the Food and Agriculture code section 31108.3, effective January 1, 2021. This bill will require animal shelters and rescue groups to microchip all dogs and cats that are either adopted out of the shelter or returned to the owner after being impounded. The only exception to this would be if a veterinarian states the animal would be medically unfit or if the person either adopting the animal or reclaiming their own animal signs a statement stating that the cost of the microchipping would impose a financial hardship on them. Mr. Hopkins continued by stating the fee schedule before the Board today indicates an additional \$15.00 for adoption of dogs and cats. The \$15.00 is inclusive of staff time and the cost of the chip.

He stated staff further recommends this fee change to reflect the actual cost of the chip currently at \$5.00.

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 Forster and unanimously carried to approve the revision to the fee schedule to include a new \$15.00 fee to microchip animals; with no other fees being revised.

General Services Administration: Discussion and possible action relative to Bid Proposal 20-19-Reject all Proposals.

Mr. Jon Hopkins, General Services Director, addressed the Board and summarized the staff memorandum relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, he stated on October 15, 2020 at 1:30 p.m. the Amador County Invitations to Bid (ITB) 20-19 were received, opened and read publicly for the Purchase and Installation of two stand-by generator systems for the District Attorney's Office and Pioneer Park Veterans Hall. Bids received exceed the available funding with the exception of one bid received by Baran Electric (low bidder) who has requested to withdraw their bid. Baran Electric's bid amount compared to the other bid amounts is significantly lower. Mr. Hopkins stated staff determined Baran Electric did not respond appropriately and significantly underbid the project. In addition, the other bids received are cost prohibitive as proposed.

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 Axe and unanimously carried to:

1. **Reject all Bids received for ITB 20-19 and;**
2. **Release Baran Electric from the bid/contract and;**
3. **Authorize Facilities staff to value engineer the work to obtain bids within available funding and;**
4. **Authorize the re-bidding of this work following value engineering**

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

Amador County Recreation Agency: Discussion and possible action relative to a Public Hearing to consider approval of the Amador County Recreation Agency Master Plan, updated September 2016, and related documents.

Ms. Carolyn Fregulia, ACRA Executive 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.

Chairman Crew 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 Brown, seconded by Supervisor Axe 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 Brown and unanimously carried to adopt the following Resolution adopting the Amador County Recreation Agency Park and Recreation Master Plan with an effective date of January 1, 2020, the Park Impact Fee Nexus Study, the Updated Regional and Local Park Impact Fees; and approving the Memorandum of Understanding regarding Regional Park Impact Mitigation Fees.

RESOLUTION NO. 20-144

Resolution adopting the Amador County Recreation Agency Park and Recreation Master Plan with an effective date of January 1, 2020, the Park Impact Fee Nexus Study, the Updated Regional and Local Park Impact Fees; and approving the Memorandum of Understanding regarding Regional Park Impact Mitigation Fees.

Amador County Recreation Agency: Discussion and possible action relative to a Public Hearing to consider the review of Amador County Park and Recreation Plan and Recreation Plan, Capital Improvement Plan and the Annual Mitigation Fees Report for FY 2019-2020 and approved Five Year Plan.

Ms. Carolyn Fregulia, ACRA Executive Director, presented the Annual Mitigation Fees Report for fiscal year 2019-2020, and the approved Five-Year Plan. She continued by pointing out that Recreation Mitigation Fees collected in Amador County are handled by the Amador County Recreation Agency. An annual report of how much was collected in each of the park service areas is necessary, along with any expenditures for capital improvements. Ms. Fregulia stated the Capital Improvement Plan that was updated in June of 2012 and the Five-Year Report on the Recreation Mitigation Fees approved by the Board of Supervisors on January 24, 2017 is also included in the Report.

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

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Axe 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 Brown and unanimously carried to approve the following Resolution approving review of Capital Improvement Plan and Annual Mitigation Fees Report for 2019-2020 and the approved Five-Year Plan.

RESOLUTION NO. 20-145

Resolution approving review of the Amador County Park and Recreation Capital Improvement Plan, the Annual Mitigation Fees Report for F/Y 2019-2020 and the approved Five-Year Plan

Administrative Agency: Discussion and possible action relative to a request by the California Forestry Association to join a coalition and intervene in support of the U.S. Fish and Wildlife Service in a lawsuit regarding a decision by the USWFS that listing the California Spotted Owl was not warranted under the Endangered Species Act.

Supervisor Forster introduced this item and summarized a background letter received from the California Forestry Association. Supervisor Forster stated the CFA is requesting participation in a coalition seeking to intervene in support of the U.S. Fish and Wildlife Service in a lawsuit brought by Sierra Forest Legacy, Defenders of Wildlife, and the Center for Biological Diversity regarding a decision by the Service that listing the California Spotted Owl was not warranted under the Endangered Species Act.

Supervisor Axe took this time to summarize some points made by the Deputy Director of Fish and Wildlife in a summary of findings. He pointed out that while some conservation measures are in place, the main threat to the California Spotted Owl habitat is wildfire and being able to mitigate that through thinning of the forest in some cases would be to the benefit of the species.

Mr. John Heissenbuttel, Registered Professional Forester and Amador Fire Safe Council Member, joined the meeting via ZOOM. Mr. Heissenbuttel stated he has reviewed the background paper that Supervisor Forster referred to and feels that it gives a fair interpretation and highlights a lot of concerns and issues that Supervisor Axe mentioned today. He continued by noting Amador Fire Safe Council has also been requested to join the coalition as an intervener and after lengthy discussion have decided to join. Some reasons behind the decision to join were, but not limited to, if the filers of the subject suit are successful it will compromise the Amador Fire Safe Councils principle mission which is to reduce the threat of catastrophic wildfires that threaten local communities.

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 unanimously carried to authorize the Chairman's signature on a letter to the California Forestry Association listing Amador County in the coalition to intervene in support of the U.S. Fish and Wildlife Service in a lawsuit brought by Sierra Forest Legacy, Defenders of Wildlife, and the Center for Biological Diversity.

Board of Supervisors: Discussion and possible action relative to appointment of a Primary and Alternate delegate to the 2020-2021 CSAC Board of Directors.

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 Axe and unanimously carried to appoint Supervisor Forster as the Primary delegate and Supervisor Brown as the Alternate delegate.

Minutes: Review and possible approval of the October 13, 2020 Board of Supervisor Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Brown, seconded by Supervisor Forster and unanimously carried to approve the October 13, 2020 Board of Supervisors Meeting Minutes with minor corrections.

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 11:19 a.m., the Board convened into closed session.**

Conference with Real Property Negotiators: County Negotiators: Charles T. Iley, County Administrative Office, Jon Hopkins, General Services Director

Property: APN 044-010-116-Airport Offices 3,4 & 5

Negotiating Parties: Fred B. & Daniel Blodgett-Millennium Aerospace & Defense (MAD)

Under Negotiation: Terms and Conditions to Lease

ACTION: Direction given to staff.

Property: APN 014-120-011-000 (0.16 acres)
Negotiating Parties: Holly Jonak
Under Negotiation: Donation of private property

ACTION: Direction given to staff.

Property: APN 044-010-116-Catto, LLC
Negotiating Parties: Sara Catto
Under Negotiation: Terms and Conditions to Amend Use and Term of Lease

ACTION: Direction given to staff.


REGULAR SESSION: At 11:40 a.m., the Board convened into regular session. Chairman Crew advised the above items were heard in Closed Session.

ADJOURNMENT: Until Tuesday, November 10, 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 27, 2020 CONSENT MINUTES

7.a. General Services Administration: RFP 20-21 Inmate Communication Services: Inmate Phone, Tablets, Video Visitation & Related Services

Approval: 1) Award RFP 20-21 to Securus Technologies Inc. for a five (5) year period utilizing option 1 listed in their proposal on page 124 and; 2) Authorize Captain Benov and County Counsel to negotiate final terms and conditions and develop a contract based upon the Sample Agreement, Securus Technologies Inc.'s proposal dated August 27, 2020 and RFP 20-21 and; 3) Approve the Board Chair to execute said agreement with Securus Technologies Inc. contingent upon agreeable terms and conditions.

ACTION: Approved

7.b. Ione Memorial District: Approval of the appointment of Weldon Wesley Lincoln to fill the seat vacated by the resignation of Jerry Gold on September 15, 2020.

ACTION: Approved

7.c. Commission on Aging: Approval of the re-appointment of Chester "Skip" Schaufel to the subject Commission representing District II for a four year term. (October 27, 2020-October 26, 2024); and re-appointment of Gerri Windsor, Treasurer, for a four year term. (October 27, 2020-October 26, 2024)

ACTION: Approved

7.d. Behavioral Health - Operation Care, Marriage License Fees for Domestic Violence

ACTION: Approved

7.e. General Services Administration: Dispense with the bidding/RFP procedures and approve Software Upgrade for the Auditor's Office.

Approval: 1) Dispense with the formal RFP procedures and; 2) Approve the quote with Central Square Technologies for payroll and accounting services in an amount not to exceed One Hundred Eleven Thousand Eight Hundred Sixty Dollars and No cents (\$111,860.00) and; 3) Authorize the Auditor to execute the Sales Order provided by Central Square.

ACTION: Approved

7.f. Approval of MOU with the California Department of Food and Agriculture (CDFA) for reimbursement for Pest Detection during FY 2020-21

Approval: This agreement provides for up to \$14,760 reimbursement for Agriculture Department activities. It is recommended that the Board of Supervisors authorize the Board Chair to sign the attached Agreement.

ACTION: Approved

7.g. Airport: Pavement Maintenance Management Program (PMMP) Consultant Agreement
Suggested Action: Authorize the Chairman to execute the attached agreement with C&S Companies contingent upon the General Service Director and County Counsel review and approval.

ACTION: Approved

7.h. Social Services - Exemption Request to Competitive Bid/Proposal Second Amendment to contract for child and Family Team Meeting Facilitation with Sierra Child and Family Services

ACTION: Approved

7.i. A Resolution of the Board of Supervisors of the County of Amador authorizing the County Administrative Officer to file a financial assistance application for a financing agreement with the State Water Resources Control Board for the design, and construction of the Buena Vista landfill WMU-1 Final Cover Reconstruction and Class II Surface Impoundment Expansion and Liner Replacement

ACTION: Approved-Resolution No. 20-142

7.j. Emergency Medical Care Committee: Approval of the appointment of Deborah Mackey to the subject Committee for a three (3) year term. (October 27, 2020-October 26, 2023).

ACTION: Approved

7.k. Assessor: Secured Roll Correction - Approval of roll correction values being decreased over \$150,000 or with values being decrease 50% or more. APN #14-020-013-000 KOERNER ROMBAUER INVESTMENTS LLC & APN #033-790-019-000 SERPA RICHARD L & SUSAN E FAMILY TRUST

ACTION: Approved

7.l. General Services Administration: Dispense with the Formal RFP Procedures for COVID mobile testing

1) Dispense with the formal bidding procedures and; 2) Approve the attached contract with COVID Dx LLC for full service mobile testing in the amount not to exceed of \$200,000.00.

ACTION: Approved

7.m. District Attorney – New Position of Program Manager – Special Prosecutions Unit

Approval: New position of Program Manager – Special Prosecutions Unit and new job description, proposed salary, the Classification and Wage Plan for Amador County Deputy District Attorneys Association, and the Consolidated Salary Schedule.

ACTION: Approved

7.n. General Services Administration: Tree Mortality Coordinator Seventh Contract Amendment

Approval 1) Approve the Seventh Amendment with TSS Consultants Inc. for Tree Mortality Coordinator (TMC) services extending the contract time until December 31, 2021.

ACTION: Approved

7.o. General Services Administration: Registered Professional Forester Seventh Contract Amendment

Approval: The Seventh Amendment with Ed Struffenegger, Registered Professional Forester for tree mortality RPF services extending the contract time until December 31, 2021

ACTION: Approved

7.p. Amador Fire Protection District: Approval of a Resolution ratifying AFPD Ordinance No. AFPD 010, adopting the 2019 edition of the California Fire Code within the Amador Fire Protection District.

ACTION: Approved-Resolution No. 20-143