

Amador County Board of Supervisors ACTION MINUTES

REGULAR MEETING

DATE: Tuesday, February 23, 2021
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:

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

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.

****It should be noted the start of the meeting was delayed approximately 20 minutes due to citizens expressing unhappiness regarding face masks being required to enter the Board Chambers. After some discussion it was decided that the citizens with medical conditions that could not wear a face covering and did not want to utilize the suggested accommodation of participating via ZOOM would be allowed to enter the Chambers to speak with the caveat that they would exist the Chambers as soon as possible after they addressed the Board. Chairman Crew invited the individuals choosing not to wear a mask to speak first under Public Matters Not On The Agenda and advised the other individuals in the Chambers that were wearing masks could be accommodated in the lobby if they were uncomfortable or felt unsafe in the Chambers while the unmasked individuals were speaking ****

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 approximately 9:20 a.m., the Board convened into regular session. Chairman Crew advised the following items were heard in Closed Session.

Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6: County Negotiators Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, Lisa Gaebe, Human Resources Director

ACTION: Direction given to staff.

Conference with County Counsel: Existing Litigation-{Government Code 54956.9(d)(1)}

Conservatorship of Nancy Hatch
Amador County Superior Court Case No. 05-PR-0590

ACTION: Direction given to staff.

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

Confidential Minutes: Review and possible approval of the December 15, 2020 Confidential Minutes.

ACTION: It was moved by Supervisor Forster, seconded by Supervisor Brown and unanimously carried to approve the January 5, 2021 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**.

The following individuals wished to speak relative to, but not limited to concerns regarding appointment of an interim Sheriff, rather than an election, upon the resignation of Sheriff Martin Ryan, concerns regarding the current pay scale for law enforcement and questionable working conditions in the Jail and Sheriff's Office, as well as comments urging the Board to conduct a "ride-along" with Deputies to facilitate a better understanding of working conditions and the nature of the environment and crime community that they are faced with on a daily basis. *It should be noted complete audio recording of the proceedings can be found on the County website (www.amadorgov.org) included with the agenda materials for this date and video of the meeting can be located on the KVGC Facebook page*.

- Mr. Greg Bixby, District V resident
- Ms. Karen Bixby, District V resident
- Ms. Cynthia Stout, District I resident
- Ms. Nikki Oneto, District I resident
- Mr. Don Fischer, District III resident
- Ms. Joanne Pace, District V resident
- Mr. Jack Magee, District III resident
- Ms. Lois MacDonald, District I resident
- Mr. Eddie Oneto, District I resident
- Ms. Lindsey (no last name given), District I resident
- Ms. Jamie Lubenko, District V resident
- Mr. Mike Sullivan, District V resident (Joined the Meeting via ZOOM)

The following individual wished to speak relative to the proposed Casino in Plymouth and presented the Board and County Counsel with a Public Records Act Request.

- Mr. Butch Cranford, District V resident

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 Crew advised a Blue Slip to today's agenda is being proposed as follows:

Approval of an Agreement with Blue Shield re COVID-10 Vaccination Program.

Mr. Greg Gillott, County Counsel, advised Amador County policy allows the consideration of emergency of "Blue Slip" items to be submitted at any time up to the commencement of any Board meeting. Government Code section 54954.2 allows the Board to consider items not on the agenda if:

1. The item needs immediate action and cannot reasonably wait for the next scheduled meeting of the Board; and
2. The County did not reasonably discover the need for immediate action until after the agenda deadline had passed.

The following action resulted:

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Brown and unanimously carried to approve the addition of the Blue Slip Item to today's agenda as Item 5a-1 based on the criteria outlined above.

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

MOTION #2: It was moved by Supervisor Axe, seconded by Supervisor Forster, 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 Axe, 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 including vaccine supply in Amador County. It should be noted that updates and current statistics can be found at www.amadorgov.org/services/covid-19.

The following individuals wished to speak relative to this matter.

- Ms. Mary Pulskamp, District IV resident, submitted an email to be read into the record by Chairman Crew. The email is hereby included in the Board records for today's date.
- Ms. Jamie Lubenko, District V
- Mr. Erik Hansen,
- Mr. John Heissenbittel, District V resident
- Mr. Gary Reinoehl,
- Mr. Jake Guidi, District I resident
- Ms. Lynn Davidson,
- Mr. Jack Gorman, District V resident

ACTION: Presentation only.

Approval of an Agreement with Blue Shield regarding the COVID-19 Vaccination Program (*Blue Slip*): Discussion and possible action relative to approval of the subject agreement.

Mr. Greg Gillott, County Counsel, addressed the Board and stated the proposed agreement was sent to the County on Saturday, February 20th. The State is insisting on very short approval timelines, demanding that the Agreement and related documents, be approved, signed, and returned within five business days.

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 Brown and unanimously carried to approve the Agreement with Blue Shield regarding the COVID-19 Vaccination Program pending finalization of the contract.

Railroad Crossing Improvements: Discussion and possible action relative to a request for road closures of Michigan Bar Road and Carbondale Road.

Mr. Richard Vela, Public Works 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, the Union Pacific Railroad (UPRR) is planning to complete repairs to crossings on the following roads in Amador County during the month of April:

1. Michigan Bar Road between Carbondale Road and the Sacramento County Line (4/5-4/8)
2. Carbondale Road between Michigan Bar Road and Maxwell Road (4/12-4/15)
3. Michigan Bar Road between SR 104 and Carbondale Road (4/19-4/22)

Each repair will require a full road closure at each location with an associated detour route in place for the duration of the work.

Ernesto Plasencia, Union Pacific Foreman was present via ZOOM to answer questions by the Board. Mr. Plasencia advised he will attempt to have the road closures as brief as possible and to have the repairs done timely and with the least inconvenience to the public.

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 Oneto and unanimously carried to approve the requested road closures to facilitate the repairs to UPRR crossings on Michigan Bar Road and Carbondale Road as presented, and authorize the Director of Transportation and Public Works to act on the behalf of the County in the signing of necessary encroachment permit documents.

Amador County Behavioral Health Advisory Board Annual Report: Discussion and possible action relative to the subject report and a brief presentation by Dr. Arnold Zeiderman.

Dr. Arnold Zeiderman joined the meeting via ZOOM and summarized the subject report which is hereby incorporated into these minutes as though set forth in full.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to accept the Amador County Behavioral Health Advisory Board Annual Report as presented.

Letter of Public Convenience: Discussion and possible action relative to a request for and On-Sale Beer & Wine Type 42 Alcohol and Beverage License: Discussion and possible action relative to a request by Cristobal Lara and Rachel Sutherland at 15917 State Highway 49 in Drytown, CA.

Mr. Greg Gillott, County Counsel, addressed the Board and summarized this matter for the Board. In summary, he stated the number of alcoholic beverage licenses are limited by State law, Pursuant to Business and Professions Code section 23816, the number of On-Sale general licenses is capped based on a ratio of licenses to population (1 license per 2000 residents). According to ABC, the maximum ratio for on-sale licenses within the County is not exceeded. However, the number of licenses available within the County is further limited by census tract in order to avoid any “undue concentrations” of licenses in certain areas. The proposed Wine Café falls within Census Tract 2. ABC has indicated that all 13 on-sale licenses available for Census Tract 2 have already been issued. Therefore, the Applicant’s request is reviewed pursuant to the “undue concentration” provisions located in the Business and Professions Code. There are other exceptions, but generally, ABC must deny the license unless the Board of Supervisors determines within 90 days of the notification that “public convenience or necessity would be served by the issuance of the license.

Cris Lara addressed the Board and explained a little of his business plan and the vision for the Tin Roof Café. Mr. Lara stated he is fully aware of the parking challenges and intends to work closely with all appurtenant County Departments to obtain all the necessary permits and satisfy all requirements and regulations.

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 approve the request for On-Sale Beer & Wine 42 Alcohol and Beverage License by Cristobal Lara and Rachel Sutherland at 15917 State Highway 49 in Drytown, CA and find that public convenience or necessity would be served by issuance of the on-sale license.

Amador County Redistricting Advisory Committee: Discussion and possible action relative to appointment of members to the subject Committee and discussion regarding the process as it moves forward.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and stated the U.S. Census Bureau announced recently that it will deliver the Public Law 94-171 redistricting data to all states by September 30, 2021. COVID-19 related delays and prioritizing the delivery of the apportionment results delayed the Census Bureau’s original plan to deliver the redistricting data to the states by March 31, 2021. Different from previous censuses, the Census Bureau will deliver the data for all states at once, instead of on a flow basis.

This change has been made because of COVID-19-related shifts in data collection and in the data processing schedule and it enables the Census Bureau to deliver complete and accurate redistricting data in a more timely fashion overall for the states.

Discussion ensued with the following appointments to the Amador County Redistricting Committee.

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

MOTION: It was moved

Minutes: Review and possible approve of the February 9, 2021 Regular Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Axe and unanimously carried to approve the following members to the subject Committee:

District I-Keith Sweet and Wayne Garibaldi (Dana Joregensen, Alternate)
District II-Chester Schaufel and Patricia Fischer-Misuraca (Bob Enyeart, Alternate)
District III-Katya Anderson and Stephanie Thompson
District IV-Bruce Baracco and Any Byrne
District V-Don Dowell and Tom Patton

Some discussion ensued relative to appointing alternate members. District I and II named their alternates today, Districts III, IV and V will select alternates at a later date not yet determined.

Minutes: Review and possible approval of the February 9, 2021 Regular 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 February 9,2021 Minutes with minor corrections.**

ADJOURNMENT: Until Tuesday, March 9, 2021 at 8:30 a.m.

Patrick Crew, Chairman, Board of Supervisors

ATTEST:

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

FEBRUARY 23, 2021 CONSENT MINUTES

6.a. Declaring a Local State of Emergency in Amador County due to Pervasive Tree Mortality.

ACTION: Approved-Resolution No. 21-023

6.b. Approval of Conflict of Interest Code for Amador County Transportation Commission (ACTC). As a member of ACTC, Amador County must approve the revised Code.

ACTION: Approved

6.c. Approval of Amador County Maintained Mileage List. This list identifies exactly which roads are maintained by the County's Public Works Department.

ACTION: Approved-Resolution No. 21-024

6.d. Local Area Formation Commission: Approval of a Resolution approving the AB-8 property tax redistribution for the Cross Annexation to Drytown County Water District (LAFCO Project #332).

ACTION: Approved-Resolution No. 21-022

6.e. Modification of job descriptions for Public Works Director and County Surveyor and approval of revised Management Resolution.

ACTION: Approved-Resolution No. 21-025

6.f. Commission on Aging: Reappointment of Lynne Standard-Nightengale to the subject committee for a term of four (4) years, effective 04/29/2021 through 04/28/2025.

ACTION: Approved

6.g. LAFCO Project #330 and #331: Approval to rescind attached Resolution No. 21-022 adopted in error on February 9, 2021.

ACTION: Approved

6.h. Planning Department - Request to establish a separate ±601-acre Williamson Act contract in conjunction with the removal of the same acreage from Williamson Act contract No. 74; submitted by Paul J. Pedroncelli and Elaine M. Pedroncelli, Trustees of the Pedroncelli Family Trust; Paul Pedroncelli Jr.; and Tyler Pedroncelli. Suggested Action: 1) Adopt a Resolution authorizing the recording of California Land Conservation Act contract No. 450 for Paul J. Pedroncelli and Elaine M. Pedroncelli, Trustees of the Pedroncelli Family Trust; Paul Pedroncelli Jr.; and Tyler Pedroncelli; and 2) Authorize the Board chair to sign the Resolution and contract.

ACTION: Approved-Resolution No. 21-026

6.i. Request to Advertise ITB 21-10, Amador County Culvert Replacement Project on Clinton Rd. PM 4.85 and Ridge Rd. PM 6.98, & 7.01 Bids To Be Received on April 1, 2021

Suggested Action: 1. Approve project plans and specifications as on file in the County of Amador's Department of Transportation and Public Works. 2. Advertise the project as required

by law. 3. Receive bids on April 1, 2021, or thereafter, if specified in an addendum issued by the Director of General Services.

4. Authorize the Director of Transportation and Public Works to record Notice of Completion for said project.

ACTION: Approved

6.j. Social Services Resolution to appoint Deputy Public Administrator/Guardian/Conservator
Suggested Action: Approval to adopt resolution.

ACTION: Approved-Resolution No. 21-027

6.k. Reapproval for Boundary Line Adjustment #2019-003 for Julie Ann Carpenter and Alison Galloway. Suggested Action: The Boundary Line Adjustment Record of Survey Map has been recorded, but the need for reapproval is necessary due to the death of a Trustee. All fees have been paid and the County Surveyor recommends this reapproval.

ACTION: Approved-Resolution No. 21-028

6.l. Airport: Airtronics Incorporated (dba Gold Wing Aviation) Lease Amendment

ACTION: Approved

6.m. Old Amador Road Bridge Replacement (Br. No. 26C0042) Project, Environmental Document: Initial Study / Mitigated Negative Declaration. Suggested Action: 1. Find the Initial Study / Mitigated Negative Declaration for the subject improvement project adequate and complete under the provisions of CEQA, and adopt the Initial Study/Mitigated Negative Declaration prepared for the project pursuant to CEQA Guidelines Section 15074. 2. Approve the project and direct staff to complete the plans and specifications for the project and to acquire the necessary right of way. 3. Direct staff to file the Notice of Determination with the County Clerk Office.

ACTION: Approved

6.n. Approval of Management Resolution.

ACTION: Approved-Resolution No. 21-025