

**Amador County Board of Supervisors
ACTION MINUTES**

REGULAR MEETING

DATE: Tuesday, September 21, 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
Patrick Crew, District I
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 8:00 a.m., the Board convened into closed session.**

REGULAR SESSION: At approximately 9:00 a.m., the Board convened into regular session. Chairman Axe 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, Greg Rameriz, IEDA and Lisa Gaebe, Human Resources Director

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: This item was agendized inadvertently so it was pulled from the Agenda at this time.

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

Claim of Benjamin Crocker, Claim No. 21-10

ACTION: Claim denied pursuant to the following motion.

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

Confidential Minutes: Review and possible approval of the August 31, 2021 Confidential Minutes.

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 August 10, 2021 Confidential Minutes.

PLEDGE OF ALLEGIANCE: Chairman Axe 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**.

Intergovernmental Agreement (IGA) with Buena Vista Rancheria: Mr. Bill May, District II resident, addressed the Board and expressed disappointment with the newly negotiated Intergovernmental Agreement with the Buena Vista Rancheria. Mr. May stated he has compared the language in the previous Intergovernmental Services Agreement (ISA) with the newly negotiated IGA and pointed out some points of discrepancy such as, but not limited to, monetary award to Jackson Valley Fire Protection District, Community Fund distribution, lack of provision for BVAC Meetings, wastewater distribution, and potential for alcohol being served on the gaming floor. Mr. May stated he feels the Board of Supervisors hastily negotiated the provisions of this agreement and he is concerned it will come back to not only negatively impact the Board but the citizens of Amador County as well.

Sheriff Redman took this time to clarify that the Board of Supervisors did not initiate negotiations with the Tribe. He continued by stating he initiated the negotiations (with respect to the Amador County Sheriff's Office) as he felt the previous ISA was not being followed by the Tribe and hadn't been for some time. Sheriff Redman stated the County and the Tribe both had an ongoing lawsuits filed and he feels litigation would have been ongoing indefinitely if the two entities could not negotiate an agreement. He stated the ISA was created over a decade ago and was based on information and data gathered from very large casinos that would have had a tremendous impact to the County. The impacts of the Buena Vista Casino as it is today have not proven to be as significant as originally studied. Therefore, he made the decision to renegotiate and come up with a dollar figure that safely mitigates the impacts caused by the current Buena Vista Rancheria. Sheriff Redman stated the number that was agreed upon by the Amador County Sheriff's Office was \$1,000,000.00. He continued by noting he should be able to comfortably fund six new positions to assist in mitigating Casino related incidents with that amount of funding. Sheriff Redman stated as a result of his negotiations he has developed a good relationship with the Tribe which is paramount, in his opinion, in building trust as things move forward. In addition, Sheriff Redman noted he has sent a letter to Alcohol Beverage Control (ABC) regarding opposition to selling alcohol on the gaming floor, but has not had a response as of yet. Sheriff Redman stated if the ABC grants the Tribe the ability to serve alcohol, there are already negotiation discussions in place to request overtime of deputies be paid to facilitate any impacts that may occur.

Mule Creek Wastewater Issues: Mr. Bill May, District II resident, took this time to express his concern as the County has not yet filed suit against the Regional Water Quality Control Board for allowing discharge of contaminated effluent in the area of Preston School and Mule Creek State Prison resulting in citizens becoming ill.

Small Water System Fees: Mr. Jack Magee, District III resident, took this time to express concern relative to exorbitant fees that are being required from the new owners of Pearls Restaurant on Highway 88 in Pioneer. Mr. Magee stated the new owners are being required to pay 800.00 yearly for a "water transient fee", and conduct well water tests and nitrogen/nitrate testing resulting in approximately \$130.00 per month. Mr. Magee stated he feels the fees are keeping new businesses in rural areas from being able to affordably operate and therefore, are deciding to close the business entirely.

Mr. Chuck Iley, County Administrative Officer, pointed out that the fees are not a County driven

fee, but rather are set forth and regulated in State statute.

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 Crew, seconded by Supervisor Brown, 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)

Chairman Axe advised the following item will be pulled from the Consent Agenda for today's date and placed as item 5.a (1) for discussion.

Item 8.b-Amador County Planning Commission: Approval of the resignation of Planning Commissioner District V, Zachary Kendrick and approval of the appointment of Mark Bennett to fill the seat effective September 21, 2021 through December 2022.

Chairman Axe advised the following item will be pulled from the Consent Agenda for today's date and placed on the Regular Agenda for September 28, 2021 for discussion and possible action.

Item 8.u-Illegal Dumping Ordinance (addition of Chapter 9.48)

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to approve the Consent Agenda as amended above.

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, 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.

Chairman Axe opened this matter to the public at this time. The following individual wished to speak.

ACTION: Update only.

Amador County Planning Commission (Item 8.b. pulled from Consent): Approval of the resignation of Planning Commissioner District V, Zachary Kendrick and approval of the appointment of Mark Bennett to fill the seat effective September 21, 2021 through December 2022.

The following individuals wished to speak relative to this matter:

Mr. Jack Gorman, District V resident, Amador Vintners Association Executive Director
Mr. Steve Havill, District II resident (Business owner in District IV and V)
Ms. Katherine Evatt, District V resident, (joined via ZOOM)
Ms. Mara Feeny, District V resident, (joined via ZOOM)
Ms. Jamie Lubenko, District V resident and business owner (joined via ZOOM)
Mr. Mark Bennett, District V resident

Lengthy 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 approve the nomination and appointment of Mr. Mark Bennet to the seat of District V Planning Commissioner effective September 21, 2021 through December 2022. (Coterminous with the District V Supervisor)

Ayes: Supervisor Oneto, Forster, Brown and Crew

Noes: Supervisor Axe

Amador County Recreation Agency (ACRA): Introduction of the new Executive Director of ACRA, Mr. Justin Howard.

ACTION: None. Presentation only.

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

Administrative Agency: Discussion and possible action relative to a public hearing to consider adoption of the 2021/22 Fiscal Year Final Budget.

Mr. Chuck Iley, County Administrative Officer, provided a Power Point presentation summarizing the 2021/22 Fiscal Year Final Budget which is hereby incorporated into these minutes as though set forth in full.

Chairman Axe 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 Forster, seconded by Supervisor Crew and unanimously carried to close the Public Hearing.

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

MOTION #2: It was moved by Supervisor Forster, seconded by Supervisor Crew and unanimously carried to adopt the 2021/22 Fiscal Year Final Budget.

RECESS: At this time the Board of Supervisors took a brief recess and convened as the Amador Fire Protection District Board of Directors for the purpose of opening their meeting and continuing discussion and possible action relative to the Public Hearing advertised for 10:30 a.m. regarding adoption of the 2021/22 Fiscal Year Final Budget to a time certain of 1:00 p.m. Chairman Axe called for a vote and the following action resulted:

ACTION: It was moved by Director Crew, seconded by Director Oneto and unanimously carried to continue the AFPD Board of Directors meeting to a time certain of 1:00 p.m. and the discussion regarding the 2021/22 Fiscal Year Budget shall commence as soon as possible after the meeting is called to order.

The Board of reconvened at this time and the remainder of Board of Supervisors matters were heard.

Surveying Department: Discussion and possible action relative to a public hearing to consider approval of a Certificate of Merger for Brian C. Craw and Tara R. Johnson-Craw, Merger to add the vacant lot to their house lot. The properties involved in said Merger is Lot 30 and Lot 31 of Red Berry Hill Subdivision. (APN 038-020-005 and 038-020-009).

Mr. Roger Pitto, Surveyor, summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full.

Chairman Axe 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 Forster, seconded by Supervisor Crew and unanimously carried to close the Public Hearing.

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

MOTION #2: It was moved by Supervisor Oneto, seconded by Supervisor Brown and unanimously carried to adopt the following Resolution approving the Certificate of Merger for Brian C. Craw and Tara R. Johnson-Craw.

RESOLUTION NO. 21-134

Resolution of Intention to approve a Certificate of Merger for Brian C. Craw and Tara R. Johnson-Craw (APNs 038-020-009)

REGULAR AGENDA-TIME CERTAIN 11:00 A.M.

Code Enforcement: Discussion and possible action relative to an Administrative Abatement Hearing pertaining to the existence of Amador County Code violation(s) that have not been corrected and that are subject to abatement on the parcel of real property described as APN 042-150-002 located at 17301 Kit Lane, Jackson.

Mr. Glenn Spitzer, Deputy County Counsel, addressed the Board and summarized this matter for the Board. In summary, he stated this issue involves an individual living in a trailer on the subject property without a building permit. Mr. Spitzer noted the matter came before the Administrative Hearing Board on August 26, 2021 and subsequently referred to the Board of Supervisors to order the administrative abatement of the unpermitted occupied trailer existing on at 17301 Kit Lane, Jackson, California.

Supervisor Axe opened the discussion to the public at this time. The following individual wished to speak:

Mr. Dan Plunkett, addressed the Board and stated although he is not a party to this matter and does not reside at the location in question, he would like to urge the Board to consider relaxing the County's ordinance that would allow property owners to reside in a trailer longer while in the building process. Mr. Plunkett stated he has researched this approach in other counties and feels it would bring revenue into the County and allow property owners to work towards finalizing a residence. Mr. Plunkett suggested perhaps setting a timeframe for owners to show progress and have County staff complete inspections as the process moves forward.

The Board concurred with some of the issues brought to light by Mr. Plunkett and suggested this matter be referred to the Public Works Committee for further vetting and recommendation to the Board.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Crew and unanimously carried to adopt the Findings and Recommendations of the Administrative Abatement Hearing Board as set forth today.

Sheriff's Office: Discussion with Sheriff Gary Redman regarding the Code Red emergency notification system.

Sheriff Gary Redman took this time to explain the process of Code Red and how it is dispatched during a specific incident.

ACTION: Presentation only.

Library: Discussion and possible action relative to anticipated closure of the main branch of the public library during the upcoming renovations. The library will be closing to the public the first week of October, and should be reopened in early January.

Mr. Chuck Iley, County Administrative Officer, addressed the Board and stated this item is just an announcement to everyone that uses the main Library Branch of the closure.

ACTION: No action. Announcement only.

Health and Human Services: Discussion and possible action relative to a letter in opposition to proposed changes by the State to the structure of the Agency on Aging and several other HHS-related agencies.

Chairman Axe summarized this matter for the Board by noting Amador County belongs to a 4 member JPA Board which represents Amador, Calaveras, Mariposa and Tuolumne counties. The organizational structure has been providing services to residents for over 33 years in an efficient and effective manner. He stated this structure allows us to work harmoniously within our Planning & Service Area to pool resources and work across county lines to provide services and share the administrative burden. Placement of the A12AA under another county department such as Health and Human Services, will result in more administrative costs and duplication of efforts, thus reducing the funds available for consumer driven services.

Ms. Anne Watts, Social Services Director, stated she agrees with the position and the letter of opposition as drafted by Chairman Axe.

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 Forster to approve the Chairman's signature on a letter of opposition to the proposed changes by the State to the structure of the Agency on Aging and several other Health and Human Services related agencies.

Administrative Agency: Discussion and possible action relative to approval of a resolution adding Amador County to the Golden State Connect Authority, which is a JPA that is intended to act on behalf of the County as the various broadband initiatives proceed.

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 Crew and unanimously carried to approve the following resolution adding Amador County to the Golden State Connect Authority JPA.

RESOLUTION NO. 21-130

Resolution authorizing the Chairperson to execute the Golden State Connect Authority Joint Exercise of Powers Agreement

Assembly Bill 1346: Discussion and possible action relative to approval of the Chairman's signature on a letter of opposition to the subject legislation as it relates to requiring the phase-out of small off-road engines.

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 Oneto and unanimously carried to authorize the Chairman's signature on a letter of opposition to Assembly Bill 1346.

Board of Supervisors: Discussion and possible action relative to appointment of a Primary and Alternate delegate to the 2021-2022 CSAC Board of Directors.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following motion.

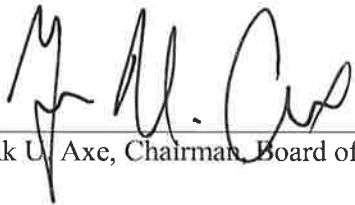
MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Crew and unanimously carried to appoint Supervisor Forster as the Primary Delegate and Supervisor Brown as the Alternate Delegate to the 2021-2022 CSAC Board of Directors.

Minutes: Review and possible approval of the August 31, 2021 Regular Meeting Minutes and September 14, 2021 Special Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Brown and unanimously carried to approve the August 31, 2021 and September 14, 2021 Board of Supervisors Meeting Minutes with minor corrections.

ADJOURNMENT: Until Tuesday, September 28, 2021 at 8:30 a.m.



Frank U. Axe, Chairman, Board of Supervisors

ATTEST:

Deputy



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

SEPTEMBER 21, 2021 CONSENT MINUTES

8.a. Approval of Resolution and Agreement Number 21S10047 with the State of California to Provide Amador County with Reimbursement of Funds Used to Provide Outreach and Education to Voters as Part of the Voter's Choice Act (VCA) Implementation Plan.

ACTION: Approved-Resolution No. 21-131

8.b. Amador County Planning Commission: Approval of the resignation of Planning Commissioner District V, Zachary Kendrick and approval of the appointment of Mark Bennett to fill the seat of District V, Amador County Planning Commission effective September 21, 2021 through December 2022. This item was advertised in accordance with the rules for unanticipated vacancies.

ACTION: This item was pulled from the consent agenda and placed on the regular agenda as item 5.a.1.

8.c. Assessor: Secured Roll Correction - approval of roll correction values being decreased 50% or more.

ACTION: Approved

8.d. Approval of an Ordinance Amending Chapter 10.12 of the Amador County Code regarding Parking Stopping and Standing. (Reading waived on August 31, 2021).

ACTION: Approved

8.e. Approval of Re-appointments of John Stettler and Lori Halvorson to the Juvenile Justice Commission for a Four (4) Year Term Ending 09/25, and Accept the Resignation of Gregory Brewer.

ACTION: Approved

8.f. Behavioral Health, 1st amendment to agreement with BHC Sierra Vista Hospital fy 21-22, 22-23, 23-24.

ACTION: Approved

8.g. Building Department: Agreement to Limit Use of Agricultural Structure for AG211097 – Neely.

ACTION: Approved-Resolution No. 21-132

8.h. Commission on Aging: Reappointment of Julie Traxler, District II Representative, for a three year term. (September 21, 2021-September 20, 2024).

ACTION: Approved

8.i. Behavioral Health agreement with Cal Voices/Sierra Wind Wellness Center
Awarded RFP 21-22

ACTION: Approved

8.j. Amador County Behavioral Health Advisory Board: Approval of the appointment of Ms. Debra Kempker to the ACBHAB for a three year term.

ACTION: Approved

8.k. Behavioral Health Agreement with Cal Voices/PEI Awarded RFP 21-23

ACTION: Approved

8.l. General Services Administration: Dispense with the Formal RFP Procedures for the purchase and installation of 22 Panasonic CF-33 mobile computers in Sheriff's Office vehicles
Suggested Action: 1) Dispense with the formal RFP procedures and authorize the Purchasing Agent to facilitate the purchase and installation of 22 Panasonic CF-33 mobile computers for the Amador County Sheriff's Office, in the amount not to exceed \$22,000.00 to CDCE Incorporated for installation and \$145,000.00 utilizing the NASPO contract for the equipment; 2) Authorize Purchasing agent to sign Participating Agreement with NASPO as well as any other needed documents to proceed with this purchase.

ACTION: Approved

8.m. Willow Creek Road Rehabilitation Project Contract Change Order No. 1 Vintage Paving Company, Inc. Suggested Action: 1. Approve Contract Change Order No. 1; 2. Authorize Chairman to sign Contract Change Order No.1.

ACTION: Approved

8.n. General Services Administration: ITB 21-04 Amador County Library Remodel Suggested Action: 1) Award Invitation to Bid 21-04 for the Amador County Library Remodel to American River Construction in an amount not to exceed \$693,000.00 and; 2) Waive all mistakes and technical irregularities listed in the Bid Evaluation sheet and; 3) Authorize the Board Chair to sign the construction contract based upon the sample contract (attached) contingent upon County Counsel and the GSA Director's approval.

ACTION: Approved

8.o. Household Hazardous Waste Contract Amendment No. 1.

ACTION: Approved

8.p. Budget Increase Request for the Purchase of Radar Speed Signs. The increased spending is offset by additional revenue being received from ACTC.

ACTION: Approved

8.q. General Services Administration: RFP 21-21 Contract Services for Independent Living Program (ILP) Suggested Action: 1) Award RFP 21-21 to Nexus Youth & Family Services in an amount not to exceed \$33,000.00 for the first fiscal year with a cost reevaluation for years two and three and; 2) Authorize Anne Watts, Social Services Director and County Counsel to negotiate final terms and conditions and develop a contract based upon the Sample Agreement, Nexus Youth & Family Services' proposal dated July 15, 2021 and RFP 21-21 and; 3) Approve the Board Chairman to execute said agreement with Nexus Youth & Family Services for the first year contingent upon agreeable terms and conditions; and years 2 and 3 contingent upon the Social Services Director and County Counsel approval.

ACTION: Approved

8.r. Environmental Health Senior Community Development Technician and Public Works Inspector.

ACTION: Approved

8.s. General Services Administration: Community Hangar License Agreement (Hangar E-9)
Suggested Action: Approve the Agreement and authorize the Chairman to sign the Hangar License Agreement.

ACTION: Approved

8.t. 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 of Supervisors must, by Resolution, either approve or disapprove the proposed sale (Section 3699, R&T Code).

ACTION: Approved

8.u. Illegal Dumping Ordinance (addition of Chapter 9.48)

ACTION: This item was pulled from the consent agenda and placed on the regular agenda.