

**Amador County Board of Supervisors
ACTION MINUTES**

REGULAR MEETING

DATE: Tuesday, June 8, 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 8:30 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: Nothing to report.

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: Nothing to report.

ACTION: Direction given to staff.

Confidential Minutes: Review and possible approval of the May 25, 2021 Confidential Minutes.

ACTION: It was moved by Supervisor Forster, seconded by Supervisor Oneto and unanimously carried to approve the May 25, 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**.

Stop Sign Theft: Mr. Bill May, District II resident, addressed the Board and expressed concern regarding the continued theft of the stop sign located at Lower Jackson Valley Road and Martin Lane. Mr. May offered the County to place motion detectors on his property, adjacent from the sign, to detect those that may be responsible for the ongoing theft. Mr. May also encouraged the Board to notify the Sheriff's Office and California Highway Patrol that this is an ongoing problem and perhaps extra patrol or surveillance could be initiated.

California Air Resources Board Concerns: Supervisor Oneto took this time to express his frustration with the excessive regulations and requirements being set by the CARB. He referenced a situation with an individual who is unable to register his vehicle that is used for a wood cutting business do to strict regulations. Supervisor Oneto stated he would like an item to be placed on a

future Board agenda to discuss writing a letter to the Governor and CARB representatives expressing concern and requesting relief in some of the strict regulations being set forth. Supervisor Crew suggested a letter from the Air District Board may be prudent to accompany the letter from the Board of Supervisors. Chairman Axe agreed that this matter could be placed on a future agenda for discussion.

Amador Regional Sanitation Authority Update: Supervisor Forster took this time to provide a brief update regarding the issue of Castle Oaks Golf Course having a shortage of water. He stated there has been some comment about ARSA not diverting water from Sutter Creek in February, however they do not have a diversion permit and would have been unable to predict weather conditions and determine if adequate rain would have occurred in March or April. Early diversion of water could have resulted in overloading the system and freeboard issues. Supervisor Forster continued by stating the Regional Water Quality Control Board has verbally agreed to allow Castle Oaks to receive water from Mule Creek State Prison for irrigation, with additional testing of water quality being required. Representatives at MCSP have stated they will need something in writing from the RWQCB before releasing effluent. Supervisor Forster noted he has met with Assemblyman Bigelow and Dana Jorgensen and they will be working with all parties to reach a compromise.

AGENDA: Approval of agenda for this date; any and all off-agenda items must be approved by the Board (pursuant to §54954.2 of the Government Code.)

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Oneto, 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)

Supervisor Crew requested the following item be pulled from the Consent Agenda for today's date for further discussion.

Item 7.1-Public Health - Acceptance of Resignations and New Appointments for Emergency Medical Care Committee

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

MOTION #1: It was moved by Supervisor Brown, seconded by Supervisor Crew and unanimously carried to approve all items on the Consent Agenda with the exception of Item 7L as outlined above.

Discussion ensued relative to Item 7.1. with Supervisor Crew indicating that the current Alternate Public Member, Ryan Hamre, was not notified or given an opportunity to be appointed as the Primary Public Member. Therefore, Mr. Michael East should be considered as an Alternate appointment and Mr. Hamre be appointed as the Primary at this time.

Supervisor Oneto stated he would like further discussion to be had relative to this matter and requested it be added to the June 22, 2021 Regular agenda.

Chairman Axe advised it will be agendized for June 22, 2021. No action taken relative to this item at this time.

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.

ACTION: Presentation only.

Amador Tuolumne Community Action Agency (ATCAA): Presentation and adoption of a Proclamation acknowledging and congratulating ATCAA on forty years of contribution to Amador County and its residents.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Brown, seconded by Supervisor Crew and unanimously carried to adopt the following resolution. Chairman Axe subsequently presented the Resolution to Mr. Joe Bors, ATCAA Executive Director.

RESOLUTION NO. 21-086

Resolution recognizing the Amador Tuolumne Community Action Agency on Forty Years of contribution to Amador County and its residents.

Planning Department: Discussion and possible action relative to a proposed Resolution of Intention to amend the zoning code to require discretionary conditional use permits for wine tasting rooms in the A, Agricultural and AG, Exclusive Agriculture zoning district.

Mr. Chuck Beatty, Planning Director, summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, the Amador County Planning Commission, during their regular meeting of April 13, 2021, discussed the appropriateness of exempting from the California Environmental Quality Act (CEQA) certain zone changes that create new Williamson Act preserves. He continued by stating the County historically has relied on the use of a Categorical Exemption for open space contracts as the appropriate environmental document to satisfy CEQA when rezoning land to the AG, Exclusive Agriculture district. The AG, Exclusive Agriculture district restricts land uses to agriculturally-related activities including wineries. Wineries, exclusively, have a wide range of by-right ancillary uses including tasting rooms which are allowed to host an unlimited number of event with up to 125 attendees, and 12 events annually with up to 450 attendees. Mr. Beatty stated the first step toward amending the zoning code is adoption of a Resolution of Intention detailing the nature of the proposed amendment. The matter would then be forwarded to the Planning Commission to prepare a specific text amendment, and ultimately presented to the Board for action.

Supervisor Oneto stated he would like to see outreach to the Amador Vintners Association and Grape Growers before this moves forward. He suggested perhaps looking into potentially changing specific uses allowed in zoning districts as when the CEQA process is initiated it can become very burdensome on property owners. He noted he would like this to be thoroughly vetted before any changes are made.

Discussion ensued with the following action being taken.

ACTION: Direction given to staff to amend the proposed Resolution of Intention to reflect language stating consideration will be given to possible amendments to Title 19 and invite the Amador Vintners and Grape Growers to attend a future meeting to discuss this matter further.

Planning Department: Discussion and possible action concerning a Resolution rescinding Ordinance No. 1803 and vacating the Zone Change of 1,150 acres west of Ione (Edwin Lands Zone Change) from the R1A, Single-family Residential and Agricultural zoning district to the M-X, Manufacturing District with Special Use Combining District.

Mr. Chuck Beatty, Planning Director, addressed the Board and summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, he stated on December 15, 2020, the Board of Supervisors approved Ordinance No. 1803 affecting the zoning of 1,250 acres west of Ione, at the request of applicant Edwin Land, LLC. The Board's action changed the zoning of the subject property from the R1A, Single-family Residential and Agricultural zoning district to the M-X, Manufacturing district with Special Use Combining district. He continued by stating on February 4, 2021, Foothill Conservancy and Friends of Greater Ione filed a CEQA suit in Amador County Superior Court challenging the zone change. Subsequently, the applicant voluntarily requested the County to rescind and vacate the zone change. All parties to the suit agree with and do not object to the rescind request, and have agreed to a stipulation order staying the case until the Board of Supervisors takes action on the matter.

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 Brown and unanimously carried to rescind Ordinance 1803 and vacating the Zone Change of 1,150 acres west of Ione (Edwin Lands Zone Change) from the R1A, Single-family Residential and Agricultural zoning district to the M-X, Manufacturing District with Special Use Combining District.

RESOLUTION NO. 21-089

Resolution rescinding Ordinance 1803 and vacating the Amendment of Sectional Zoning Maps No. B-19 and F-82 and vacating the rezoning of certain property from the R1A, Single Family Residential and Agricultural District to the M-X, Manufacturing District with a Special Use Combining District.

2021-2022 Recommended Budget: Discussion and possible action relative to adoption of the 2021-2022 Fiscal Year Recommended Budget.

Discussion ensued with the final action being taken.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Brown and unanimously carried to adopt the 2021-2022 Recommended Budget.

Minutes: Review and possible approval of the May 25, 2021 Board of Supervisors Regular

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Brown, seconded by Supervisor Oneto and unanimously carried to approve the May 25, 2021 Board of Supervisors Meeting Minutes.

PUBLIC HEARINGS 10:30 A.M

Public Works Agency: Discussion and possible action relative to a Resolution of Necessity to Condemn Real Property or Interest in Real Property by eminent domain for the State Route 88/Pine Grove Improvement Project. APN: 030-191-009 and 030-191-006

Mr. Richard Vela, Public Works Director, summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, staff has been working on the appraisal and acquisition for properties needed to construct the subject project. Current acquisitions of permanent right of way and temporary right of way are needed to complete Phase A for the State Route 88/Pine Grove Improvement Project. He stated typically, staff prepares an appraisal for the subject property, present an offer to the property owner, negotiate with the property owner as needed, and then acquire the property through a standard purchase agreement. However, staff has been unsuccessful in its negotiation with Thelma P Giannini and Lisa Marie Giannini-Lee and unable to come to an agreement to fairly compensate the property owners for the acquisition of permanent right of way and temporary right to of way necessary to complete the Project. To initiate the eminent domain process the Board must consider the adoption of a Resolution of Necessity which will make certain findings as required by law.

Chairman Axe opened the public hearing at this time. Hearing not comment the following actions were taken.

ACTION #1: Direction given 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 following Resolution of Necessity to condemn Real Property or interest in Real Property by Eminent Domain for the State Route 88/Pine Grove Improvement Project.

RESOLUTION NO. 21-090

Resolution of necessity to condemn Real Property or interest in Real Property by Eminent Domain for the State Route 88/Pine Grove Improvement Project.

APN'S 030-191-009 and 030-191-006.

Surveying Department: Discussion and possible action relative to a Public Hearing to consider abandonment of a Public Utility Easement for Robert Leroy Dalton, Trustee of the Robert Dalton 2006 Trust and Larry B. Barbero and Karen L. Barbero, Trustees of the Barbero Trust dated April 16, 2012 and Brandon B. Barbero and Jennifer L. Barbero (APN Nos. 042-150-037 and 038-010-117)

Mr. Roger Pitto, County Surveyor, addressed the Board and stated this matter has been set to consider abandonment of a small Utility Easement. The property is located along View Terrace Street, West of Toyon Street. Assessor's Parcel No.'s 042-150-037 and 038-010-117. Mr. Pitto stated he recommends abandonment of the easement and to date has not received any opposition from Utilities or surrounding property owners.

Chairman Axe opened the public hearing at this time. The following in

Mr. Paul Ferguson addressed the Board and stated the he recently purchased the subject property from the Barbero's and was not made aware of this abandonment. He is concerned that it will affect his right away or change the access to his private road and gate.

Mr. Pitto stated the proposed abandonment will not affect Mr. Ferguson's right away at all. However, he is surprised to hear that the property has been sold and that Mr. Ferguson was not made aware of this transaction during the sale process. Mr. Pitto requested this hearing be continued to allow him an opportunity to contact the Barbero's to determine how they plan to facilitate and finalize this process.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Crew, seconded by Supervisor Forster and unanimously carried to continue this matter to a time certain of July 13, 2021 at 10:30 a.m.

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

Code Enforcement: Discussion and possible action relative to a request by Mr. Stan Kubat for the Board to reconsider direction given at the May 11, 2021 by allowing a dumpster to be supplied instead of the voucher pass to dispose of the solid waste and junk existing on his property. The subject property is located at 17770 Gold Creek Trail, Volcano, CA. APN 021-320-060-000

Ms. Michelle Gallaher, Code Enforcement Officer, addressed the Board and stated summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full. In summary, since the May 11, 2021 hearing, Mr. Kubat contacted Code Enforcement and requested to have the dumpster supplied instead of the voucher pass (previously authorized), because he will have access to a tractor, and it will be easier to complete

the cleanup as well as a cost savings. Ms. Gallaher stated the additional cost for the dumpster will be \$502.60 and any additional tonnage after the first ton will be an additional \$150.00. ACES will provide the dumpster for ten days at no additional charge. Mr. Kubat has agreed with these charges and a new loan contract will be drawn up. Ms. Gallaher stated she is requesting the sixty day cleanup deadline remain as previously discussed at July 12, 2021.

Mr. Stan Kubat, Property Owner, addressed the Board and stated he is in agreement to the terms of the new agreement as outlined today.

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 advance the cost of the dumpster in the amount of \$502.60 to be paid back to the County within six months and setting the deadline for completion of the cleanup project at July 12, 2021.

ADJOURNMENT: Until Tuesday, June 22, 2021 at 8:30 a.m.

Frank U. Axe, Chairman, Board of Supervisors

ATTEST:

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

JUNE 8, 2021 CONSENT MINUTES

7.a. MOU with CDFA for Petroleum Inspections 2021-22 (Fuels, Lubricants & Automotive Products Program – Agreement #21-0023-000-SA)

ACTION: Approved

7.b. Behavioral Health / MHSA Innovation Project Proposal Comprehensive Community Support Model to Address Student Mental Health

ACTION: Approved

7.c. Behavioral Health First Amendment to Agreement with Willow Glen Care Center FY 21-22, 22-23, 23-24

ACTION: Approved

7.d. Behavioral Health Second Amendment to Agreement with Chelsea Yule, LCSW

ACTION: Approved

7.e. Behavioral Health - Drug Medi-Cal MOU with Kaiser Foundation Health Plan

ACTION: Approved

7.f. Behavioral Health 1st Amendment to Agreement with Sutter Valley Hospitals dba Sutter Center for Psychiatry

ACTION: Approved

7.g. General Services Administration: Third Amendment for Aggression Replacement Therapy (ART) and 180 You-Turn Programs

ACTION: Approved

7.h. General Services Administration: ITB 21-11 Purchase of 15” Brush Chipper

ACTION: Approved

7.i. General Services Administration: Library Literacy Funds - budget increase due to receipt of grant funds

ACTION: Approved

7.j. Mental Health Board/Behavioral Health Advisory Board: Appointment of Megan Harris, LCSW to a three year term to expire June 7, 2024.

ACTION: Approved

7.k. Bridge and Sign Maintenance Specialist position

ACTION: Approved

7.l. Public Health - Acceptance of Resignations and New Appointments for Emergency Medical Care Committee

ACTION: This item was pulled and will be placed as a regular item on June 22, 2021.

7.m. Allocation of Proceeds from Asphalt Zipper Sale

ACTION: Approved

7.n. State Route 88 / Pine Grove Improvement Project; Purchase Agreement with Georgianna Hunt Family Trust APN: 030-154-004

ACTION: Approved

7.o. State Route 88 / Pine Grove Improvement Project; Purchase Agreement with Muldery Family Trust APN: 030-180-025

ACTION: Approved

7.p. State Route 88 / Pine Grove Improvement Project; Purchase Agreement with Jean Ovitt APN: 030-180-005

ACTION: Approved

7.q. State Route 88 / Pine Grove Improvement Project; Purchase Agreement with Volcano Telephone Company APN: 030-200-076 and 030-200-078

ACTION: Approved

7.r. Budget increase request to the Sheriff's Special Departmental Exp Line 2210-52845 and 2210-45484. These funds were brought in from Trust Fund Account. No General Fund increase is requested here.

ACTION: Approved

7.s. Budget Increase Request for Sheriff's Office Marine Unit Patrol Boat and Trailer

ACTION: Approved

7.t. Amendment to Specialized Forensic Services Agreement #2007

ACTION: Approved

7.u. Social Services: Purchase of Service Agreement and Plan of Cooperation between Amador County District Attorney and Social Services Department.

ACTION: Approved

7.v. Social Services - Child and Family Team Meeting Facilitation, Third Amendment

ACTION: Approved

7.w. First Amendment to the Fujii Engineering, Inc. Contract for Buena Vista Landfill Engineering and Project Coordination for 2021-2022 Fiscal Year

ACTION: Approved

7.x. 6th Amendment to NV5, Inc. Contract for Buena Vista Landfill Monitoring, Hydrogeology, Reporting Services and Technical Assistance with the Revised 2018 Waste Discharge Requirements for 2021-2022 Fiscal Year

ACTION: Approved

7.y. 2nd Amendment to SCS Contract for Buena Vista Landfill Operation, Monitoring, and Maintenance (OM&M) of the Landfill Gas and Leachate Collection Systems and Remote Monitoring and Control (RMC) of the Flare System.

ACTION: Approved

