

Amador County Board of Supervisors

ACTION MINUTES

REGULAR MEETING

DATE: Tuesday, November 22, 2022
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:

Richard M. Forster, District II – Chairman
Jeff Brown, District III -Vice-Chairman
Frank U. Axe, District IV
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.

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.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: County Negotiators: Charles T. Iley, County Administrative Officer; Jon Hopkins, General Services Director

Property: APN 012-040-043-000

Negotiating Parties: Paul Molinelli Sr.-ACES Waste Services

Under Negotiation: Property Lease-Landfill 6500 Buena Vista Road, Ione

ACTION: Direction given to staff.

CONFERENCE WITH LABOR NEGOTIATORS: Pursuant to Government Code Section 54957.6.

County Negotiators: Glenn Spitzer, Deputy County Counsel, Lorraine Damiano, IHSS Public Authority Program Director, Greg Ramirez, IEDA, Lisa Gaebe, Human Resources Director

Employee Organization: SEIU Local 2015

Suggested Action: Discussion and possible action.

ACTION: Direction given to staff.

Confidential Minutes: Review and possible approval of the November 8, 2022 Confidential 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 November 8, 2022 Confidential Minutes.

PLEDGE OF ALLEGIANCE: Chairman Forster 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**.

Moment of Silence: Chairman Forster asked for those present to take a moment of silence in remembrance of Donald "Donny" Tillery, longtime resident of the Ione area who unexpectedly and tragically lost his life on November 22, 2022.

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 Forster advised the following item has been added to the agenda for today's date and will be heard as Item 4.e.

Administrative Agency: Discussion and possible action relative to a recommendation from the Amador Community Foundation regarding distribution of ARPA funds to local non-profits.

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 agenda as amended.

CONSENT AGENDA: Items listed on the consent agenda 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 Oneto, seconded by Supervisor Crew and carried to approve the Consent Agenda as presented.

REGULAR AGENDA

Administrative Agency: Presentation by Mitch Barker with PARS regarding the benefits of the County establishing a 115 Trust to stabilize the County's pension obligations.

ACTION: Presentation only.

2022 California State Association of Counties Conference: Presentation of a report by Supervisors Forster and Brown regarding the subject Conference.

ACTION: Presentation only.

Administrative Agency: Discussion and possible action relative to the approval of a meeting schedule for the Board of Supervisors and the Board of Equalization for the 2023 Calendar Year.

Discussion ensued with the following action being taken.

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 2023 Board of Supervisors and Board of Equalization Calendar.

Minutes: Review and possible approval of the November 8, 2022 Regular Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Crew and unanimously carried to approve the November 8, 2022 with minor amendments.

PUBLIC HEARINGS 10:30 A.M.

Surveying Department: Discussion and possible action relative to a Public Hearing to consider adoption of the following Resolutions approving the abandonment of a public utility easement and accepting an irrevocable and perpetual dedication in relation to the boundary line adjustment as requested by Joseph John Jess Sr. and Connie Lee Jess, Trustees of the Joseph L. John Jess Sr., and Connie Lee Jess Family Trust dated May 1, 2003 and Rafael Huerta Jr. and Evelia Huerta Trustees of the Rafael Huerta Jr. and Evelia Huerta 2008 Trust and Rigoberto Alvarez and Joseph J. Alvarez. The properties involved in this abandonment and dedication in the boundary line adjustment are off Jackson Valley Road and Curran Road and would add portions of area south of creek on Parcel 2 to Parcel 3. (APN 005-250-021 and 005-250-022)

Ms. Tiesha Adams, Surveying Department, summarized the memorandum relative to this matter which is hereby incorporated into these minutes as set forth in full.

Chairman Forster 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 Oneto seconded by Supervisor Brown 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 Crew and unanimously carried to adopt the following Resolutions.

RESOLUTION NO. 22-169

Resolution accepting Perpetual Offer of Dedication in relation to a Boundary Line Adjustment for Joseph John Jess Sr. and Connie Lee Jess Trustees of the Joseph John Jess Sr. and Connie Lee Jess Family Trust dated May 1, 2003 (2022-0007406) and Rafael Huerta Jr. and Evelia Huerta, Trustees of the Rafael Huerta Jr. and Evelia Huerta 2008 Trust and Rigoberto Alvarez and Josefina J. Alvarez 2021-0011159

RESOLUTION NO. 22-170

Resolution approving Abandonment of a Public Utility Easement for Joseph John Jess Sr. and Connie Lee Jess Trustees of the Joseph John Jess Sr. and Connie Lee Jess Family Trust dated May 1, 2003 (2022-0007406) and Rafael Huerta Jr. and Evelia Huerta, Trustees of the Rafael Huerta Jr. and Evelia Huerta 2008 Trust and Rigoberto Alvarez and Josefina J. Alvarez 2021-0011159

Surveying Department: Discussion and possible action relative to a Public Hearing to consider adoption of the following Resolutions approving the abandonments of two public utility easements and accepting an irrevocable and perpetual dedication of two easements in relation to the Boundary Line Adjustment as requested by Jesus C. Benavides and Jacinta S. Benavides, Trustees of The Jesus and Jacinta Benavides Living Trust dated July 26, 2016 2021-0006090 and Jason M. Gardner and Jill Gardner 2021-0004679. The properties involved in said abandonments and dedications in the Boundary Line Adjustment are off Sugar Pine Drive and Ashland View Court and will readjust line to accommodate portion of existing building and deck. Assessor's Parcel No.'s 032-440-005 and 023-620-019.

Ms. Tiesha Adams, Surveying Department, summarized the memorandum relative to this matter which is hereby incorporated into these minutes as though set forth in full.

Chairman Forster 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 Oneto, 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 Oneto, seconded by Supervisor Axe, and unanimously carried to adopt the following Resolutions.

RESOLUTION NO. 22-171

Resolution approving abandonment of a Public Utility Easement for Jesus C. Benavides and Jacinta S. Benavides, Trustees of the Jesus and Jacinta Benavides Living Trust dated July 26, 2016 (2021-0006090) and Jason M. Gardner and Jill Gardner 2021-0004679

RESOLUTION NO. 22-172

Resolution accepting Perpetual Offers of Dedication in relation to a Boundary Line Adjustment for Jesus C. Benavides and Jacinta S. Benavides, Trustees of the Jesus and Jacinta Benavides living trust dated July 26, 2016 (2021-0006090) and Jason M. Gardner and Jill Gardner 2021-0004679

Surveying Department: Discussion and possible action relative to a Public Hearing to consider adoption of the following Resolution approving a Certificate of Merger for Michael Campbell and Kasi Campbell. The properties involved in said Merger are Tract One and Tract Two of the Townsite of Volcano, Assessor's Parcel No.'s 029-035-008 and 029-035-013.

Ms. Tiesha Adams, Surveying Department, summarized the memorandum relative to this matter which is hereby incorporated into these minutes as though set forth in full.

Chairman Forster 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 Crew, 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 Brown, seconded by Supervisor Oneto, and unanimously carried to adopt the following Resolution.

RESOLUTION NO. 22-173

Resolution issuing a Certificate of Merger to Michael Campbell and Kasi Campbell (2021-0001641)

Planning Department: Discussion and possible action relative to a Public Hearing to consider the Planning Commission's recommendation to approve a request for a Zone Change from the H, Highway Commercial zoning district to the R3, Highway Density Multiple Family Residential zoning district for 0.90 acres currently occupied by the El Camp Casa Resort motel (APN 044-040-025)

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, this matter is a request for a Zone Change to allow for the conversion of the 16-unit El Camp Casa Resort Motel to eight (8) apartments. The request will also establish zoning for the parcel that is compatible with the Regional Service Center (RSC) designation, whereas the Highway Commercial district is not a compatible zone in the RSC. Mr. Beatty stated the applicant's proposal to convert the building from short-term rental to long-term rental is not a requirement of the zone change. However, the conversion is not possible without rezoning the site to a district that allows multi-family use.

Chairman Forster 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 Axe, seconded by Supervisor Brown 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 Crew and unanimously carried to, Approve the Notice of Exemption as the appropriate environmental document. Adopt the following Ordinance approving a change in zoning from the H, Highway Commercial zoning district to the R3, High Density Multiple Family Residential zoning district for APN: 044-040-025, and adopt the findings listed below to support these actions.

1. The zone change is consistent with the Amador County General Plan land use designation of Regional Service Center for the property.
2. The Board of Supervisors approval of Zone Change 22; 7-1 is sanctioned by County Code Section 19.68, Amendments.
3. There are no project-specific significant, unmitigated effects which are peculiar to the project or its site.
4. The establishment, maintenance, or operation of the by-right uses accompanying the zone change will not, under the circumstances of the particular case, be detrimental to the health, safety, peace morals, comfort and general welfare of persons residing or working in the neighborhood of such proposed use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the County.
5. On the basis of the administrative record presented, the Board of Supervisors find that there is no substantial evidence that the project will have a significant environmental impact and that approval of a Notice of Exemption per Section 15183 of the CEQA Guidelines reflects the Board's independent judgement and analysis.

ORDINANCE NO. 1829

An Ordinance amending Sectional Zoning District Map No. K-97 pursuant to Section 19.20.020 of the Amador County Code by rezoning certain real property from the H, Highway Commercial District to the R3, Highway Density Multiple Family Residential District.

Planning Department: Discussion and possible action relative to an appeal of the Planning Commission's denial of the Mitigated Negative Declaration and entitlement applications for the following projects:

- 1) Tentative parcel map application, PM 2903, proposing a division of a 6.39-acre parcel into three parcels 1.99, 1.59, and 2.52 acres in size (APNs: 030-740-019 and -022); and
- 2) Use Permit for a Battery Energy Storage Facility (UP-21;10-3).

As well as consideration of the Planning Commission's recommendation to deny:

- 3) General Plan Amendment (GPA-21;10-2) of a ±3-acre portion of the above mentioned property from the RL, Residential Low Density General Plan Designation to TC, Town Center General Plan Designation; and
- 4) Zone Change Application (ZC-21;10-2) for the same ±3-acre portion of the property from R1, Single-family Residential Zoning District to C2, Heavy Commercial Zoning District (APN: 030-740-022).

****To avoid any conflict of interest issues Supervisor Oneto recused himself from this item as he has worked for the applicant in the past.****

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.

At this time Amador Fire Protection District Chief Walt Wight and Amador County Fire Marshall Patrick Chew offered input regarding fire safety surrounding Lithium Ion Battery Fires and training and education of firefighters to respond to these types of incidents.

Mr. Brian Rahman, project proponent, addressed the Board at this time and touched on various points included in his PowerPoint which is hereby incorporated into these minutes. Mr. Rahman responded to concerns and questions by the Board. (It should be noted a recording of all the discussion surrounding this item may be found online with agenda materials for this date. www.amadorgov.org)

Chairman Forster opened the discussion to the public at this time. The following individuals wished to speak.

- District V Planning Commissioner Mark Bennet
- District IV Planning Commissioner Stacy Munnerlyn

Lengthy discussion ensued with the following actions being taken.

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

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

Ayes: Supervisors Crew, Brown, Forster and Axe

Recused: Supervisor Oneto

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

MOTION #2: It was moved by Supervisor Axe, seconded by Supervisor Forster and carried to deny the General Plan Amendment and Zone Change relative to this project.

Ayes: Supervisors Axe, Forster and Brown

Noes: Supervisor Crew


Recused: Supervisor Oneto

Chairman Forster passed the gavel to Vice-Chairman Brown and seconded the above Motion.

ADJOURNMENT: Until Tuesday, December 6, 2022 at 8:30 a.m.


Richard M. Forster, Chairman, Board of Supervisors

ATTEST:


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

November 22, 2022 CONSENT MINUTES

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

ACTION: Approved-Resolution No. 22-175

6.b. Behavioral Health Agreement with Tulare County Superintendent of Schools for Friday Night Live

ACTION: Approved

6.c. General Services Administration: RFP 22-24 Contract Services for Inmate Food Services

Suggested Action: Recommendation: 1) Award RFP 22-24 to Summit Food Services, LLC in an amount not to exceed \$2.97 per meal for the first year with a cost reevaluation for years two (2) through five (5) at a cost not to exceed 3% and; 2) Authorize the Sheriff and County Counsel to negotiate final terms and conditions and develop a contract based upon the Sample Agreement, Summits Proposal dated October 27, 2022 and RFP 22-24 and; 3) Approve the Board Chairman to execute said agreement with Summit Food Services LLC for the first year contingent upon agreeable terms and conditions; and years two (2) through five (5) contingent upon the Sheriff and County Counsel approval.

ACTION: Approved

6.d. Assessor Roll Corrections - approval of roll correction values decreased over \$150,000 or with values being decrease 50% or more

ACTION: Approved

6.e. Social Services Department - Request to fill vacant Finance Assistant I/II position

ACTION: Approved

6.f. General Services Administration: Contract With C&S Engineers for the Installation of Airport Beacon (Design only), Runway Lighting (Design only), and Taxiway A lighting (design only)

Suggested Action: Authorize the Board Chairman to sign the contract with C&S Engineers in the amount of \$75,482.00 as presented.

ACTION: Approved

6.g. General Services Administration: Commercial Activity Permit Agreement

Suggested Action: Approve the attached Commercial Activity Permit Agreement and authorize the Board Chairman to sign.

ACTION: Approved

6.h. Building Department: Agreement to Limit Use of Agricultural Structure for AG222856 - Quesnel

ACTION: Approved-Resolution No. 22-176

6.i. Budget Appropriation to zero out expenditure lines in the negative for the 21/22 fiscal year

ACTION: Approved

6.j. Surveying Department-Parcel Map No. 2873 for B. Jean Ely, as her separate property as to an undivided one-third interest; and Judy L. Chaffee, as her separate property as to an undivided one-third interest; and Janet M. Bawart, as her separate property as to an undivided one-third interest as tenants in common. The subject agenda item is a request for approval of Parcel Map No. 2873. The property is located between Vaira Ranch Road and Highway 49. Assessor's Parcel No.'s 008-220-008-000 and 008-210-009-000.

ACTION: Approved-Resolution No. 22-177

6.k. Surveying Department-Parcel Map No. 2910 for James Thomas Simpson and Lorena Snyder 2020-0011734. The subject agenda item is a request for approval of Parcel Map No. 2910. The property is located along Bell Road. Assessor's Parcel No. 007-020-008 and 007-010-023.

ACTION: Approved-Resolution No. 22-178

6.l. Sign Utility Agreement with PG&E for Pine Grove Corridor Improvement Project

ACTION: Approved

6.m. Public Health - First Amendment to Agreement for Independent Contractor Services with Public Knowledge LLC

ACTION: Approved

6.n. Termination of Proclamation of Local Emergency for the Electra Fire.

ACTION: Approved-Resolution No. 22-179