

**Amador County Board of Supervisors  
ACTION MINUTES**

**REGULAR MEETING**

**DATE:** Tuesday, March 14, 2023  
**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:**

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

**Staff:** Charles T. Iley, County Administrative Officer  
Gregory Gillott, County Counsel  
Heather Peek, Deputy 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.**

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

County Negotiators: Glenn Spitzer, Deputy County Counsel, Greg Ramirez, IEDA, Lisa Gaebe, Human Resources Director Employee Organization: SEIU Local 2015  
Suggested Action: Discussion and possible action.

**ACTION: Nothing to report.**

**CONFERENCE WITH COUNTY COUNSEL: EXISTING LITIGATION -** {Government Code 54956.9(d)}

Conference with Legal Counsel – Existing Litigation [Government Code 54956.9(d)(1)]  
Name of Case: In Re: National Prescription Opiate Litigation; U.S. District Court, Northern District of Ohio Eastern Division, Case No. 1:17-MD-2804  
Suggested Action: Discussion and possible

**ACTION: Update given.**

**CONFERENCE WITH COUNTY COUNSEL: ANTICIPATED LITIGATION -** {Government Code 54956.9(d) (2)}

One case  
Suggested Action: Discussion and possible action.

**ACTION: Update given.**

**CONFERENCE WITH COUNTY COUNSEL: INITIATION OF LITIGATION -** {GOVERNMENT CODE 54956.9(D) (4)}

One Case  
Suggested Action: Discussion and possible action.

**ACTION: Update given.**

**Confidential Minutes:** Review and possible approval of the February 28, 2023 Confidential Minutes.

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

**MOTION: It was moved by Supervisor Axe, seconded by Supervisor Crew and unanimously carried to approve the February 28, 2023 Confidential Minutes.**

**PLEDGE OF ALLEGIANCE:** Chairman Brown 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:

- Mr. Bill May, District II 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 Brown advised the following item has been added as an Addendum to today's Public Hearing Agenda and will be heard as item 7.c:

**Planning Department:** Discussion and possible action relative to a Public Hearing to consider the Planning Commission's recommendation to deny Zoning Ordinance Amendment ZOA-22:12-2 regarding a proposed amendment to the County Code Chapter 19.72.050(B), Accessory Dwelling Units, to establish that rental terms for Accessory Dwelling Units be longer than 30 days.

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

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

**Ayes:** Supervisors Brown, Oneto, Crew, Axe, Forster

**Noes:** None

**Absent:** None

**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 unanimously, to approve the Consent Agenda as presented.

**Ayes:** Supervisors Brown, Oneto, Crew, Axe, Forster

**Noes:** None

**Absent:** None

## **REGULAR AGENDA**

**Administrative Agency:** Presentation of a Proclamation Recognizing the Month of March as Red Cross Month.

Chairman Brown read and presented the proclamation to Red Cross volunteer, Paul Keaton.

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

**MOTION:** It was moved by Supervisor Oneto, seconded by Supervisor Axe and carried unanimously, to approve the adopt the resolution proclaiming the month of March as Red Cross month.

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

**Assessor's Office:** Assessor Roll Corrections - approval of P19 base year value transfer being decreased over \$150,000.

Mr. Jim Rooney, County Assessor, addressed the Board and provided an overview of Proposition 19 and also explained the properties listed in this item were purchased by individuals who sold their property from a different county with a base year value less than the purchase price of their new property located in Amador County. Mr. Rooney reiterated that Proposition 19 allows homeowners to transfer the assessed value from their sold property as their new base year value to their new property.

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 Crew and carried unanimously, to approve the assessor roll corrections and approval of the Proposition 19 base year value transfer being decreased over \$150,000.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

**Administrative Agency:** Discussion and possible action relative to a presentation by the CAO and Budget Director regarding the status of the 2022/2023 County budget and a look ahead at the 2023/2024 budget. Staff is looking for any changes or direction that the Board would like to see, as the budgets are being sent to Department Heads this week.

Mr. Chuck Iley, County Administrative Officer (CAO), addressed the board and presented a mid-year budget review explaining the beginning of the budget process for the 23/24 budget. Mr. Iley stated this item would return to the board in two weeks for an overview and comprehensive discussion on how County funds, particularly on roads, will be spent. Mr. Iley also announced the budget workshop will be held on Monday, May 8, 2023 and the adoption of the preliminary budget will be scheduled for Tuesday, June 13, 2023.

Chairman Brown emphasized his support for the roads budget and is hopeful the new grant writer will be able to find resources to assist the county.

Discussion ensued with the following individual wished to speak:

- Ms. Virginia Manner, District I resident.

**ACTION: Informational only.**

**Administrative Agency:** Discussion and Possible Action Relative to Amending Sections 2.68.020 and 2.68.025 of Chapter 2.68, as it Relates to Salaries of Elected Officials.

Mr. Chuck Iley, County Administrative Officer (CAO), addressed the board and stated this

ordinance must be brought back to the board for approval and will in two weeks on consent, unless the Board prefers this item to be on the regular agenda.

Lengthy 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 carried 4-0-1, to approve the amending sections 2.68.020 and 2.68.025 of Chapter 2.68, as it relates to salaries of elected officials, with the exception of supervisors, and waive the reading and scheduling for adoption on March 28, 2023.**

**Supervisor Oneto clarified his vote by stating he's not in opposition of COLA's for the elected officials, only the additional 7% increase for the sheriff, and also asked for the numbers to be revisited. Supervisor Oneto also expressed his support and thanked the elected officials for the jobs they have done.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: Supervisor Oneto**

**Absent: None**

**Minutes:** Review and possible approval of the February 28, 2023 Board of Supervisors Meeting Minutes and the March 3, 2023 Board of Supervisors Special 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 February 28, 2023 Board of Supervisors Meeting Minutes, with minor edits, and March 3, 2023 Board of Supervisors Special Meeting Minutes.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

### **PUBLIC HEARING 10:30 A.M.**

**Planning Department:** Consideration of the Planning Commission's recommendation to approve General Plan Amendment (GPA-22;12-1): proposed amendments to the Kirkwood Specific Plan Tree Ordinance to clarify that hazardous tree removal or vegetation removal required for defensible space clearing per Public Resources Code 4291 is not subject to review by the Tri-County Technical Advisory Committee provided that the tree/vegetation removal is certified by a qualified forest professional.

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, Mr. Beatty stated the ordinance revision adds an exemption to the tree removal permitting requirements to allow for tree trimming and removal to meet the defensible space requirements of PRC 4291. Mr. Beatty mentioned the revision also eliminates an administrative burden to property owners by abolishing the requirement for tree removal permits for dead, dying, diseased, and hazard trees and that this item is considered a General Plan Amendment because the

Kirkwood Tree Ordinance is an appendix of the Kirkwood Specific Plan.

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

Supervisor Forster provided suggested modifications for the proposed ordinance amendments.

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

**MOTION #1: It was moved by Supervisor Crew, seconded by Supervisor Oneto and unanimously carried, to close the public hearing.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

Discussion ensued with the following action being taken.

**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 approve the recommendations to modify the proposed the General Plan Amendment with the findings.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

### **ORDINANCE NO. 1831**

Amending Appendix 2, Tree Ordinance, of the 2003 Kirkwood Specific Plan, to Establish that Hazardous Tree Removal and Defensible Space Clearing for Per Public Resources Code 4291 is Exempt from Permitting Requirements.

### **RESOLUTION NO. 23-033**

Approving a General Plan Amendment (GPA-22;12-1) Amending Appendix 2, Tree Ordinance, of the Kirkwood Specific Plan to Reduce the Administrative Burdens Associated with Removal of Hazardous Trees and Trees which Violated Defensible Space Requirements of Public Resources Code 4291

**Planning Department:** Consideration of the Land Use Committee's recommendation to amend County Code Chapter 7.36, Surface Mining and Reclamation, Section 7.36.185, Interim Management Plans, by increasing the number of successive five-year renewal terms for Interim Management Plans from two (2) to three (3), consistent with the CA Surface Mining and Reclamation Act.

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, Mr. Beatty stated the Surface Mining and Reclamation Act allows for mines to enter

into idle status through the approval of an Interim Management Plan and that an IMP allows a mine to remain in idle status without having to begin formal reclamation of the site or being declared abandoned. Mr. Beatty explained the IMP's recognize it wouldn't be practicable to reclaim areas that will be re-disturbed in the foreseeable future, and serve as a temporary plan to address public health, safety, and environmental issues relevant to the site. Mr. Beatty mentioned that the Surface Mining and Reclamation Act allows IMP's to have terms up to five years, which can be renewed for two successive five-year periods, for a total of 15 years. Mr. Beatty also noted the County Code language for the IMP's, allows for a single five-year renewal period, for a total of 10 years and the County's IMP language was adopted in 1996, and subsequent changes to the Surface Mining and Reclamation Act allowed for the additional five-year renewal period.

Chairman Brown 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 Axe, seconded by Supervisor Oneto and unanimously carried, to close the public hearing.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

Discussion ensued with the following action being taken.

**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 approve the recommended modifications and findings.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

Mr. Greg Gillott, County Counsel, asked Mr. Beatty whether this item had been previously heard at the Planning Commission and that the ordinance would return to the Board to have the reading waived and put up for adoption at a subsequent meeting. Based on Mr. Beatty's response, Mr. Gillott addressed the Board and said they need to modify the motion.

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

**MOTION #1: It was moved by Supervisor Oneto, seconded by Supervisor Axe and unanimously carried, to approve in concept to amend County Code Chapter 7.36, Section 7.36.185 our attempt to amend it, waive the reading and schedule it for adoption at the next meeting.**

**Ayes: Supervisors Brown, Oneto, Crew, Axe, Forster**

**Noes: None**

**Absent: None**

**ORDINANCE NO. 1832**

Amending Chapter 7.36.1185, Interim Management Plans, to Increase the Number of Successive Five-Year Renewal Terms for Interim Management Plans from Two (2) to Three (3), Consistent with the CA Surface Mining and Reclamation Act.

**Planning Department-ADDENDUM:** Discussion and possible action relative to a Public Hearing to consider the Planning Commission's recommendation to deny Zoning Ordinance Amendment ZOA-22:12-2 regarding a proposed amendment to the County Code Chapter 19.72.050(B), Accessory Dwelling Units, to establish that rental terms for Accessory Dwelling Units be longer than 30 days.

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, Mr. Beatty stated at the July 26, 2022 meeting, the Board of Supervisors approved the reduction in the minimum dwelling size from 800 square feet to 360 square feet as there was concern about the increased potential for small homes to be built as Accessory Dwelling Units (ADU's) and subsequently used as short term rentals rather than long term housing. Mr. Beatty provided an overview of the County Code allowing two categories of detached ADU's, listed below:

- 1) Category 1 units can be as large as the primary house, must meet off-street parking requirements, but have no limit on rental duration.
- 2) Category 2 units avoid the parking requirements, must be less than 800 square feet, and are required by State law to have rental terms longer than 30 days.

Chairman Brown 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 Axe, 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 Axe and carried 3-0-2, to approve the recommendation to modify the proposed ordinance amendment with the findings listed below to support these actions.**

**Ayes: Supervisors Crew, Axe, Forster**

**Noes: Supervisors Brown, Oneto**

**Absent: None**

1. The adoption of amended Chapters 19.72.050(B) is Categorically Exempt from the California Environmental Quality Act per Sections 15061(b)(3), 15305, 15307, and 15308 of the CEQA Guidelines.



Projects under Section 15061(b)(3) are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Section 15305 includes minor alterations in land use limitations in areas with an average slope of less than 20%, which do not result in any changes in land use or density.

Section 15307 consists of actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment.

Section 15307 consists of actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.

2. Following the Board of Supervisors adoption of the proposed ordinance amendment, a Notice of Exemption will be filed with the County Recorder.
3. On the basis of the administrative record presented, the Board of Supervisors finds that there is no substantial evidence that the project will have a significant environment and that the recommendation of the Notice of Exemption included in the Staff Report reflects the Board of Supervisors' independent judgement and analysis.


**ORDINANCE NO. 1833**

Amending Chapter 19.72.050, Accessory Dwelling Units, to Establish that the Rental Terms for Accessory Dwelling Units Permitted in Accordance with that Code Section to be Longer than 30 Days

**ADJOURNMENT:** Until Tuesday, March 28, 2023 at 8:30 a.m.

  
\_\_\_\_\_  
Jeffrey Brown, Chairman, Board of Supervisors

ATTEST:

  
\_\_\_\_\_  
HEATHER PEEK, Deputy Clerk of the  
Board of Supervisors, Amador County,  
California

## March 14, 2023 CONSENT MINUTES

8.a. General Services Administration: RFP 22-26 Public Health Strategic Plan

**ACTION: Approved**

8.b. Building Department: Agreement to Limit Use of Agricultural Structure for AG233376 - MURRAY

**ACTION: Approved-Resolution No. 23-029**

8.c. Medi-Cal County Inmate Program (MCIP) Participation Agreement

**ACTION: Approved**

8.d. Amador Child Care Council: Approval of a Certification Statement regarding Composition of Local Child Care Planning Council membership of the California Department of Social Services, Child Development Division for 2023.

**ACTION: Approved**

8.e. Second Amended Agreement for Services with El Dorado County Juvenile Hall

**ACTION: Approved**

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

**ACTION: Approved**

8.g. Upper Mokelumne River Watershed Authority (UMRWA): Approval of the Third Amended Joint Exercise of Powers Agreement amending the Agreement crating the Upper Mokelumne River Watershed Authority.

**ACTION: Approved**

8.h. General Services Administration: Declare 2018 Expedition as Surplus and Sell to American Legion Ambulance

**ACTION: Approved**

8.i. Public Health - Renewal of Program Plan Documents for Foster Care, CHDP, and CCS

**ACTION: Approved**

8.j. Planning Department - Request to establish a ±198.7-acre California Land Conservation Act preserve in conjunction with the removal of the same acreage from California Land Conservation Act contract No. 105 and the cancellation of a prior filing of non-renewal for the same acreage (APNs 044-200-120-000, APN 044-200-122-000, APN 044-200-123-000, and APN 044-200-124-000).

**ACTION: Approved-Resolution No. 23-030**

8.k. Approval of a Master Good Neighbor Agreement and a Project Agreement with the USFS to allow for reimbursement of costs associated with tree removal on US Forest Service land.

**ACTION: Approved**

8.l. Amador County Behavioral Health Advisory Board: Approval of the resignation of Carmen Glaister from the subject Advisory Board

**ACTION: Approved**

8.m. Planning Department - Request to amend California Land Conservation Act contracts No. 452 and No. 454 to reflect changes in the legal descriptions due to a Boundary Line Adjustment

**ACTION: Approved-Resolution Nos. 23-031 and 23-032**

8.n. The Side Letter Agreement for Behavioral Health Crisis Response Overtime for FLSA Exempt Employees amends current language in place in the Service Employees International Union Local 1021 to now include all employees assigned or directed by their director/supervisor to provide crisis outside of their normal hours to be paid overtime.

**ACTION: Approved**

8.o. Behavioral Health Department – Reclassify request to reclassify a Crisis Counselor I to a Crisis Counselor II.

**ACTION: Approved**