

Amador County Board of Supervisors
ACTION MINUTES

REGULAR MEETING

DATE: Tuesday, May 9, 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

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

- 1.a. COUNTY NEGOTIATORS: Chuck Iley & Jon Hopkins
Property: APN 005-020-018-000
NEGOTIATING PARTIES: Edwin Lands
UNDER NEGOTIATION: Boundary Line Adjustment with Edwin Lands LLC.
Suggested Action: Discussion and possible action.

ACTION: Direction given to staff.

- 2.a. COUNTY NEGOTIATORS: Charles T. Iley and Jon Hopkins
PROPERTY: APN 005-020-023-000
NEGOTIATING PARTIES: Thompson Gas
UNDER NEGOTIATION: Lease of Lot 11
Suggested Action: Discussion and possible action

ACTION: Direction given to staff.

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: Update given.

Confidential Minutes: Review and possible approval of the April 25, 2023 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 April 25, 2023 Confidential Minutes with minor corrections.

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 individual wished to speak:

- Nina Machado, Executive Director, First Five Amador

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 Closed Session Agenda as 2.a.:

CONFERENCE WITH REAL PROPERTY NEGOTIATORS: COUNTY NEGOTIATORS: CHARLES T. ILEY, COUNTY ADMINISTRATIVE OFFICER, JON HOPKINS, GENERAL SERVICES DIRECTOR

COUNTY NEGOTIATORS: Charles T. Iley and Jon Hopkins

PROPERTY: APN 005-020-023-000

NEGOTIATING PARTIES: Thompson Gas

UNDER NEGOTIATION: Lease of Lot 11

Suggested Action: Discussion and possible action

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Crew, seconded by Supervisor Axe and carried unanimously, 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)

Chairman Brown advised the following item (6.g.) has been pulled from today's Consent Agenda:

General Services Administration: RFQ 23-02 Construction Management Engineering Services for State Route 88 Pine Grove Corridor Improvement Project.

ACTION: Direction given pursuant to the following motion.

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

REGULAR AGENDA

Behavioral Health: Board Resolution recognizing May as Mental Health Matters month.

The following individuals wished to speak:

- Stephanie Hess, Amador County Behavioral Health
- James Burke, Amador County Behavioral Health
- Stacey Larson, National Alliance on Mental Illness, Amador (NAMI)
- Trixxie Smith, Sierra Wind Wellness and Recovery Center

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Oneto and carried unanimously to adopt the following Resolution recognizing May 2023 as "Mental Health Matters Month" in Amador County. (Chairman Brown subsequently presented the Resolution to Ms. Stephanie Hess, MHSA Program Coordinator).

RESOLUTION NO. 22-053

Resolution recognizing May 2023 as Mental Health Matters Month in Amador County to enhance public awareness of mental health and dispel the stigma surrounding it.

Administrative Agency: Discussion and possible action relative to a request from the University of California Cooperative Extension (UCCE) for an increase of 20% over the 22/23 budget allocation to that program. The County allocated \$134,712 during the current fiscal year. An increase of 20% would bring that amount to \$164.654.

Ms. JoLynn Miller, Director of UC Cooperative Extension, addressed the Board and provided an update on various provided programs.

The following individuals wished to speak:

- Alissa Hardie, Amador County 4-H
- Doris Mosblech, UCCE Master Gardeners of Amador County
- Tonya Castorena, Amador County 4-H

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 3-2-0, to approve an increase of 15% to the program.

Ayes: Supervisors Brown, Axe, Forster

Noes: Supervisors Crew, Oneto

Absent: None

Behavioral Health: Presentation by Behavioral Health Staff, followed by discussion and direction, regarding the plan for utilizing the funds to be allocated to Amador County as a result of the various Opioid Settlements.

Melissa Cranfill, Behavioral Health Director, Karen Vaughn, Behavioral Health Deputy Director and Amy Hixon, Behavioral Health Program Manager, provided a presentation on the Opioid Settlement Fund spending plan.

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 carried unanimously, to approve the plan for utilizing the funds allocated to Amador County as a result of the various Opioid Settlements.

Public Works: Discussion and possible action regarding review of Budget Unit 3000, Public Works.

Mr. Richard Vela, Public Works Director, provided a brief Power Point presentation relative to the 2023-2024 fiscal year Recommended Budget.

Discussion ensued and the following individual wished to speak:

- Bill May, District II Resident

ACTION: Presentation only.

Public Works: Ratification of emergency expenditures for the Public Works Department during the 2023 winter storm.

Mr. Richard Vela, Public Works Director, addressed the Board and summarized the staff report relative to this matter which is hereby incorporated into these minutes as though set forth in full.

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 ratify emergency expenditures for the Public Works Department, and ratification of emergency of expenditures initiated by the Transportation & Public Works Department as detailed in attachment A.

Administrative Agency: Discussion and possible action relative to a response to the 2021-2022 Grand Jury about recommendations that they made that were not part of the Board's response. The last two recommendations were inadvertently left off of the draft submitted to the Board by the CAO and were not submitted to the Grand Jury. A corrected version of the Board's response is attached for consideration. Items R6 and R7 relative to the Fire Response are the items that were not originally included. The remainder of the letter is what was originally submitted.

Mr. Chuck Iley, County Administrative Officer (CAO), provided an update on this item.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Oneto, seconded by Supervisor Axe and carried unanimously, to submit a revised 2021-2022 response to the Grand Jury.

Minutes: Review and possible approval of the April 25, 2023 Board of Supervisors Meeting Minutes.

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 April 25, 2023 Board of Supervisors Meeting Minutes with minor corrections.

PUBLIC HEARING 10:30 A.M.

Planning Department: Planning Department - Consideration of the Planning Commission's recommendation to approve Zoning Ordinance Amendment (ZOA-22;12-1) to amend County Code Chapter 19.77 to establish overlay zones requiring overflight notice for land division and accessory dwellings within two miles of Eagle's Nest airport and to minimize flight obstructions and limit places of assembly within one mile of Eagle's Nest airport.

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 recapped that the Land Use Commission had initially approved this project at their meeting in August of 2023, with direction from the Board to have staff prepare zoning code amendments to establish overlay zones to limit development densities, building heights, and prevent places of assembly (50 or more persons) within three miles of the airport. Mr. Beatty stated the original proposal included one-, two-, and three-mile zones, which included a minimum development density of 40 acres and an aviation easement for future land divisions, and the revised proposal eliminates the three-mile zone, eliminates the 40-acre development density, and changes the aviation easement to an overflight notice for future land divisions and accessory dwellings. The 40-acre development density remains a requirement of the General Plan for all property within the overlay zones with the exception of 170+/- acres of the Industrial land use designation on the southern edge of the two-mile overlay. Mr. Beatty then discussed the prior committee review saying the project was initially brought forward during the Amador County Land Use Commission August 25, 2022 meeting, where it recommended to adopt a Resolution of Intent to amend County Code Title 19, Zoning and the Resolution of Intent was brought in front of the Board of Supervisors date September 13, 2022, where it was unanimously adopted to direct staff and the Planning Commission to begin proceedings necessary to amend County Code Chapter 19, Zoning. Mr. Beatty noted the ordinance revisions were reviewed by the Amador County Technical Advisory Committee during its December 15, 2022 meeting and TAC has no technical objections to the Planning Commission approving the Zoning Ordinance Amendment subject to the findings included in the staff report. Mr. Beatty also noted the matter was heard by the Planning Commission on January 10, March 14, and April 11, 2023. Mr. Beatty also said the Planning Commission's action following a public hearing on April 11, 2023, the Planning Commission recommended approval of the revised draft ordinance included in the staff report, and the revised draft eliminated the 3-mile overlay zone, eliminated develop density requirements, and reduced the aviation easement requirement to an airport vicinity notice for land divisions and accessory dwelling units.

Supervisor Axe asked if they're outside the one mile, the only thing that would occur, is if there's some kind of sale, splitting of land or building of a residence; that they'll receive a notice stating there will be an airport nearby. Mr. Beatty stated it would require a land division or an accessory dwelling unit.

Supervisor Axe also asked if this might potentially take away from easements on properties, Williamson Acts or other conservation easements. Mr. Beatty replied that it could affect a Williamson Act Contract, but not someone's ability to enroll into a new contract. Mr. Beatty also

noted there are other types of conservation easements, but the notice of an airport in the vicinity would not affect them.

Supervisor Crew inquired if property owners would need this registered on their existing deed or if there was a sale. Mr. Beatty said only if there is a land division or an accessory dwelling unit. Mr. Gillott, County Counsel, said it would not change the deed itself, but it would be recorded, that would be tied to a title search indicating there is an airport in the region.

Chairman Brown opened the Public Hearing at this time. The following individuals wished to speak:

- James Wirfel, Aircraft Company
- Cheryl Clark, District V resident
- Susan Koehler-Anderson, District V resident
- Cathy Jauch, District V resident
- David Murray, District V resident
- Curtis Holmes, District V resident
- Georgianna Preskar, District V resident
- Ron Woodhouse, District V resident
- Diane Kindermann, Abbott & Kindermann, Inc.
- Dave Wardall, applicant

Lengthy discussion ensued with the following action being taken.

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.

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

MOTION #2: It was moved by Supervisor Oneto, seconded by Supervisor Forster and unanimously carried, to approve the ordinance establishing overlay zoning requirements recommendation for modifying the county code and approving the amendment with the five findings listed below to support these actions.

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.
2. 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.

3. Following the Board of Supervisors adoption of the proposed ordinance amendment, a Notice of Exemption will filed with the County Recorder.
4. Pursuant to Government Code 21670(b), the California Legislature found and declared that the adoption of land use measures that minimize the public's exposure to excessive noise and safety hazards within areas around airports to be of statewide concern.
5. The private ownership and limited flight operations preclude Eagle's Nest Airport from being included the County's Airport Land Use Compatibility Plans

ORDINANCE NO. 1836


Ordinance Amending Chapter 19.77, Objects Affecting Navigable Airspace, to Establish an Overlay Zone to Require Airport Vicinity Notifications, to Establish Height Limits, and to Limit Places of Assembly within Certain Distances and Locations from the Eagle's Nest Airport as Described Herein

ADJOURNMENT: Until Tuesday, May 23, 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

May 9, 2023 CONSENT MINUTES

6.a. General Services Administration: Dispense with the formal bidding procedures for the purchase of a Body Scanner and RFID System for the Sheriff's Office Jail Division

ACTION: Approved

6.b. Approval of Resolution authorizing the District Attorney to apply for a grant investigating Workers' Compensation Fraud.

ACTION: Approved-Resolution No. 23-054

6.c. Emergency Medical Care Committee (EMCC): Appointment of Jed Gaines to fill the CalFire Alternate seat to the subject committee for a term of three years set to expire on May 8, 2026.

ACTION: Approved

6.d. Building Department-Limited Density Owner-Built Rural Dwelling / LD233648 - ESTRADA

ACTION: Approved-Resolution No. 23-055

6.e. Building Department-Limited Density Owner-Built Rural Dwelling / LD233724 - NICOLAYSEN

ACTION: Approved-Resolution No. 23-056

6.f. Treasurer/Tax Collector: Resolution Discharging the Tax Collector From Further Accountability for the Collection of Certain Amounts on the Unsecured Tax Rolls.

ACTION: Approved-Resolution No. 23-057

~~6.g. General Services Administration: RFQ 23-02 Construction Management Engineering Services for State Route 88 Pine Grove Corridor Improvement Project~~

ACTION: This item was pulled from the agenda.

6.h. Assessor Roll Corrections - approval of roll correction values being decreased over \$150,000 or approval of P19 base year value transfer being decreased over \$150,000.

ACTION: Approved

6.i. Amador Behavioral Advisory Board (ACBHAB): Appointment of Ashley Harris as a Public Member to a three year term ending May 8, 2026

ACTION: Approved

6.j. General Services Administration: Berkeley Food & Housing Project (BHFP) lease

ACTION: Approved

6.k. At the request of the Sheriff, the Emergency Services Program Manager position was created to assist the Sheriff Sergeant who serves as the Emergency Services Coordinator in planning, coordinating, developing and implementing plans and operations for local emergency services activities. The position will also be researching and applying for funding opportunities (such as road repair, evacuation improvement, fuel reductions, etc.).

ACTION: Approved

6.l. Updated Consolidated Salary Schedule to be in compliance with the California Code of Regulations Section 570.5.

ACTION: Approved

6.m. General Services Administration: Buena Vista Landfill Water Line Project

ACTION: Approved-Resolution No. 23-058