

**Amador County Board of Supervisors  
ACTION MINUTES**

**REGULAR MEETING**

**DATE:** Tuesday, December 19, 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  
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.**

**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: Direction given to staff.**

**Confidential Minutes:** Review and possible approval of the December 5, 2023 Confidential Minutes.

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

**MOTION: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to approve the December 5, 2023 Confidential Minutes as presented.**

**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**.

**Trash Pickup:** Bill May, District II resident, advised the Tribe has ignored the County's request for trash pickup along Jackson Valley Road. He urged the Board to instruct County Counsel to contact the Tribe's Legal Counsel and seek compliance. In addition he requested the Board reconsider the Dark Sky Ordinance.

**Visit Amador:** Ms. Tracey Berkner, Visit Amador, took this time to provide a brief update on the efforts of Visit Amador as a destination marketing organization. Ms. Berkner stated Visit Amador recently sought the advice of a non-profit consultant and developed a plan to boost marketing of Amador County. Ms. Berkner noted through the process the executive board administrative expenses were decreased and further reduced expenses by eliminating office space. Visit Amador currently shares space with Amador Vintners Association in Plymouth. She continued by noting Visit Amador has been working with the Chamber of Commerce and Amador Vintners Association in hopes of streamlining efforts and working as a team to increase tourism and community support. Ms. Berkner advised Visit Amador meetings are held on the

third Thursday of every month at Hotel Sutter. Meetings begin at 9:00 a.m., with marketing discussions between 9:30 and 10:30 a.m. She concluded her comments by thanking the Board for their ongoing support of tourism in Amador County.

**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 Crew and carried unanimously to approve the agenda as presented.

**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).

At this time, Chairman Brown allowed time for public comment on the consent agenda. There were no public comments.

Supervisor Oneto stated he would like to recuse himself from the following item (5.m.) to avoid any perceived conflict of interest issues.

**Item 5.m.-**County of Amador Agreement with Buena Vista Biomass Power, LLC.

County Counsel advised since the item is on the Consent Agenda and no discussion will be had, it will not be necessary for Supervisor Oneto to leave the room.

The following actions resulted:

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

**MOTION #1:** It was moved by Supervisor Forster, seconded by Supervisor Oneto and carried unanimously to approve the consent agenda with Item 5.m. being removed.

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

**MOTION #2:** It was moved by Supervisor Axe, seconded by Supervisor Forster and unanimously carried to approve Item 5.m. County of Amador Agreement with Buena Vista Biomass Power, LLC.

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

**Noes:** None

**Recused:** Supervisor Oneto

## **REGULAR AGENDA**

**Homeless Persons' Memorial Day:** Discussion and possible action relative to adoption and presentation of a Resolution recognizing December 21, 2023 as National Homeless Persons' Day.

Mr. Tyx Pulskamp, addressed the Board and stated he is currently working with Operation Care as they conclude their Homeless Outreach Program and he is also representing a newly formed non-profit known as Small Changes for Big which was formed in the summer of 2023. Ms. Trixxie Smith, representing Cal Voices and Sierra Wind Wellness and Recovery Center, spoke briefly about the upcoming vigil and her experiences with outreach to unhoused individuals. Mr. Pulskamp and Ms. Smith encouraged those present to attend the vigil on Thursday; December 21<sup>st</sup> at 5:30 p.m. at Petkovich Park if possible.

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

Mr. Russ Parker, District II resident

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

**MOTION: It was moved by Supervisor Axe, seconded by Supervisor Forster and carried to adopt the following Resolution in recognition of National Homeless Persons' Memorial Day.**

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

**Noes: Supervisor Oneto**

**\*Supervisor Oneto clarified his opposing vote by stating while he recognizes the plight of the homeless community he takes issue with the language in the proposed resolution that indicates shelter is a fundamental right.\***

### **RESOLUTION NO. 23-174**

Resolution in recognition of National Homeless Persons' Memorial Day

**Administrative Agency:** Request by Advenco, LLC for a declaration of public convenience in regards to their pending Department of Alcoholic Beverage Control (ABC) application to sell alcoholic beverages at the Pardee Marina General Store. This declaration is required because the number of licenses in the census tract exceeds the current number allowable.

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 declare a public convenience or necessity and direct staff to indicate such to the ABC Board.**

**Administrative Agency:** Discussion and possible action relative to a request for funding for improvements to Plymouth Veterans Park by Jim Wise, with the Plymouth Rotary.

In summary, the funds would be given to the City of Plymouth from the Veterans Fund upon proposed agreement being executed. No General Funds will be utilized. Within thirty days of the date of the agreement, the County shall transfer to the City of Plymouth \$161,711.68.

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 Oneto and unanimously carried to transfer \$161,711.68 from the District V Veterans Memorial Hall fund to be utilized for the Veterans Park project upon receipt of a fully executed agreement.**

**Administrative Agency:** Discussion and possible action relative to a proposed Resolution of Intention to establish regulations for future wineries, tasting rooms, and event locations in the A/Agricultural and R1A/Single-family Residential zoning districts, and in future enrollments into the AG/Exclusive Agricultural (Williamson Act) zoning district.

Mr. Chuck Beatty, Planning Director, addressed the Board and summarized the staff report relative to this matter as though set forth in full. Mr. Beatty stated the first step toward a County-initiated change to the zoning code is adoption of a Resolution of Intention detailing the nature of the potential amendment. The matter would then be forwarded to staff and the Planning Commission to discuss possible text amendments, and ultimately presented to the Board for action.

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

- Russ Parker, District II
- Mr. Craig Baracco, Executive Director, Foothill Conservancy
- Ms. Jamie Lubenko, District V resident (via ZOOM)

Discussion ensued and the following action was taken.

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

**MOTION: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried unanimously to adopt the following Resolution of Intention to amend Title 19 (Zoning) of the Amador County Code to consider adopting regulations for new wineries, tasting rooms and event use areas in the Ag/Exclusive Agriculture, A/Agricultural, and R1A/Single Family Residential Zoning Districts.**

**Public Works Agency:** Discussion and possible action relative to the SR 88 Pine Grove Corridor Improvements Project.

Mr. Richard Vela, Public Works Director, addressed the Board and summarized the staff report relative to this item which is incorporated into these minutes as though set forth in full. In summary, he stated bids for the Project were due on December 7, 2023. Five bids were received and the results of the bidding are as follows:

➤ George Reed,	\$9,858,426.00
➤ Teichert Construction	\$11,325,000.00
➤ Martin Brothers	\$14,451,852.00
➤ Granite Construction	\$14,775,266.70
➤ Stimpel-Wiebelhaus	\$17,835,848.00
➤ Engineer's Estimate	\$7,670,296.00

The lowest bid received is over twenty-eight and one half percent (28.53%) higher than the Engineer's Estimate. The Engineer's Estimate is less than all the received bids. The lowest bid received is from the apparent low bidder George Reed, Inc. Because the Engineer's Estimate is below all bids, the Department analyzed and evaluated all bids received for the project. The Department is having the Design Engineer review its Engineer's Estimate to find any anomalies.

The following are the options the Board may consider at this time:

- Do nothing at this time and wait to see if additional funds from external sources can be committed to the project. However, the deadline to award the current bid is January 21, 2024.
- Use additional internal funding sources and award the contract to the lowest responsible and responsive bidder, George Reed, Inc.
- Reject all bids and direct staff to scale project back to as to fit the current funding. This would result in additional work by the design consultant, Mark Thomas, and review of the revised project by Caltrans. Once the reduced scope project has been approved, rebid the project. This would result in losing most if not all of the 2024 construction season.
- Reject all bids and terminating the project. Regarding the current funding for the project, \$3,613,379 will be lost and \$5,935,000 will be returned to ACTC for re-allocation.

Mr. Vela stated the following are the requested actions the Board may consider:

1. Do nothing at this time and wait to see if additional funds from external sources can be committed to the project, which the deadline to award the current bid being January 21, 2024; **OR**
2. Award ITB 23-23 SR 88 Pine Grove Corridor Improvements Project to George Reed, Inc. in an amount not to exceed \$9,858,426.00; and
  - Authorize the Board Chairman to sign the construction contract based on the standard sample contract contingent upon County

- Counsel and the Director of Public Works approval; and
  - Delegate authority to the Public Works Director to accept completion of the work and sign and record a Notice of Completion if no liens or stop notices have been served within the thirty (30) day period; and
  - Authorize the Board Chairman to sign the agreement and release of claims upon completion of the project and authorize the Public Works Director to release retention and final payment to the contractor; **OR**
3. Reject all bids and direct staff to scale project back to fit the current available funding; **OR**
  4. Reject all bids and terminate the project.

Lengthy discussion ensued with the following individuals providing input.

- Mr. John Gedney, ACTC Executive Director,
- Matt Brogan, Design Engineer, Mark Thomas, Engineering
- Jake Weir, Project Engineer, Mark Thomas Engineering
- Ms. Lynda Burman, District V resident
- Ms. Jan Houghton, District IV resident
- Mr. Logan Carnell, District IV resident
- Ms. Katherine Evatt, District IV resident (via ZOOM)

The following action was taken.

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

**MOTION #1: It was moved by Supervisor Crew, seconded by Supervisor Oneto to reject all bids and terminate the project in the spirit of fiscal responsibility.**

**Ayes: Supervisors Crew and Oneto**

**Noes: Supervisors Brown, Axe and Forster**

**\*Motion failed for lack of majority vote\*\***

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

**MOTION #2: It was moved by Supervisor Forster, seconded by Supervisor Axe and carried to work with Cal Trans over the next month to try and find alternate funding sources. If that is not successful, schedule a Special Board Meeting prior to January 21, 2024 to reject bids and request a scaled back project be presented.**

**Ayes: Supervisors Forster, Axe and Brown**

**Noes: Supervisors Oneto and Crew**

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

**Community Facilities District 2006-1 (Annexation #15):** Discussion and possible action relative to a public hearing to consider:

1. Adoption of a Resolution determining to submit question of annexation territory to Community Facilities District 2006-1 (Fire Protection Services), County of Amador, State of California to the landowners in the territory proposed for Amador, State of California, to the landowners in the territory proposed for annexation (Annexation #15); and
2. Adoption of a Resolution declaring the results of the special election to annex certain territory to Community Facilities District 2006-1 (Fire Protection Services), Count of Amador, State of California (Annexation #15).

Ms. Lynn Gruber, Koppel and Gruber Public Finance and Consultant for the County, addressed the Board and summarized this matter.

Chairman Brown opened the Public Hearing at this time. Hearing no comment the following action resulted.

**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.**

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 Crew and unanimously carried to adopt the following Resolution determining to submit the question of annexing territory to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, state of California, to the landowners in the territory proposed for annexation (Annexation #15)**

**RESOLUTION NO. 23-176**

Resolution determining to submit the question of annexing territory to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, state of California, to the Landowners in the Territory Proposed for Annexation (Annexation #15)

**At this time, Chairman Brown directed Ms. Jennifer Burns, Clerk of the Board, to conduct the election.**

Ms. Jennifer Burns, Clerk of the Board, stated all ballots have been received and deemed the election to be closed. At this time, she counted and tallied the ballots which resulted in 2,408 affirmative votes cast.



Discussion ensued with the following action being taken.

**ACTION #3:** Direction given pursuant to the following motion.

**MOTION #3:** It was moved by Supervisor Crew, seconded by Supervisor Axe and unanimously carried to adopt the following Resolution declaring the results of the Special Election to annex certain territory to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California (Annexation #15)

**RESOLUTION NO. 23-177**

Resolution declaring the results of the Special Election to annex certain territory to Community Facilities District No. 2006-1 (Fire Protection Services), County of Amador, State of California (Annexation #15)

**General Services Administration:** Discussion and possible action relative to a public hearing to consider the Capital Facility Annual Disclosure Review with Annual CCI Adjustment.

Ms. Karen Warburton, General Services Budget Analyst, 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.

Chairman Brown opened the Public Hearing at this time. Hearing none, the following actions were taken.

Discussion ensued with the following action being taken.

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

**ACTION #2:** It was moved by Supervisor Axe, seconded by Supervisor Crew, and unanimously carried to close the Public Hearing.

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

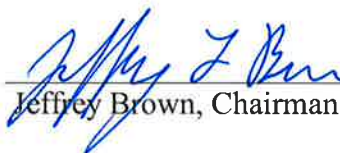
**MOTION #2:** It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to approve the following resolution to accept the 2022/23 Annual Disclosure and Review increasing the CFF by the 2.5% CCI effective January 1, 2024.

**Minutes:** Review and possible approval of the December 5, 2023 Board of Supervisors Meeting Minutes.

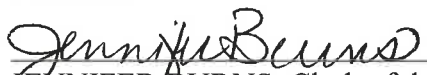
**ACTION:** Direction given pursuant to the following motion.

**MOTION:** It was moved by Supervisor Forster, seconded by Supervisor Axe and carried unanimously to approve the December 5, 2023 Board of Supervisors Meeting Minutes with minor edits.

**ADJOURNMENT:** Until Tuesday, December 19, 2023 at 8:30 a.m.

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

ATTEST:

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

**December 19, 2023 CONSENT MINUTES**

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

**ACTION: Approved-Resolution No. 23-179**

5.b. Agricultural Advisory Committee: Approval of the re-appointments of David Bassett to fill the seat of District I, John Gonsalves as alternate, Dan Port to fill the seat of District II, John Allen, Jr. to fill the seat of District IV, and Mark Bennett as the alternate serving as District V on the Planning Commission effective December 2023 through December 2026.

**ACTION: Approved**

5.c. Building Department-Limited Density Owner-Built Rural Dwelling / LD234373- ONO

**ACTION: Approved-Resolution No. 23-180**

5.d. Resolution of Off Highway Motor Vehicle Agreement

**ACTION: Approved-Resolution No. 23-182**

5.e. Budget Transfer from Contingencies to the Promotions Department to support the Film Commission in FY 23/24 per Board decision on December 5, 2023.

**ACTION: Approved**

5.f. Treasurer/Tax Collector: Resolution declaring unclaimed monies held in the County Treasury to be the property of the County of Amador and transferring said unclaimed amounts to the County General Fund.

**ACTION: Approved-Resolution No. 23-181**

5.g. Public Health Department: Approve the addition of a Public Health Program Coordinator position and the Budget Transfer Request to allocate the funding of the previously approved Future of Public Health Grant. This grant will fund this position and equipment for community events.

**ACTION: Approved**

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

**ACTION: Approved**

5.i. Building Department: Agreement to limit use of Agricultural Structure for AG234657 - ALDEA

**ACTION: Approved-Resolution No. 23-183**

5.j. Resolution Approving Authorized Officials for Grant Funding through the Federal Department of Homeland Security.

**ACTION: Approved-Resolution No. 23-184**

5.k. General Services Administration ITB 23-28 Amador County Sheriff's Office Second Floor Carpet Replacement

**ACTION: Approved**

5.l. General Services Administration - F-86F Sabre Standard Renewal Loan Agreement

**ACTION: Approved**

5.m. County of Amador Agreement with Buena Vista Biomass Power, LLC.

**ACTION: Approved**

5.n. General Services Agency: Custodian II Status Change from Part-time to Full-Time

**ACTION: Approved**

5.o. Amador Fire Safe Council: Discussion and possible action relative to approval of the Chairman's signature on letters of support for two grant applications the AFSC will be submitting in early January 2024. The proposed projects are as follows:

Ohio Hill Fuel Break Project (22-WP-AEU-57497816)

Volcano Hills Fuel Break Project (22-WP-AEU-57498028)

**ACTION: Approved**

5.p. 23-21 Amador County Main Street Drytown Improvements

Resolution of Acceptance

Final Agreement and Release of Claims

Consolidated Engineering, Inc.

**ACTION: Approved-Resolution No. 23-185**

5.q. Public Health - Approval of CMS Plan.

**ACTION: Approved**

5.r. Request to Advertise ITB 23-30, Carbondale Road Bridge Replacement Project Over Willow Creek - Bids to be Received on February 8, 2024

**ACTION: Approved**