

Amador County Board of Supervisors ACTION MINUTES

REGULAR MEETING

DATE: Tuesday, August 27, 2019
TIME: 8:30 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:

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

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.**

The Board convened into Open Session at this time to hear comments from public members wishing to speak on a matter listed on the Closed Session Agenda. Vice Chairman Crew opened the meeting. The following individual wished to speak.

Buena Vista Casino Issues-Closed Session Item 3a: Mr. Bill May, District II resident, took this time to address the Board regarding the following two issues:

- When will the signage and permanent lighting be in place at Highway 88 and Buena Vista Road? Mr. May advised he will follow up with Mr. Jered Reinking, Public Works Director.
- Who will fund support for the .5 cent sales tax measure if it should move forward to the ballot? Supervisor Axe responded by stating the County cannot financially support the bringing the measure forward, but can only provide educational materials to the public.

REGULAR SESSION: At 9:00 a.m., the Board convened into regular session. Vice-Chairman Crew reported the following issues were reviewed in closed session.

Conference with Real Property Negotiators: County Negotiators: Charles T. Iley, County Administrative Officer, Jon Hopkins, General Services Director

U.S. Mines-APN 044-010-116-000-Terms and Conditions

ACTION: Direction given to staff.

Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6

ACTION: Nothing to report.

Confidential Minutes: Review and possible approval of August 13, 2019 Confidential Minutes.

ACTION: Approved pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Crew and unanimously carried to approve the August 13, 2019 Confidential Minutes as presented.

Buena Vista Ranchera

ACTION: Update given.

PLEDGE OF ALLEGIANCE: Chairman Oneto 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**.

Buena Vista Casino Issues: Mr. Bill May, District II resident, addressed the Board and requested he receive a timeline from the Public Works Director as to when the signage at Highway 88 and Buena Vista will be installed.

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 Axe, seconded by Supervisor Brown, 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)

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 approve the Consent Agenda as presented.

REGULAR AGENDA

Administrative Agency: Resolution recognizing Dr. Robert Hartmann for his many contributions to Amador County and congratulating him on his retirement.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Crew and unanimously carried to adopt the following Resolution recognizing Dr. Robert Hartmann for his many contributions to Amador County and congratulating him on his retirement. Vice-Chairman Crew then presented the Resolution to Dr. Hartmann.

RESOLUTION NO. 19-096

Resolution recognizing Dr. Robert Hartmann for his many contributions to Amador County and congratulating him on his retirement.

Administrative Agency: Discussion and possible action relative to the consideration of placing a measure on a future ballot asking the voters to approve a sales tax of some kind for roads. The Board previously assigned an ad-hoc committee (Oneto and Axe) to discuss the matter with representatives from the various cities. Any such sales tax that has a restricted use would require a 2/3 majority of the votes cast.

Supervisor Axe took this time to report the Ad Hoc Committee met several times with representatives from the five Cities and the County to discuss placing a measure on a future ballot asking the voters to approve a sales tax of some kind for roads. He stated one of the main objectives was to determine if there would be a consensus to move forward. Supervisor Axe also stated a prospectus has been prepared to outline the apportionment of funds to various jurisdictions and has been distributed to the Cities and is available as part of this agenda item today if the public should be interested in obtaining a copy. He noted by in large the reception by the various Councils has been favorable. He pointed out the Committee also discussed proposing a ten year sunset clause to be included in the ballot language. He mentioned the first assumption is that the transactional tax would be .5 cents which would result in roughly \$3,000,000 annually based on a similar .5 cent measure in existence (Measure M). Each of the five incorporated Cities and the County would receive a base allocation out of the first \$1,000,000, the remaining \$2,000,000 will be split amongst the six jurisdictions according to the percentage of the population residing in their respective jurisdiction that pay the transactional tax.

Mr. Robin Peters, City of Sutter Creek Mayor, addressed the Board and stated Supervisor Axe and Oneto have been very diligent in carrying forward this issue and in his opinion has been a great success and has gathered participation of all the incorporated cities and has resulted in lively and far reaching discussion regarding the weaknesses and strengths of such a proposal for all involved. Mr. Peters stated each City has taken this matter to their Councils in concept and have determined widespread support for a countywide cooperative sales tax measure. He continued by noting each Council had comments and concerns about some aspects of the proposal which was expected, but a common thread in the discussions was that the Cities need to feel confident that it is a cooperative effort for it to be successful. Mr. Peters stated if that isn't achieved some Cities may consider moving forward independently.

Mr. Bob Stimpson, City of Jackson Mayor, addressed the Board and stated the Jackson City Council had this matter on a recent agenda as a consensus item only and all members seemed to be in favor of the concept.

Ms. Susan Bragstad, Vice-Mayor of Amador City, advised the Amador City Council also heard this matter recently and are conceptually in support.

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

- Mr. Bill May, District II resident
- Mr. Gary Reinoehl, District V resident
- Ms. Katherine Evatt, District V resident

Lengthy discussion ensued with the following action being taken.

ACTION: Direction given to staff and the Ad Hoc Committee to report back to the Board bi-monthly as to the status and progress of this topic as it moves forward.

Waste Management: Discussion and possible action relative to proposed 2019 Refuse Rate Adjustments for ACES Waste Services, Inc.

Mr. Jim McHargue, Director of Solid Waste/Air Pollution Control Officer, 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 in December 2008, the Board of Supervisors approved the use of the Rate Adjustment Methodology (RAM) for the analysis and calculation of annual refuse rate adjustments within the County's franchise waste hauler system. He continued by stating in the first quarter of 2019 staff engaged R3 Consulting Group Inc. to work on the detailed rate review, and in August 2019, R3 produced a detailed report of the indexed adjustments for ACES Waste Services, Inc., which is included in a detailed report included in the Board packet for today's date.

Discussion ensued with Supervisor Forster bringing attention to the Notice of Proposed Increase in Garbage Service Rates letter that will be sent out to customers and requested that the section relative to "*Why Change Rates*" be more specific and include exact detailed percentages in bold font under the following bulleted areas, to further educate the public as to the need for the increase.

- Increased fuel costs.
- Increased cost of recyclable material handling due to China's National Sword Policy.
- Increased cost of compliance with state and federal mandates.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Crew and unanimously carried to approve the recommended 2019 rate adjustments and authorize staff to set the Proposition 218 hearing for October 22, 2019, and direct staff to mail notices to affected owners/customers.

Tree Mortality: Update on Tree Mortality mitigation activities by Tad Mason, TSS Consultants, Dr. Richard Harris, and Ed Struffenegger.

ACTION: **Presentation only.**

Public Works Agency: Discussion and possible action relative to the Department of Public Works plan to pursue Fall 2019 Roadside Maintenance - Ditch Cleaning.

Mr. Jered Reinking, Public Works Director, addressed the Board and stated typically roadside maintenance is considered a routine maintenance activity and ditch cleaning is usually performed in September/October months by the Road Department. Mr. Reinking pointed out in fiscal year 19/20 SB1 Project Expenditure list has \$32,058 set aside for Roadside Maintenance (Contract Work). This amount is included in the 19/20 fiscal year requested Department Budget.

Chairman Oneto stated it has come to his attention that several ditches around the County have not been cleaned in sometime and are in desperate need of attention. He continued by stating cleaning and maintaining the ditches can have a significant impact on the condition of roads long term. Supervisor Oneto stated he would like to see a vast majority of the ditches be cleaned this year if possible.

Discussion ensued with the following action being taken.

ACTION: **Public Works staff will work with the Road Crew to prioritize a list for ditch cleanup in the near future and utilize the funds that are available to perform the work.**

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

Planning Department - Appeal of Planning Commission's determination that "Recreation Uses" does not extend to Recreational Vehicle Parks and is not consistent with the intent of County Code §19.24.040, "A," Agricultural district conditional uses.

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.

Chairman Oneto opened the public hearing at this time. The following individuals wished to speak.

- Mr. Dough Ketron, representing the appellant
- Ms. Katherine Evatt, District V resident

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 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 Axe and unanimously carried to deny the appeal and uphold the Planning Commission's interpretation that "recreation uses" does not extend to Recreational Vehicle Parks and is not consistent with the intent of County Code Section 19.24.040, "A," Agricultural District conditional uses.

Planning Department - Appeal of Planning Commission's determination that the proposed change in use of the Appellant's property for the addition of a mobile food facility is dissimilar or less restrictive in nature than the prior uses of the property. The property was previously approved for wine blending, bottling, distribution, and tasting. (APN 008-100-009)

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.

Mr. Paul Schmitz, appellant, and owner of Schmitz Cellars, provided a lengthy and informative presentation of his appeal.

Chairman Oneto 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 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 Axe, seconded by Supervisor Crew and carried to deny the appeal and uphold the Planning Commission's interpretation that the appellant's proposed change of use of the property is dissimilar and less restrictive than previous uses on the property and deny the proposed change in use. (Though the Board has latitude to use discretion they are concerned about potential traffic impacts in the future).

Ayes: Supervisors Crew, Oneto, Axe and Forster

Noes: Supervisor Brown

Absent: None

Supervisor Forster left the meeting at this time to arrive at the airport timely for scheduled flight.

Amador County Recreation Agency: Discussion and possible action relative to a Public Hearing to consider the review of Amador County Park and Recreation Plan Capital Improvement Plan, the Annual Mitigation Fees Report for FY 2018-2019, and approved Five Year Plan.

Ms. Carolyn Fregulia, ACRA Executive Director, addressed the Board and summarized the staff report relative to this matter which is hereby incorporated into these minutes as through set forth in full.

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 Axe, seconded by Supervisor Crew and unanimously carried to close the public hearing.

Ayes: Supervisors Axe, Oneto, Crew and Brown

Noes: None

Absent: Supervisor Forster

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 Resolution adopting the annual review of the Amador County Park and Recreation Capital Improvement Plan, the Annual Mitigation Fee Report for fiscal year 2018-2019 and the approved Five-Year Plan.

Ayes: Supervisors Axe, Crew, Brown and Oneto

Noes: None

Absent: Supervisor Forster

RESOLUTION NO. 19-100

Resolution adopting the annual review of the Amador County Park and Recreation Capital Improvement Plan, the Annual Mitigation Fee Report for fiscal year 2018-2019 and the approved Five-Year Plan

Golden State Finance Authority: Discussion and possible action relative to adoption of a Resolution approving the proposed revisions to the GSFA Joint Powers Authority Agreement.

Discussion ensued with the following action being taken.

ACTION: Direction given pursuant to the following item.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Brown and unanimously carried to approve the following Resolution approving the proposed revisions to the GSFA Joint Powers Authority Agreement.

Ayes: Supervisors Axe, Oneto, Crew and Brown

Noes: None

Absent: Supervisor Forster

RESOLUTION NO. 19-097

Resolution approving the proposed revisions to the Golden State Finance Authority Joint Powers Agreement.

Minutes: Review and possible approval of the August 13, 2019 Board of Supervisors Meeting Minutes.

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 August 13, 2019 Board of Supervisors Meeting Minutes with corrections.

Ayes: Supervisor Axe, Brown, Oneto and Crew

Noes: None

Absent: Supervisor Forster

ADJOURNMENT: Until Tuesday, September 10, 2019, at 8:30 a.m.

August 27th Consent Agenda Minutes

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 #1: Direction given pursuant to the following motion.

- 7.a. Sheriff's Office: Approved budget transfer of funds to pay for military surplus vehicle.
- 7.b. Tax Collector: Approved two (2) resolutions regarding 2019-2020 fiscal Year property Tax Rates – a 1% Tax Rate and a .014% School Bond Tax Rate which are applicable to all properties in all tax rate areas of Amador County.
Resolutions 19-098 and 19-099
- 7.c. Approved the Adoption of a proposed Ordinance implementing a 2% salary increase for Elected Officials (other than the Board of Supervisors).
- 7.d. Behavioral Health: Approved the First Amendment to an agreement with AEGIS Treatment Centers for Fiscal Year 19-20
- 7.e. Public Works: Approve the Mitigation Banking Agreement for the Carbondale Road Over Willow Creek Bridge Replacement (Br. No. 26C0030) Project, and authorized the Director of Public Works to sign said agreement for an amount not to exceed \$60,320.00.
- 7.f. General Services Administration: Approved the purchase of two (2) 2020 Ford Expeditions for the Sheriff's Office by utilizing State Contract #1-18-23-23A with Downtown Ford in an amount not to exceed \$105,901.18.
- 7.g. General Services Administration: Awarded RFQ 19-16 to Fehr & Peers, Willdan Engineering and Kimley Horn and Associates, Inc. for a Traffic Engineering contract a period of three (3) years in an amount not to exceed \$50,000.00 annually and authorized the Public Works Director and County Counsel to negotiate final terms and conditions based upon the provided sample contract. The Board also authorized the Chairman to execute professional contracts as needed to those listed qualified firms contingent upon the Director of Public Works and County Counsels approval.
- 7.h. Commission on Aging: Approved the resignation of Floy Goulart from the subject commission after 11 Years of Service.
- 7.i. Approved the Certification Statement regarding composition of Local Child Care Council membership of the California Department of Education, Child Development Division for 2019.
- 7.j. Human Resources: Approved Side Letter between Amador County and SEIU Local 1021 for Implementation of bi-weekly pay.
- 7.k. Elections Department: Approved request to increase the petty cash account for the Elections Department from \$100.00 to \$200.00.

**ADJOURNMENT: UNTIL TUESDAY, SEPTEMBER, 10, 2019 AT 9:00 A.M. (CLOSED SESSION
BEGINS AT 8:30 A.M.)**



Brian Oneto, Chairman, Board of Supervisors

ATTEST:

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



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