

# Amador County Board of Supervisors ACTION MINUTES

## REGULAR MEETING

**DATE:** Tuesday, October 8, 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. Chairman Oneto opened the meeting. The following individual wished to speak.**

**Buena Vista Casino Issues:** Mr. Bill May, District II resident, took this time to bring up the following points causing him concern:

- Mr. May inquired as to when he will be privy to what the Board decides or discussed relative to Item 4a on the Closed Session Agenda (Buena Vista Rancheria). Mr. May is specifically interested in whether or not the Board will initiate litigation against the Tribe for failing to pay back taxes. County Counsel advised if and when the Board moves forward with filing and initiating litigation it will become public information at that time, except for certain exclusions that he provide to Mr. May. Mr. May strongly encouraged the Board to take action today to initiate litigation or arbitration to force the Tribe to pay back taxes in excess of \$100,000.00.
- Mr. May strongly encouraged the Board to confront the Tribe relative to what he feels was rude and condescending behavior by Ms. Rhonda Pope-Flores, Tribal Chairwoman, towards County staff, specifically the County Administrative Officer, at the last BVAC meeting.

**REGULAR SESSION: At 9:00 a.m., the Board convened into regular session.**

**PLEDGE OF ALLEGIANCE:** Chairman Oneto led the Board and the public in the *Pledge of Allegiance*.

**Chairman Oneto reported the following issue was reviewed in closed session.**

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

**ACTION:** Direction given to staff.

**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 regarding the following concerns/comments.

- Mr. May advised he previously provided the Board with information from the Treasurer/Tax Collector which indicates the Tribe owes over \$100,000.00 in back taxes and he strongly urged the Board to pursue assessment and collection via arbitration or litigation.
- Mr. May expressed concern regarding the demeanor and rude behavior which was displayed, in his opinion, by Ms. Rhonda Pope-Flores, not only to the residents of Jackson Valley, but especially to the County Administrative Officer and staff at the recent BVAC Committee Meeting.

**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 Oneto advised the following matter was added as an Addendum to the Closed Session Agenda for today's date.

Conference with County Counsel: Existing Litigation-{Government Code 54956.9 (d)}

Buena Vista Rancheria

**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 agenda as amended above.

**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)

Chairman Oneto Advised the following Addendum has been added to the Consent Agenda for today's date.

Agreement Authorizing the Installation of a Groundwater Monitoring Well within road right-of-way at Amador County's Carbondale Industrial Park Property; and

1. Approve the proposed CEQA Notice of Exemption; and
2. Authorize either the Chairman or the County Administrative Officer to sign the agreement permitting the installation of the monitoring well at the Carbondale Property following any final changes and approval by County Counsel; and
3. Waive all County fees associated with the well permit.

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

**MOTION #1:** It was moved by Supervisor Crew, seconded by Supervisor Axe and unanimously carried to approve the Consent Agenda as amended above.

## **REGULAR AGENDA**

**Historical Preston Restoration Foundation:** Presentation by Dr. Oral Custer concerning the development/re-purposing of the Historical Preston School of Industry.

Dr. Oral Custer addressed the Board and summarized this matter by briefly reviewing the Development Plan drafted by the Historic Presentation Foundation which outlines a proposed Administrative Services Contract for the Bureau of Indian Education with the Board of Directors of Historic Preston Restoration Foundation for the development and repurposing of the Historic Preston School of Industry. Dr. Custer stated the Foundation is seeking a letter of endorsement from the Board of Supervisors for the proposed plan that will be sent to David Bernhardt, Secretary of the Interior, in hopes of seeking his support to have the historic property transferred from the state to federal jurisdiction thereby allowing the Foundation or other non-profit groups such as the Buena Vista Rancheria to manage and prepare the facility for repurposing. Dr. Custer stated he feels repurposing the property would provide an ideal location for a historic district park and a vocational school for Native Americans, Veterans and their families.

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

- Ms. Dana Calhoun, District II resident
- Mr. Bill May, District II resident
- Ms. Cindy Grandbois, District I resident

Discussion ensued with the following action being taken.

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

**MOTION:** It was moved by Supervisor Forster, seconded by Supervisor Crew and unanimously carried to authorize the Chairman's signature on a letter of endorsement modeled after the one drafted by Dr. Custer and send to Secretary of the Interior and other entities and individuals as directed.

**General Services Administration:** Discussion and possible action regarding the regulation of noncommercial and commercial kennels.

Mr. Jon Hopkins, General Services Director and Ms. Kelly Reason, Animal Control Director addressed the Board. Mr. Hopkins summarized the issue by stating in March of this year, Animal Control Officers started receiving complaints of too many dogs running loose and barking from a resident on Amador Ave. in Pioneer. Officers have spoken to the owners on several occasions about reducing the number of dogs to which the owners responded stating they had reduced the number and upon a visit from Animal Control Officers it appeared only four dogs were on the property. Shortly thereafter, the number of dogs increased again and Officers responded again and found eleven dogs on the property. Reports of dogs running loose have not

been verified by Officers when they have responded however. Mr. Hopkins continued by providing some history relative to this matter. He stated past practice has been to follow the County ordinances, as they are straightforward. However, about seven years ago the Board had directed the GSA Director to run over planning enforcement matters to Code Enforcement. In this case, while these regulations fall under the zoning code they also fall within the animal code that is specifically enforced by Animal Control. He stated Animal Control and Planning both require separate and distinct permits for noncommercial and commercial permits; i.e Planning and Animal Control both require kennel licenses for noncommercial kennels and for commercial kennels a kennel license from Animal Control is required and a use permit from Planning is required. These matters are delayed when dealing with three separate departments which in turn exacerbates public frustration.

Discussion ensued with the following action being taken.

**ACTION: Consensus of the Board to direct Animal Control to take the position of lead agency and enforce these matters serving those in violation with a citation of noncompliance for noncommercial or commercial kennel activities for individuals owning less than five acres to accelerate resolving complaints, in accordance with Chapter 8.32 as it relates to Kennel and Licensing and Regulations.**

**Waste Management:** Discussion and possible action relative to an update relative to Buena Vista Landfill Compliance Projects.

Mr. Jim McHargue, Director of Solid Waste/Air Pollution Control Officer, referred to his memo as well as a summary written by consulting landfill engineer Mr. Curt Fuji. A complete copy is hereby incorporated into these minutes as though set forth in full. In summary, he noted on January 8, 2019, staff updated the Board of Supervisors on the status of the Buena Vista Landfill compliance projects required in response to two notices issued in 2018 by the Central Valley Regional Water Quality Control Board (Water Bond). The two notices concerned repairs to the Phase 1 Waste Management Unit's top surface (also known as the top deck or Cap) and the Class II Liquid Waste (leachate) Pond relining, expansion and/or relocation. Mr. McHargue continued by stating recently staff met with Water Board staff to discuss the proposed compliance projects. In July 2019, the county conducted field studies of the Phase 1 Unit's Cap which consisted of excavating 10 test pits to analyze the composition of the existing soils. This work included field analytical studies and laboratory permeability and compaction studies.

The generally agreed upon approach, between the county and Water Board staff, for the landfill compliance projects consists of the following:

- 1) Phase 1 Waste Management Unit Cap
  - A. 2019 Crack Repair Project
  - B. 2021 Top Deck Repair Project

- 2) Class II Liquid Waste (leachate) Pond
  - A. 2022/23 Relining and Capacity Expansion of Pond at Current Location; or
  - B. 2022/23 relocation of pond onsite with added capacity; or
  - C. 2022/23 installation of Groundwater Treatment Plant for onsite land discharge (requires state permit and approval)

Discussion ensued with the following action being taken.

**ACTION:** Board concurrence of the Board is to support the outline and approach as outlined above.

**Minutes:** Discussion and possible action relative to approval of the September 24, 2019 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 unanimously carried to approve the September 24, 2019 with minor corrections.

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

**Planning Department:** Discussion and possible action relative to consideration of the Planning Commission's recommendation to approve a request for a Zone Change from "X," Special Use District to the "AG," Exclusive Agriculture district in conjunction with request to include the same 160 acres in a California Land Conservation (Williamson) Act contract. (APN 001-200-012-000).

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.

Chairman Oneto 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.

Discussion ensued with the following action being taken.

**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:**

1. Adopt the following Ordinance approving the zone change from “X,” Special Use District to “AG,” Exclusive Agriculture District; and
2. Adopt the following Resolution approving Williamson Act contract #448, and authorize the Board Chair to sign the Resolution and Contract; and
3. Adopt the following findings to support the above actions;
  - 1) The Zone Change is consistent with the Amador County General Plan Land Use designation for the property;
  - 2) The agricultural preserve will meet the income requirements of the “AG” zone district for parcels 160 acres or large as outlined in County Code 19.24.036 D(2); and
  - 3) The zone change is categorically exempt from CEQA according to Section 15317, Class 17 of the State CEQA Guidelines (Open Space Contracts or Easements) and a Notice of Exemption will be adopted and filed with the County Recorder-Clerk.

**RESOLUTION NO. 19-128**

Resolution authorizing recordation of California Land Conservation Act Contract No. 448-Michael Daines

**ORDINANCE NO. 1790**

Ordinance amending Sectional Zoning District map No. F-78 pursuant to Section 19.20.020 of the Amador county Code by rezoning certain real property from the “X,” Special Use District to the “AG”, Exclusive Agricultural District.

**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 10:45 a.m., the Board convened into closed session. The following matters were heard.**

Conference with Labor Negotiators: Pursuant to Government Code Section 54957.6

**ACTION: Direction given to staff.**

Conference with County Counsel: Anticipated Litigation- {Government Code 54956.9 (d)(2)}

One Case

**ACTION: Direction given to staff.**

**Confidential Minutes:** Review and possible approval of the September 24, 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 September 24, 2019 Confidential Minutes as presented.

**\*\*Added as an ADDENDUM\*\***-Conference with County Counsel: Existing Litigation-  
{Government Code 54956.9 (d)}

Buena Vista Rancheria

**ACTION:** Direction given to staff.

**ADJOURNMENT:** Until Tuesday, October 22, 2019, at 8:30 a.m.



**October 8, 2019 Consent 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).

- 8.a. Approved a resolution declaring a Local State of Emergency in Amador County due to Pervasive Tree Mortality (Original resolution Adopted on February 23, 2016)  
**Resolution 19-120**
- 8.b. Approved a resolution establishing the 2019-20 Fiscal Year Appropriations Limit  
**Resolution 19-121**
- 8.c. Approved an Agreement between County of Amador and SecureOne Outsource Solutions Inc. Scope of work - Scan paper documents to electronic color images for the Assessor's office.
- 8.d. Approved a first Amendment to an agreement between Behavioral Health and Aurora Behavioral Healthcare for FY 19-20
- 8.e. Approved a Resolution and Agreement between Behavioral Health and State of California Department of Health Care Services  
**Resolution 19-122**
- 8.f. Adopted a Resolution and Authorized the Chairperson to sign an Agreement to Limit Use of Agricultural Structure for AG01070-LUNDGREN  
**Resolution 19-123**
- 8.g. Adopted an Ordinance amending Sections 2.04.090 and 2.04.120 of Chapter 2.04 of the Amador County Code as it relates to the Elected Salary Ordinance for the Board of Supervisors. (Reading waived on July 23, 2019)
- 8.h. Approved a Resolution deeming APN 003-360-007-000 as surplus property and selling said property to Mr. Thomas Kirkbride for \$300.00.  
**Resolution 19-124**
- 8.i. Approved Contract Number 18G30103 AMDT for Voting System Replacement.  
**Resolution 19-129**
- 8.j. Approved of Revision and retitling of the current HR Administrative/Risk Manager to HR/Risk Administrator and amendments to the classification and authorized HR to refill this vacant position.
- 8.k. Adopted 3 Resolutions authorizing the recording of Amended California Land Conservation Act Contracts (Nos. 61, 119, and 429) and authorized the Board Chairman to sign said Resolutions and Contracts.  
**Resolutions 19-125, 19-126, and 19-127**



Brian Oneto, Chairman, Board of Supervisors

ATTEST:

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