

**Amador County Board of Supervisors
ACTION MINUTES**

REGULAR MEETING

DATE: Tuesday, October 22, 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.**

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 issues were reviewed in closed session.

Conference with Labor Negotiators: {Government Code Section 54957.6} County Negotiators: Greg Gillott, County Counsel, Chuck Iley, County Administrative Officer, Judy Dias, Human Resource Director and Gregory Ramirez, IEDA. Employee Organization: All Units

ACTION: Update given.

Conference with County Counsel: Initiation of Litigation {Government Code 54956.9 (d)(4)}

Buena Vista

ACTION: Update Given.

Conference with County Counsel: Existing Litigation; U.S. District Court, Northern District of Ohio Eastern Division, Case No. 1:17-MD-2804

ACTION: Direction given to staff.

Confidential Minutes: Review and possible approval of the October 8, 2019 Confidential Minutes.

ACTION: The Confidential Minutes for October 8, 2019 were held over for approval on the November 12, 2019 Agenda.

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/Highway 88 Signage: Mr. Bill May, District II resident, addressed the Board and expressed concern regarding the delay in getting the signage in place at Buena Vista Road and Highway 88. He said he has corresponded with Mr. Jered Reinking Public Works Director recently and was told the proper permits and processes have been satisfied and installation of the signs

should begin as soon as possible. Mr. May urged the Board to monitor the progress and ensure the installation takes place before the winter weather arrives.

PG&E Public Safety Power Shutoffs (PSPS): Mr. Jon Campbell, District IV resident, addressed the Board regarding the recent and expected ongoing PSPS proposed by PG&E. Mr. Campbell stated he feels the shutdowns are ridiculous and unacceptable and urged the Board to send a letter of condemnation to PG&E as well as the Governor and other legislators as deemed appropriate. Mr. Campbell continued by stating he feels arbitrarily shutting off power 48 hours before a predicted windstorm is detrimental not only to residents but business owners. He also noted if the shutdowns continue the economic development in California, and Amador County specifically, could suffer greatly and hamper new growth or potential relocation of residents or businesses.

Mr. Mike Spinetta, District V resident, addressed the Board, and echoed comments made by Mr. Campbell, but also read into the record a letter written by his young daughter that encouraged PG&E to end the PSPS or limit them to weekends so as to not interfere with school closures.

Fire Insurance Forum: Mr. Steve Christensen, District IV resident, took this time to address the Board regarding another issue that is greatly impacting many residents in the County at this time which is cancellation or non-renewal of fire insurance policies or not being able to obtain insurance at all on newly constructed dwellings or structures. Mr. Christensen encouraged the Board to initiate a *Fire Insurance Forum* similar to something that was recently held in El Dorado County and included local and State elected officials as well as The Honorable Ricardo Lara, Insurance Commissioner and representatives from the Real Estate Community, Chamber of Commerce and property insurance industry. Mr. Christensen stated he feels a similar event in Amador County would be well attended and answer many questions of local residents as to what their options are moving forward and how to protect their property. Supervisor Axe responded by stating he and Supervisor Brown are working on something similar to what he is describing and details will be following soon.

Pine Acres Community Services District: Ms. Terry Yakesh, District IV resident, took this time to address the Board and express concern regarding some disturbing practices she has witnessed when attending a recent Pine Acres Community Services District Meeting. Ms. Yakesh stated she has made her concerns known to Supervisor Axe and Ms. Roseanne Chamberlain LAFCO Executive Director via letters in the recent past. Ms. Yakesh pointed out some issues of concern are, but not limited to, not posting agendas timely, not having financial data (budgets/cost allocations etc.) and minutes available for public review and most recently asking for a change in votes during a meeting without properly noticing everyone in the District. Ms. Yakesh urged the Board to take a strong look at the practices of the District and encourage transparency for the residents and the members of the District.

Financial Transaction Reporting: Chairman Oneto took this time to commend Ms. Tacy Oneto-Rouen, Amador County Auditor-Controller, on recently being acknowledged by Betty Yee, California State Controller, for receiving an award for excellence in financial transaction reporting for 2019.

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 Regular Agenda (as Item 5e) for today's date.

Administrative Agency: Discussion and possible action relative to a request from Tri-County Wildlife and A-PAL Humane Society to amend the CC&R's for a parcel located at 1251 Trade Center Drive.

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)

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

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

REGULAR AGENDA

Planning Department: Discussion and possible action relative to a request from George Reed Inc.-Jackson Valley quarry, on behalf of the US Army Corp of Engineers, to haul rock from Jackson Valley Quarry on Saturday's beginning October 5, 2019 through November 30, 2019.

Chairman Oneto introduced this matter to the Board and stated this comes after a letter from Brian Poole, US Army Corp of Engineers was received informing the County of the intent to haul rock from Jackson Valley Quarry on Saturdays. The contractor agreement includes erosion repairs along the Feather River and is to take place Saturday October 5, 2019 through November 30, 2019 in order to avoid environmental impacts and to meet time-sensitive commitments.

Mr. Bill May, District II resident, addressed the Board and stated he is of the opinion that George Reed can accomplish the necessary work Monday-Friday and not have to impact residents on Saturday's. Mr. May encouraged the Board to deny the request put forth by George Reed, Inc.

Ms. Kathy Williams, Sales Representative for George Reed Inc., addressed the Board at this time and stated this request isn't necessarily to benefit George Reed Inc., specifically, it is a contracted job for erosion repairs along the Feather River. The Contractor has timeframes that are federally funded which in turn requires George Reed to work to satisfy the deadlines.

Supervisor Forster requested a later start time of approximately 7:00 a.m. to minimize disturbance. He also wanted to confirm there will be no hauling on Thanksgiving Weekend (November 30, 2019) to which Ms. Williams responded affirmatively. Supervisor Forster also wanted it to be made clear to George Reed that in the future these types of requests should warrant true emergencies such as levee breaks or other natural disasters. He also noted he would like George Reed Inc., to provide the Board with a progress report as this project moves forward so that residents in the area can be kept abreast of how long the disturbance will be in place.

Discussion ensued with the following action being taken.

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

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Forster and unanimously carried to approve the request to haul rock from Jackson Valley Quarry on Saturday's beginning at 7:00 a.m. and ending at 3:00 p.m. through November 30, 2019; and directing George Reed Inc., to have gates open early so trucks do not have to wait on the road and cause excess noise disturbance to neighbors in the area.

Administrative Agency: Resolution approving a Property Tax Distribution agreement between the City of Sutter Creek and Amador County for the annexation of 0.86 acres of the Bowers Property for the extension of Independence Drive. The property being annexed is right of way and generates no tax, so the values in the agreement are zero.

Mr. Chuck Iley, County Administrative Agency, addressed the Board and summarized this item.

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 unanimously carried to approve a property tax redistribution agreement between the City of Sutter Creek and Amador County for the annexation of 0.86 acres of the Bowers property for the extension of Independence Drive.

RESOLUTION NO. 19-134

Resolution approving a Property Tax Redistribution Agreement between the City of Sutter Creek and Amador County for the annexation of 0.86 acres of the Bowers property for the extension of Independence Drive.

Self-Help Measure for Roads: Discussion and possible action relative to an update from the ad-hoc committee (Oneto and Axe) regarding discussion with the cities on the placement of a sales tax measure on an upcoming ballot.

Supervisor Axe addressed the Board and reviewed a brief memo regarding this matter which is hereby incorporated into these minutes as though set forth in full. In summary, he stated the self-help ad hoc committee has met twice since the last discussion before the Board of Supervisors. It was decided by the committee to prepare a “white paper” to describe the salient features of the tax measure and provide the financial justification for the measure, which will include, but not be limited to:

- The 2015 Countywide pavement conditions and costs associated with bringing them up to “good” conditions;
- The funding breakdown by jurisdiction, which will include both the use of HUTA and SB1 funding for Road Repair and Maintenance.
- The apportionment scheme and the projected revenues;
- Costs associated with the measure;
- Outreach and promotional strategy; and
- FAQ’s

In addition, Supervisor Axe stated a Power Point presentation is being prepared for presentations to local community organizations and groups which will outline costs associated with a self-help measure and explain if the measure is placed on the general 2020 ballot then there would be not costs associated with work performed by the county elections, auditors and counsel’s offices. He continued by noting costs associated with educational materials may include literature, website, Facebook and polling.

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

- Mr. Bill May, District II resident
- Mr. Jon Campbell, District IV resident

Discussion ensued with the following action being taken.

ACTION: Presentation only.

Minutes: Review and possible approval of the October 8, 2019 Board of Supervisors Meeting Minutes.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Forster, seconded by Supervisor Brown and unanimously carried to approve the October 8, 2019 Board of Supervisors Meeting Minutes.

Tri-County Wildlife and A-PAL Humane Society-Addendum: Discussion and possible action relative to amending the CC&R's for a parcel located at 12351 Trade Center Drive.

Ms. Robin Reihart, representing Tri county Wildlife Care and A-PAL Humane Society addressed the Board and stated since this matter was before the Board in August it has become apparent that an amendment to the CC&R's for this parcel will be necessary prior to moving forward with the escrow. Ms. Reihart stated she is respectfully requesting the Board authorize the Board Chairman to sign the Declaration of Amendment to the Covenants, Conditions and Restrictions to the Garamendi Industrial Park as presented today.

Chairman Oneto stated he has some concern regarding the location of the Airport near this parcel and future issues being brought forth regarding being in the flight path of the proposed project being brought forth by A-PAL and Tri-County Wildlife. He suggested an avigation agreement be drafted and signed to prevent any issues in the future.

Mr. Greg Gillott, County Counsel, responded by stating similar avigation agreements are in place with other surrounding businesses and entities and he doesn't feel it will be a problem to put an agreement in place in this situation. He noted it can be drafted and presented for signature after this request is approved to allow the entities to move forward with closing of escrow in a timely manner.

Ms. Reihart stated discussion has been had in the planning stages of this property that included the airport being near the proposed project location and she does not see any issue with obtaining approval and signature on an avigation agreement from all involved parties.

ACTION: Direction given pursuant to the following motion.

MOTION: It was moved by Supervisor Axe, seconded by Supervisor Brown and unanimously carried to authorize the Board Chairman to sign the Declaration of Amendment to the Covenants, Conditions and Restrictions for the Garamendi Industrial Park in exchange for execution of an avigation easement for the airport.

PUBLIC HEARING 10:30 A.M.

2019 Refuse Rate Adjustments: Discussion and possible action relative to a public hearing to consider the 2019 Refuse Rate Adjustments for rate year 12.

Mr. Jim McHargue, Director of Solid Waste and 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 at the August 27, 2019 Board of Supervisors Meeting the Board approved the refuse rate adjustments for franchise areas 1, 2, 3 and 3A, as indicated in the R3 Consulting Group report included in the Board packet today. In addition, the Proposition 218 public hearing for the refuse rate adjustment was set for today and staff was

directed to mail notices to affected owners/customers. He continued by stating in response to approximately 6,500 Prop. 218 letters mailed to affected customers/property owners; the county received nine protests. Mr. McHargue continued by indication the refuse rate adjustments approved by the Board on August 27, 2019 are as follows:

- Area 1-5.88%
- Area 2-6.37%
- Area 3-6.64%
- Pine Grove Transfer Station-6.60%
- Buena Vista Transfer Station-1.15%
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At this time, Mr. William Schoen, R3 Consulting, reviewed the R3 report and fielded questions from the Board.

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

- Mr. Mike Colarusso, owner of Gold Country Campground
- Mr. Matt Dolezal, District II resident
- Sheila Von Wontorek, District V resident
- Ms. Cathy Adams, District V resident

Chairman Oneto requested a list going back for five years indicating vehicle purchases and associated costs be provided to the Board for review in the future.

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

MOTION #1: It was moved by Supervisor Forster, seconded by Supervisor Axe and unanimously carried to close the Public Hearing

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

MOTION #2: It was moved by Supervisor Crew, seconded by Supervisor Axe and unanimously carried to approve the 2019 Rate Adjustments with an effective date of November 1, 2019 as presented today.

ADJOURNMENT: Until Tuesday, November 12, 2019, at 8:30 a.m.

OCTOBER 22, 2019 CONSENT MINUTES:

- 7.a. Authorized the Board of Supervisors to approve a budget Increase for the Building Department.
- 7.b. Adopted a Resolution Congratulating Ciro Toma upon his receipt of the Amador County Chamber of Commerce's Business Person of the Year Award for 2019.
Resolution 19-130
- 7.c. Adopted a Resolution Congratulating Teresa Sheridan on her Retirement from the Amador County Probation Department.
Resolution 19-131
- 7.d. Adopted a Resolution agreeing and certifying that a Local Transportation Claim Form will be used toward 'streets and roads' purposes and authorized the Chairman to sign LTF Claim Form with ACTC. Additionally, directed Staff to transmit original signed LTF Claim Form to ACTC for final allocation of the Apportioned \$201,101.00 to Amador County.
Resolution 19-132
- 7.e. Authorized a Resolution Approving Authorized Officials for Grant Funding through the Federal Department of Homeland Security.
Resolution 13-133
- 7.f. Authorized Chairman to sign Agreement with California that would allow Amador Agriculture Department to invoice CDFA for Pest Detection Trapping activities up to \$14,760 for the fiscal year 19/20.
- 7.g. Approved First Amendment to an agreement between Amador County Behavioral Health and First 5 Amador.
- 7.h. Approved First Amendment to an Agreement between Amador County Behavioral Health and CA Locums, PC FY 19/20.
- 7.i. Approved a Purchase Agreement for Carbondale Road Over Willow Creek Bridge Replacement (Br. No. 26C0030) Project, and Authorized the Director of Public Works to sign this agreement.
- 7.j. Approved Public Health's Children's Medical Services (CMS) Branch budgets for FY 2019-2020.
- 7.k. Approved the Assignment and Assumption of Lease between the County and the Shannon Family Trust, Donald J. Shannon II and Holly A. Shannon trustees.
- 7.l. Awarded ITB 19-27 for (2) Two-Pickup Trucks with enclosed utility bodies to Tracy Ford in the amended bid amount of \$135,086.52.
- 7.m. Approved the extension of the Deputy Sheriff's Association MOU & Sheriff's Office Mid Management Association MOU until September 30, 2020.
- 7.n. Approved Sheriff's Office budget transfer request for the purchase of SAR Team & Dive Team vehicles.
- 7.o. Authorized Social Services to back-fill one Employment & Training Worker II position to replace an employee who has accepted another position within the County effective May 16, 2019. This is a Merit System position and their standards and guidelines must be followed. Certain positions of County employment within the Department of Social Services are required by State law to be covered by the Merit System Personnel Standards of the State Personnel Board set forth in Title 2, Division 5 of the California Code of Regulations.

Brian Oneto, Chairman, Board of Supervisors

ATTEST:

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