

**MINUTES OF A REGULAR MEETING OF THE BOARD OF SUPERVISORS,
COUNTY OF CALAVERAS, STATE OF CALIFORNIA,
HELD ON OCTOBER 19, 2010**

PRESENT: Merita Callaway, Chair; Thomas Tryon Vice-Chair; Steve Wilensky, Gary Tofanelli and Russ Thomas, Supervisors; James Jones, County Counsel; Jeanne Boyce, County Administrative Officer; and Madaline Krska, Board Clerk

ABSENT: None

Meeting recorded on Cassette 10-40 & 10-40A, I

9:00 Call to Order

Pledge of Allegiance

Announcements:

Results of Closed Sessions from October 12, 2010
A CLOSED SESSION was held: pursuant to Government Code section 54956.9: conference with legal counsel re: existing litigation; Todd Garcia v. Rojelio Espejel, County of Calaveras, et al; Calaveras Superior Court Case No.: CV36054; - resulting in nothing to report.

A CLOSED SESSION: pursuant to Government Code section 54956.9: conference with legal counsel re: existing litigation - (three cases) Michael Neme and Michelle Neme v. County of Calaveras, Superior Court Case No. CV35775; Michael Neme and Michelle Neme v. county of Calaveras, Calaveras Superior Court case No. CV35721; Michael Neme and Michelle Neme v. County of Calaveras, Calaveras Superior Court Case No. CV36297 was continued for 1 week, to the meeting of October 19, 2010.

C O N S E N T A G E N D A

Supervisor Tofanelli asked to have agenda item No. 5 pulled for a presentation.

Motion made to approve the balance of the consent agenda, as submitted.

Moved: Tofanelli Second: Wilensky Approval: Unanimous

1. Minutes of a regular Board of Supervisors meeting held on September 28, 2010

2. Correspondence: October 1 thru October 7, 2010(see attached), as processed

3. RESOLUTION AUTHORIZING THE BOARD CHAIR TO
NO. 10-185 SIGN AN APPLICATION FOR OPEN
SPACE SUBVENTIONS FOR FY 2010-11
4. RESOLUTION AUTHORIZING EXTENSION OF A
NO. 10-186 SUBDIVISION IMPROVEMENT AGREEMENT
FOR COPPER HILLS UNIT 1, TRACT 93-535

5. PUBLIC WORKS (10-40, I, 27)

Richard Harmon, Interim Director, Caltrans District 10, acknowledged Public Works receipt of a certificate of recognition from the Department of Transportation. Calaveras County is the sole recipient in California for federal recognition and grant funding from 2009 Highways for LIFE Program. The Mountain Ranch Road improvement project has incorporated a safety edge innovation of a thirty degree slope alongside the roadway.

Tom Garcia, Director, Public Works, stated the safety edge is a pilot program with the state and a possibility of incorporation as a Caltrans standard. Appreciation was stated to the Board of Supervisors for the opportunity to compete successfully for these funding sources. The asphalt slope goes downward until it meets the shoulder, which allows a tire to stay on the pavement and not slip off the edge. The slope will be beneficial for bicycle riders.

Harmon clarified this program is unique as there are no extenuating circumstances or costs incurred by the County to receive this grant.

Jonathan Mitchell, Senior Engineer, Public Works, thanked staff for their endeavors to be able to pursue this 1.5 million dollar roadway improvement project.

A certificate of recognition from Caltrans was presented by Richard Harmon to Tom Garcia and Jonathan Mitchell from the Public Works Department.

Motion made to approve a MINUTE ORDER acknowledging Public Works receipt of a certificate of recognition from the California Department of Transportation for being the sole recipient of 2009 Highways for LIFE funds in the State of California.

Moved: Wilensky Second: Tofanelli Approval: Unanimous

R E G U L A R A G E N D A

6. PUBLIC COMMENTS/GENERAL PUBLIC (10-40, I, 100 & 10-40, II)

Jean Macomber, Domestic Animal Advisory Committee, expressed appreciation for the interest in this committee of the Board of Supervisors and the Sheriff Department's committee representatives. A letter was read into the record referencing the

relationship of Calaveras County Humane Society and the County to determine a building site for a new animal shelter. A request was made for a study session to determine a location which enables fundraising to be initiated.

Supervisor Callaway stated the County is still committed to this relationship and data has been requested regarding sewer and water issues. Once the information is received, a study session will be scheduled.

Tyler Summerset, Calaveras Council of Governments(CCOG), presented an update to the Board regarding the Final Draft Plan for the Valley Springs Community Plan Update. The document will be submitted to the Planning Department. CD's of the Final Draft Plan were presented to the Board. The plan is the result of a cumulative effort of numerous community meetings with many groups during the past two and half years participating in the community plan update. The community based transportation planning grant secured funds to complete this community based public effort.

Mark James, myvalleysprings.com, thanked CCOG for the administrative funds.

Joyce Techel, myvalleysprings.com, provided the history of the grant including the process and accomplishments, stating appreciation for CCOG in the completion of this document.

Colleen Platt, myvalleysprings.com, spoke of her five year interest in County planning issues. Appreciation was expressed for the process and the accomplishment in submitting the public based Valley Springs Community Plan Update.

Gary Caldwell, Valley Springs, referenced serving on the stakeholders committee of the Valley Springs Community Plan and the Greater Valley Springs Advisory Group. The various methods of contacting the public to receive meeting information were referenced. The plan submitted has land issues consistent with the proposed general plan update.

Janice Bassett, Valley Springs, spoke in favor of the plan submitted today stating appreciation for the process being inclusive.

Zerrall McDaniel, business owner in Valley Springs, spoke in favor of the community plan as submitted today. The many avenues of public outreach used during the process were itemized.

Marti Crane read and submitted into the record the process and timeline for updating the County General Plan. The various groups and individuals and their contributions was stated. Support was given for the plan submitted today by CCOG with a request for the Tofanelli Community Plan to be given equal consideration.

Clyde Clapp, Valley Springs, stated concerns for the public comment policy of 5 minutes per person and 15 minutes per subject not being followed today.

Melanie Jones, Valley Springs, feels the proposed Valley Springs Community Plan is the result of a huge public outreach effort. Ample opportunity has been given for those wanting to participate.

Holly Mines, Rail Road Flat, acknowledged appreciation for the process and the finished product.

Cameron Todd, Valley Springs, expressed the professional method used in the process to develop the plan and the transparency.

Bonnie Newman, Double Springs, expressed appreciation to Darryl Rusk as the liaison to Amador County for the Commission on Aging for public awareness signs. A report was given on a leadership conference she attended.

Terry Baker, Rail Road Flat, read into the record letters regarding: (1) Agriculture Dispute Resolution Committee (ADRC) mediation, fair hearing and fact finding case concerning Roberta Carolyn Redmond and (2) a formal written and signed ADRC form from separate responding parties.

Tonya Dausend, Burson, requested the agenda packets include all of the correspondence for that meeting. Reference was made to the system set up by the founders that a popular majority can not vote away the rights of the minority.

Captain Ed Ballard, Sheriff's Department, reported on a Domestic Animal Advisory Committee meeting he attended on October 14th. Policy changes will be discussed further and a study session will be scheduled in January.

Supervisor Tryon referenced the process of public comments. Concerns were expressed regarding the Valley Springs Community Plan presented by CCOG and the endorsements and comments stated today. Supervisor Tryon feels this was an arranged advocacy. It is felt the comments should be stated at a study session during an open process when the Board evaluates the plan.

7. BEHAVIORAL HEALTH SERVICES (10-40, II, 40)

Chair Callaway introduced Karen Keene, Senior Legislative Representative, California State Association of Counties(CSAC). Ms. Keene announced that Calaveras County is one of ten counties to be recognized as a 2010 CSAC Challenge Award recipient. Calaveras County Behavioral Health Services(BHS) has been selected to receive the top honor for an innovation award.

Ms. Keene presented and read into the record, the annual CSAC Challenge Award to the Calaveras County Behavioral Health Services for the Career

Ladder Program. Rita Downs, Director Behavioral Health and Christa Thompson, Mental Health Services Act(MHSA)Coordinator accepted the award.

Ms. Downs explained the program and recognized staff members who have used this program to begin or continue their education furthering professional development and career aspirations supporting behavioral health services. Recognition and appreciation was given to the Mental Health Advisory Board and to the former Chair John Lundberg. Various dignitaries and those assisting to make this award possible were acknowledged.

Christa Thompson, MHSA Coordinator, explained the program, its evolution, activities and introduced students.

Board appreciation was stated to CSAC for the award and to all of those contributing to this successful program.

8. CALWORKS (10-40, II, 290)

Mary Sawicki, Director, Calaveras Works and Human Services Agency,(CalWorks), addressed the Board on behalf of the In Home Health Support Services(IHSS). This year is the twentieth year of the Americans with Disabilities Act. A request was made to acknowledge October as Disability History Awareness Month. Eight thousand people in Calaveras County have some type of disability potentially causing issues in their daily lives.

Kathy Houle, County Representative, IHSS Advisory Board, asked the Board to accept the resolution and promote disability awareness in Calaveras County.

Chair opened the time for public comments. As there were no persons wishing to speak the matter returned to the Board of further discussion.

Motion made to approve the following resolution regarding October 2010 as Disability Awareness Month in Calaveras County.

Moved: Wilensky Second: Tofanelli Approval: Unanimous

RESOLUTION	PROCLAIMING OCTOBER 2010 AS
NO. 10-187	DISABILITY HISTORY AWARENESS
	MONTH IN CALAVERAS COUNTY

9. COUNTY COUNSEL (10-40, II, 315)

James Jones, County Counsel, asked the Board to remove this agenda item per direction of the Administrative Office of the Courts. Minor changes are necessary in one of the documents approving a corrected quit claim deed regarding the property transfer for courthouse construction.

Motion made to continue the approval of corrected quit claim deed transfer to the Administrative Office of the Courts for courthouse construction.

Moved: Tryon Second: Tofanelli Approval: Unanimous

10. CENTRAL SIERRA PLANNING COUNCIL(10-40,II, 331 & 10-10A I)

Larry Busby, Central Sierra Planning Council and Economic Development District, addressed the Board regarding the severe financial status of the agency. Despite passage of the budget funding has not been received from the state since July 1, 2010. Without assistance the agencies funds will be expended by the end of October.

Busby submitted documentation into the record from the state pertaining to the disbursement status of funds. A request was submitted for a short-term no-interest loan from the County. The loan may not be necessary depending on the timeframe for funding disbursements. This is a federally funded pass through for the State, so there is not a concern for the receipt of funds.

Chair opened the time for public. As there were no persons wishing to speak, the matter returned to the Board for further discussion.

Motion made to adopt a MINUTE ORDER authorizing a short-term no interest loan for Central Sierra Planning Council(CSPC) in the amount of \$7,800 in the month of October 2010 from the General Fund Loan Receivable with repayment to the County upon CSPC's receipt of funds from the Sate Controllars Office.

Moved: Tofanelli Second: Thomas Approval: Unanimous

11. REVIEW OF CORRESPONDENCE/SUPERVISORS/STAFF (10-40A, I, 550)
Supervisor Tryon had nothing to report.

Supervisor Wilensky this evening, will attend a meeting regarding the potential closure of Rail Road Flat School; Wednesday will attend a meeting in Sacramento regarding forestry issues; Saturday will attend the Mountain Ranch October Fest and a showing of a locally produced film; Monday will attend the Central Sierra Child Care Council JPA meeting and a forest contractors meeting.

Supervisor Tofanelli on Saturday will attend a showing of a locally produced film. A report was given on a Mountain Valley Emergency Services meeting he attended. At that meeting a Stanislaus Board of Supervisor submitted documentation regarding a proposal to pursue options other than those provided currently. Supervisor Tofanelli feels the desire is to settle issues not to completely terminate the affiliation. It is necessary for a six month notice to cancel the

agreement.

Supervisor Thomas will attend the Chamber of Commerce Quarterly lunch; a Copperopolis School fundraiser and a showing of a locally produced film.

Supervisor Callaway on Wednesday will attend a Calaveras Public Power Authority meeting; Monday will attend the Central Sierra Child Care Council JPA meeting. Chair reminded the Board of a Calaveras Fish and Game Commission meeting on the 27th.

Chair Callaway initiated discussion regarding concerns for the length of public comments. If the time used for public comments becomes extensive there are impacts on the balance of the scheduled agenda items. People in attendance, regarding these items, are then held over for an undue amount of time. Current Board policy is for 5 minutes within the subject matter jurisdiction of the Board. Suggestions for revision include: change the time from 5 minutes to 3 minutes, schedule a specific timeframe for public comments with additional time at the end of the agenda for those still wishing to speak, move the entire public comments to the end of the agenda, limit time when there is an issue having potential extensive comment and cease filming public comments. Direction was given to CAO Boyce to research other counties policies and provide a written report to the Board for further discussion.

CAO Boyce gave a report regarding the state budget stating September cash was somewhat higher than expected reflecting the timeline changes for tax payments received. A future impact on public safety issues reflecting a shift to counties of juvenile parolees in 2014 is a concern. Reference was made to budget trailer bills that need to be monitored. The VLF funding formula has not changed for local public safety in the current year however the extension will expire June 30, 2011. Language in the Williamson Act trailer bill is being watched. CalWorks and the Child Care Fund have hidden impacts potentially affecting County families. A report was given on AB36 and AB32 funds regarding federal mandates.

Tom Garcia, Director Public Works, stated it is not clear how HUTA funds can be used regarding roads.

CAO Boyce met with the UC Cooperative Extension and neighboring counties to continue exploring a draft Joint Powers Authority agreement to be presented to the Board. Wednesday through Friday will attend the CSAC Administrators annual meetings.

County Counsel Jones, will work with CAO to produce a written summary on the issue of public comments. The Brown Act requirement is met on the agenda providing an opportunity for the public to address the Board within the subject matter jurisdiction of the Board. The Board has discretion to impose time limits.

12. STUDY SESSION/PUBLIC WORKS

A study session was held with Public Works to discuss and provide direction regarding alternatives for the State Route 12 and 26 (SR12/26) signalization and intersection improvement project (cont'd item from 08/10/2010). Direction was given by the Board endorsing staff's recommendation of Alternate Four as the preferred alternative and to submit this to Caltrans for review and comment.

13. CLOSED SESSION/COUNTY COUNSEL

A closed session, pursuant to Government Code section 54956.9: conference with legal counsel re: existing litigation - (three cases) Michael Nemeo and Michelle Nemeo v. County of Calaveras, Calaveras Superior Court Case No. CV35775; Michael Nemeo and Michelle Nemeo v. County of Calaveras, Calaveras Superior Court Case No. CV35721; Michael Nemeo and Michelle Nemeo v. County of Calaveras, Calaveras Superior Court Case No. CV36297 was cancelled.

14. STUDY SESSION/CALAVERAS WORKS AND HUMAN SERVICES AGENCY

A study session was held with CalWorks and Human Services Agency to discuss an overview of the In Home Support Services (IHSS) Program/Public was an informational only item.

_____/s/ Merita Callaway _
CHAIR

ATTEST:

_____/s/ Karen Varni _____
CLERK

C O R R E S P O N D E N C E

THE BOARD REVIEWED THE FOLLOWING CORRESPONDENCE AND TOOK NO FURTHER ACTION:

OCTOBER 1, 2010

1. From: Jim Branham, Sierra Nevada Conservancy; re: 2009-10 Final report; Supervisors Wilensky & Tryon
2. From: CSAC; re: 10/01/10 Bulletin; Board
3. From: CA Fish & Game Commission; re: Notice of Findings for the Mountain Yellow-legged Frog; Supervisors Callaway & Tryon & post

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4. From: Stewardship Council; re: Preliminary conservation easement holders for consideration at the October 20th Council meeting; Board
5. From: Foothill Conservancy; re: Response from CAMRA re: Water Right Protests filled; Board
6. From: Tristyn Armstrong, Sierra Nevada Conservancy; re: Confirmation of Availability for a conference call; Supervisors Wilensky & Tryon
7. From: CSAC; re: Annual meeting November 16-19; Board
8. From: California County News; re: Update; Board
9. From: LAFCO; re: Meeting agenda for October 18th; Supervisors Thomas, Tryon & Callaway & post
10. From: Green Colleges; re: Next weeks summit; Board
11. From: Ken & Helen Winebrenner; re: Letter to Captain Macedo re: Noise ordinance; Board, Admin., County Counsel & Sheriff

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12. From: Dr. H. Dale Baumbach, Murphys; re: concerns road modification for proposed B&B project; Supervisor Tryon
13. From: Mr. & Mrs. Richard Fischer, Mokelumne Hill; re: Boundary line in Paloma assistance; Supervisor Wilensky
14. From: Nami Gold Country; re: Newsletter; Board
15. From: Cal Green; re: Mandatory CA All-New Building Code; Board

16. From: NACo; re: County News; Board

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17. From: CA Dept. of Forestry & Fire Protection; re: Determination of Conformance of Non-Industrial Timber Management Plans or Amendments for Owen Griffith near O'Neil Creek; Supervisors Wilensky & Callaway & post

18. From: Stewardship Council; re: Notice of October 20th meeting; Board

19. From: California County News; re: Newsletter; Board

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20. From: CA Dept. of Parks & Recreation; re: Notice of Availability Draft Environmental Impact Report; Board, Parks & Recreation Commission, Public Works and Admin.

21. From: Emergency Medical Services Oversight Committee; re: Meeting agenda for October 21st; Supervisors Tofanelli, Callaway & Thomas & post

22. From: Sierra Nevada Conservancy; re: Summary of SNC Grant Applications received for Board members; Supervisors Wilensky & Tryon

23. From: CSAC; re: Budget Action Bulletin; Board

24. From: Lee Associates; re: Anheuser-Busch building; Chair Callaway & Administration

25. From: CA Dept. of Alcoholic Beverage Control; re: Application for John David Peterson; Supervisor Wilensky & post